



L E G A L

S E R V I C E S

I N C O R P O R A T E D

TESTIMONY
ON
PRELIMINARY BUDGET HEARING --
IMMIGRATION

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION

PRESENTED BY:

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MFY LEGAL SERVICES, INC.

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MFY Legal Services, Inc. (MFY) submits this testimony to New York City Council Committees on Immigration, Higher Education, Community Development and Youth Services of the New York City Council concerning legal needs of the immigrant community in New York City.

MFY envisions a society in which no one is denied justice because he or she cannot afford an attorney. To make this vision a reality, for over 50 years MFY has provided free legal assistance to residents of New York City on a wide range of civil legal issues, prioritizing services to vulnerable and under-served populations, while simultaneously working to end the root causes of inequities through impact litigation, law reform and policy advocacy. We provide advice and representation to more than 10,000 New Yorkers each year. We submit this testimony based on our experience with clients from MFY's Workplace Justice Project (WJP), which advocates on behalf of low-wage and immigrant workers most vulnerable to exploitation and handles a range of employment problems, including wage and hour violations and workplace discrimination.

MFY works to provide outreach and education to immigrant New Yorkers about their legal rights in a range of areas in innovative ways. For example, MFY just started a medical-legal partnership Immigration Clinic with Bellevue Hospital, seeking to identify immigrants with DACA and other eligibility by working with medical providers. MFY also helps immigrants understand and assert their rights to public benefits. Today we would like to highlight another key area of need: employment rights.

Immigrant New Yorkers Need Workplace Justice Advocates

Immigrants form almost half of New York City's workforce and participate in the labor market in higher numbers than their native-born counterparts. Yet immigrants are lower paid and more likely to work in jobs that are not managerial or professional.¹ MFY serves hundreds of low-wage immigrants in job categories with high rates of labor violations: nail salons and restaurants, staffing agencies, home health and domestic workers, and other similar work.

Representing Immigrants in Employment Cases Brings Concrete Benefits to Thousands

MFY identifies appropriate cases for legal representation in court, prioritizing cases that will have the most impact or serve the most vulnerable. Our class actions help thousands of immigrant workers achieve justice. For example, MFY recently received approval for settlements of two class actions, *Castillo v. First Care of New York, Inc.*, No. 51140/2013 (N.Y. Sup. Ct. Westchester County), and *Castillo v. BNV Home Care Agency, Inc.*, No. 650726/2013 (N.Y. Sup. Ct. N.Y. County). The combined settlements total about \$1.3 million. These cases were filed for immigrant home health aids who worked up to 84 hours per week or more, yet were given no overtime pay at all. More than 3,000 home health aids will receive checks as a result of these cases.

¹ Department of City Planning, City of New York, *The Newest New Yorkers: Characteristics of the City's Foreign-born Population*, 2013 Ed. 104-18, (Dec. 2013), at <http://www.nyc.gov/html/dcp/html/census/nyy.shtml>.

Other cases help particularly vulnerable immigrant workers. For example, MFY recently filed a case in federal court on behalf of an immigrant worker, alleging that she worked over 100 hours per week at a Washington Heights supermarket, yet for most of the time did not receive any wages. The only income she earned came from a customer tip jar. Similarly, a judge awarded two Bengali food cart vendors, who worked at carts near Canal Street, about \$60,000 in unpaid wages after MFY represented them at trial.

MFY's representation is holistic. For example, we have been able to combine our employment and housing expertise to represent building superintendents, an often-overlooked immigrant group that suffers extreme hardship from gentrification. MFY represented a Dominican immigrant who had worked, and lived with his family, in his Washington Heights building for 24 years when he was fired and the family evicted. The overwhelming majority of the building's tenants objected to the landlord's actions, and a local housing advocacy group asked MFY for help. MFY represented the super in housing court, and also filed a lawsuit for unlawful discriminatory firing and unpaid wages, securing a settlement in both cases.

Immigrant Workers Benefit from Training and Advice

Immigrants are, in MFY's experience, likely to be unfamiliar with rights such as minimum wage, overtime premiums, and prohibitions on discrimination. Therefore, we make it a priority to serve immigrant workers in training, workshops, and brief advice work. In the past year we trained hundreds of immigrant workers at community-based sites. Through education, MFY seeks to empower immigrants to assert their rights. Informing the immigrant community of legal standards can resolve or even avoid violations of employment rights. For example, a worker came up to us after we did a presentation to his ESL class. He asked if the minimum wage was really what we had said; he was being paid substantially less per hour at his supermarket stock clerk job. We explained that was not legal, and also explained the legal protections against retaliation. He was naturally afraid of losing his job, but he ultimately decided to speak to his boss. His employer immediately raised his pay from \$7.25 to \$8.50 per hour (which was above the minimum wage at the time).

New York Businesses, Courts, and Agencies Benefit from Educating Immigrant Workers

MFY also educates workers about what the law does not require. Immigrant workers, who may be familiar with different legal regimes in their home countries, gain an understanding of the legal framework in the U.S. that helps them participate appropriately in New York's workforce. For example, some countries may require an employer to have "just cause" to dismiss a worker, very different from the "employment at will" rule here in New York. We also recognize that many immigrants are small business owners who benefit from learning what is required of them. Counselling efforts help courts, agencies, and businesses avoid unnecessary disputes and litigation.

MFY conducts brief workshops, informal trainings, and clinics and throughout the city at many neighborhood locations. We speak with hundreds of immigrant workers who are in ESL or job search programs, support programs for domestic violence, or who are referred to our on-site clinics or telephone hotline with questions about their legal rights. We conduct periodic

constituent services trainings for elected officials' staff, and trainings for staff at community based organizations.

MFY applauds the Committee on Immigration of the New York City Council for holding this hearing, and urges the Council to support this work.

For any questions about this testimony, please feel free to contact Maia Goodell at (212) 417-3749 or mgoodell@mfy.org.