



NEW YORK CITY COMPTROLLER
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Report on the Investigation of the Implementation of the “60-Day Rule” for Asylum-Seeker Families

BUREAU OF AUDIT AND INVESTIGATIONS

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Executive Summary

In October 2023, the Adams' Administration announced that it would implement a new policy limiting shelter stays for newly arrived families with children to 60 days.¹ Previously, families with children in the shelter system had not faced time limits for eviction from shelter.

In a press release issued without other guidelines or information, the City announced that it would “begin providing 60 days notice to families with children seeking asylum to find alternative housing along with intensified casework services to help them explore other housing options and take the next steps in their journeys. Each household given notice will have multiple touchpoints with case workers over their 60 days to discuss their options and plan their next steps.”²

Evictions of families from shelter under this policy, known as the “60-Day Rule,” began on January 9, 2024. As of April 14, 2024, the City reported that 9,873 families with children were given 60-Day Notices. In total, 37,118 individuals were impacted as of that date—19,192 adults and 17,926 children.³

The Comptroller's Office [launched this investigation](#) on January 8, 2024 to review the protocols and processes being undertaken, the effects of those policies, and their financial impact on the City.

Because the 60-Day Rule was launched without clear written objectives, and because none are provided in publicly-available documents, the Comptroller's Office requested information from the administration regarding program goals and objectives. In a letter dated February 5, 2024, the Mayor stated that “*Shelter time limits, paired with intensive case management, are designed to help more households achieve self-sufficiency, find stable housing arrangements, and exit from the shelter system.*”⁴ The new policy thus came with a promise of “intensive case management” to help families achieve self-sufficiency and find stable housing arrangements.

This investigation into implementation of the 60-Day Rule finds such promises to be empty. A review of documentation and associated policies and procedures show “intensive case management” to consist of little more than repetitive screening for alternatives to shelter.

¹ The 60-Day Rule does not apply to families with children placed in Department of Homeless Services shelters. The rule generally applies to families with children who are placed in shelters operated by the New York City Health and Hospitals (H + H), Housing Preservation and Development (HPD), New York City Emergency Management (NYCEM), and the Department for Youth and Community Development (DYCD). A subset of families are placed in hotels managed by HPD as part of a contract with the Hotel Association of New York City (HANYC). These families are limited to a 28-day stay. DHS also contracts with HANYC for hotels as part of their emergency shelter system but, as noted above, those families are not subject to a time limit

² <https://www.nyc.gov/office-of-the-mayor/news/780-23/as-number-asylum-seekers-city-s-care-tops-64-100-city-additional-policies-for>

³ Adults are individuals who are 18 years-old or older and children are individuals who are younger than 18 years-old.

⁴ Letter dated February 5, 2024 from the Mayor to the Comptroller.

Families are not screened for eligibility for benefits. The City does not track any outcomes relating to stable housing or self-sufficiency.

Moreover, the policy has been implemented in a haphazard manner. No written policies are in place for key elements of the program; even the exemption of women in the final months of pregnancy, announced after pregnant women were evicted, is not a written policy provided to staff or shelter providers. Families are not provided with adequate notice of their right to return to shelter, or of their right to seek reasonable accommodations that could lead to a waiver of the rule.

Far from offering a route to stability, relocations forced by the 60-Day Rule disrupt families' pathways to work authorization, legal status, employment, benefits, and stable public education.

Key Takeaways

- The City has implemented the 60-Day Rule in a haphazard manner, without adequate policies or training in place.
- 60-Day Notices fail to provide families with critical information.
- Case management services are limited and do little to help families achieve self-sufficiency.
- The 60-Day Rule undermines new arrivals' ability to obtain work authorization and stable employment.
- Families with elementary school-aged children are specifically denied placement in DHS shelters upon re-intake, subjecting them to more frequent moves which are detrimental to children's learning.
- The City does not evaluate program effectiveness or impact of the 60-Day Rule. While the rule has contributed somewhat to the reduction of the shelter population, no outcomes are tracked regarding self-sufficiency, stable housing arrangements, or long-term outcomes.

Recommendations

- The City should end the 60-Day Rule, and instead implement a policy that genuinely coordinates temporary shelter, legal assistance toward immigration status and work authorization, workforce development that enables people to obtain work, and case management that enables people to achieve self-sufficiency. Other jurisdictions are adopting more humane and effective long-term policies of this type.
- While the City continues to implement the 60-Day Rule, it must immediately correct critical shortcomings in the implementation of the policy, including promulgating clear written policies and procedures, amending the 60-Day Notice to add critical missing information, providing the "intensive case management" promised when the policy was announced, and allowing families with elementary school aged children to be placed in DHS shelters upon re-intake.

- To achieve cost savings, the City must move away from emergency procurement to competitive bidding among qualified service providers, as the Comptroller's Office has repeatedly recommended.
- The City should track and evaluate program effectiveness, including overall cost savings, and outcomes for families toward immigration status, work authorization, housing stability, and self-sufficiency.

This investigation into the 60-Day Rule found a hurriedly executed policy, implemented without clear objectives or adequate written protocols. The documents implementing the policy disclose a single-minded focus on avoiding the City's legal obligations to provide shelter. While the rule has contributed to a reduction in the shelter population, it has also served to destabilize families with children and increase barriers to work authorization and legal status.

Rather than evicting families with children from shelter, the City should connect new arrivals to effective immigration legal help, workforce development, and the intensive case management it promised to help families obtain legal status, employment, and stable housing that will enable them move out of shelter, gain self-sufficiency, and contribute to a thriving future for New York City.

Key Takeaways

The City has implemented the 60-Day Rule in a haphazard manner, without adequate policies or training in place.

The City does not have written policies and procedures in place for (a) reasonable accommodations and other exceptions to the 60-Day Rule, (b) exempting pregnant women and their families (despite public announcement), (c) transfer of belongings and mail, or (d) blackout dates past March 30, 2024.

No written policy for reasonable accommodations and other exceptions

The City does not have written policies and procedures governing reasonable accommodations and other exceptions to the 60-Day Rule including who is eligible for reasonable accommodations, how guests may request reasonable accommodations, how to flag guests who requested reasonable accommodations, and whether and how to issue 60-Day Notices and conduct Exit Planning meetings with guests whose requests are approved or pending.

The City's "legal team advises on policies for reasonable accommodations and other scenarios that may require exceptions." According to the Legal Aid Society, families may request and receive reasonable accommodations if a family member has a disability.⁵

No written policy for exempting pregnant women and their families

In January 2024, after public outcry when a woman who was nearly 8 months pregnant was evicted on the first day the rule went into effect, the City announced that it would exempt pregnant women in their third trimester and families with newborn children from the 60-Day Rule, and that such families may receive an extension until their babies turn six months old.

However, per the materials provided to investigators, the January 2024 announcement exempting pregnant women and families with newborn children from the rule was never communicated in writing to agencies or shelter providers.

⁵ <https://legalaidnyc.org/get-help/housing-problems/what-you-need-to-know-about-shelter-if-youre-a-new-arrival-to-new-york-city/#reasonable-accommodations>

No written policies for transfer of belongings and mail

The City stated that guests “are informed that their mail will be available at that site for pick up post-discharge,” and “are informed about how to change their address and are provided with the forms.” However, based on the materials provided, the City does not have policies and procedures or training materials regarding mail retention or change of address.

Additionally, although the City stated that guests are informed that “H+H can hold items for up to 10 days and staff will bag and tag items if a household requests that service,” this process is not covered in policies and procedures or training materials. Therefore, staff and shelter providers may not be aware they should hold belongings and inform guests that this service is available. This may result in the loss of personal possessions for families with limited resources.

No update of “Policy for Blackout Dates” past March 31, 2024

The City promulgated a *Policy for Blackout Dates* which states that “**no families or adults should receive a 30/60 day notice or be asked to exit**” on certain holidays. [Emphasis in original.] This policy lists holidays occurring between November 23, 2023 and March 31, 2024, and specifies the dates that staff should not issue 60-Day Notices to families and ask them to exit. The policy states that “More dates may be added to this calendar in the future.”

However, the City did not periodically review and update the *Policy for Blackout Dates* as needed. For example, the policy was not updated to include additional holidays such as Eid al Fitr (April 10, 2024), Orthodox Palm Sunday (April 28, 2024), Orthodox Easter (May 5, 2024), and Eid al Adha (June 17, 2024). Since this policy was not updated, families may have been issued 60-Day Notices asking them to exit on Eid al Fitr, Orthodox Palm Sunday and Easter, and Eid al Adha.

Agencies and staff responsible for implementing the 60-Day Rule were not provided with adequate guidance and training.

The 60-day rule is guided by a central City policy and implemented by each of the City agencies responsible for operating impacted sites — H + H, HPD, NYCEM, and DYCD. In a letter dated February 5, 2024, the Mayor stated that the policy was designed to help guests “take the next steps in their journey with the support of intensive case management” and involves:

- Exit planning staff who are responsible for issuing 60-Day Notices and providing case management services,
- Data teams who retain information on exit planning and deadlines,
- Legal staff who advise on reasonable accommodations policies and other exceptions to the 60-day Rule, and
- Operations staff who discharge guests.

Additionally, the Mayor stated that there is “continued interagency coordination to share best practices, lessons learned, and adopt changes as needed.”

Given that the 60-Day Rule is a new policy which is being implemented by four different City agencies across multiple sites and performed by staff who were either newly hired or repurposed from other functions, it is critical that management policies be clearly defined in writing, reflected in formal written operating procedures, communicated to staff, and periodically reviewed and updated as needed.

However, based on our review, we did not find evidence of adequate training being provided to staff or shelter providers. Together with the lack of written policies and procedures, this is resulting in haphazard implementation of the 60-Day Rule.

Application of the 60-Day Rule is haphazard.

Upon entering the shelter system, families with children are placed in shelter based on family composition and availability. Families may be placed in shelters operated by the New York City DHS, H+H, HPD, NYCEM, and DYCD.⁶

At this time, the 60-Day Rule applies to families with children who are placed in H+H, HPD, NYCEM, and DYCD Humanitarian Emergency Response and Relief Centers (HERRC) sites and does not apply to families placed in DHS sites. Whether families are subject to this rule is luck of the draw based on their shelter placement. Although the City assigns families color-coded scores based on barriers to exiting shelter, it does not consider this information when placing families, either upon initial entry or re-intake.

The City did not address whether it intends to expand the 60-Day Rule to DHS sites in the future and if so, the metrics it would rely on to make this decision, and whether it contacted the New York State Office of Temporary and Disability Assistance. The City stated only that “We are evaluating the current daily capacity to help inform whether a policy change here is necessary.”

When families with children are discharged from their current shelter, they may apply for re-intake. Although the City has a stated policy of not allowing families with children to return to the same shelter, the City did not consistently apply this rule. Based on data provided by the Mayor’s Office as of April 14, 2024, 19% of the adults from families with children households who applied for re-intake returned to the same shelter. It is not clear why some families were able to return while others were forced to relocate.

⁶ A subset of families are placed in hotels managed by HPD as part of a contract with the Hotel Association of New York City (HANYC). These families are limited to a 28-day stay. DHS also contracts with HANYC for hotels as part of their emergency shelter system but, as noted above, those families are not subject to a time limit.

60-Day Notices fail to provide families with critical information.

The 60-Day Notice provided to families with children is deficient because it does not provide any information on right to shelter and exceptions to the 60-Day Rule. Additionally, the 60-Day Notice does not provide sufficient information on housing options, mail, and personal belongings. Since participation in Exit Planning meetings is voluntary, it is critical that the City provides this information to families in writing. (Please see Appendix II and Appendix III for a copy of the 60-Day Notice and Final Notice.)

Right to Shelter

The 60-Day Notice is deficient because it does not advise families with children of their right to shelter and to apply for re-intake. The Mayor’s Office stated that families with children are “told from the outset that they can reapply for placement, if necessary, at the Arrival Center.” However, the 60-Day Notice does not advise families that they have a right to shelter and can reapply for shelter at the Roosevelt Hotel located at 45 East 45th Street, New York, NY 10007 (the Arrival Center).

60-Day Rule Exceptions

The 60-Day Notice does not provide families with children with information on reasonable accommodations and exceptions to the rule. The City’s “legal team advises on policies for reasonable accommodations and other scenarios that may require exceptions.” According to the Legal Aid Society, families may request and receive reasonable accommodations if a family member has a disability.⁷ Further, in January 2024, the City announced that it would exempt pregnant women in their third trimester and families with newborn children from the 60-Day Rule. Such families may receive an extension until their babies turn six months old. However, the 60-Day Notice does not advise families that there are exceptions to the 60-Day Rule and how they may request reasonable accommodations or extensions.

Housing Options

The 60-Day Notice does not provide families with children with sufficient information on housing options. The 60-Day Notice states only that staff “remain available to explore your options for the future” including connecting with family, friends, or others and facilitating travel to another destination. Additionally, the notice advises that, if you applied for asylum, “you may qualify for benefits that will help you exit shelter.”

⁷ <https://legalaidnyc.org/get-help/housing-problems/what-you-need-to-know-about-shelter-if-youre-a-new-arrival-to-new-york-city/#reasonable-accommodations>

However, the 60-Day Notice does not provide families with information on the above-mentioned options and benefits. Further, the notice does not advise families that they may relocate to shelters north of the City or participate in the New York State Family Relocation Program which provides up to one year of housing in other parts of the State (outside of New York City) as well as case management, education, and healthcare services.

Mail and Personal Belongings

The 60-Day Notice advises families with children that their “mail will be kept for a maximum of 60 days.” However, the 60-Day Notice does not provide families with information on how to change their address.

The Final Notice instructs families to “take all personal items with you when you leave the facility” and advises them that personal items will be discarded after 10 days. However, the 60-Day Notice and Final Notice do not inform families that they can request their belongings be held.

Beyond the inadequacy of the 60-Day Notice and Final Notice, no public description of policies regarding asylum seekers’ ability to seek or retain shelter is available on the City of New York’s website. The City’s 311.gov, Office of Asylum Seeker Operations, and Department of Homeless Services websites all direct to web-pages with no information about how to seek shelter, and no guidance on the 60-Day Rule or relevant shelter policies.

The clearest publicly-available articulation of the provisions of the 60-Day Rule is [provided by the Legal Aid Society](#) (with a disclaimer that it does not constitute official information or legal advice).⁸

Case management services are limited and do little to help families achieve self-sufficiency.

Based on a review of materials provided by the City, case management services are limited and do little to help families achieve self-sufficiency. They are aimed at little more than finding a way to place them outside of the City’s shelter system, preferably outside of New York City. Moreover, the City’s current approach to implementing the 60-Day Rule may negatively impact families’ immigration status and work authorization.

Based on materials provided by the City, “intensified casework services” consist of a goal of up to five Exit Planning meetings with guests which take place upon arrival and every 15 to 30 days thereafter until guests are discharged from shelter. Per the administration, Exit Planning “*is the process of supporting guests as they plan for sustainable life outside of the Asylum Shelter*”

⁸ <https://legalaidnyc.org/get-help/housing-problems/what-you-need-to-know-about-60-day-shelter-notices/>

program.”⁹ According to the City, participation in the Exit Planning process is voluntary “but nearly all households complete meetings” with Case Workers.

The *Exit Planning Case Worker Interview Script* states that “The script is designed to address all aspects of a guest’s path to sustainable living outside of the program.” In each meeting, guests are reminded of their exit date and are “repeatedly engaged about their plans for next steps.” Guests are asked whether they have a plan for where they will go and if not, what is preventing them from exiting the shelter.

The script instructs Case Workers to ask whether guests have:

- Anyone in the United States who can help them and advises guests that the program can help them connect with family, friends, or acquaintances. If guests respond no, Case Workers are instructed to encourage guests to keep thinking of anyone who might be able to help them.
- Applied for asylum and if not, asks guests whether they would like to schedule an appointment at the NYC Asylum Application Help Center (AAHC).
- Applied for work authorization and for Venezuelan guests who have not applied for Temporary Protected Status (TPS), identifies the date and time of the next available TPS support session.
- Questions about temporary housing, healthcare, legal services, transportation, and food or nutritional needs. Should guests have questions, they are provided with handouts. With regard to temporary housing, guests are provided with a “HERRC temporary housing 101” handout and a NYS Family relocation flyer.

Afterwards, Case Workers provide guests with a *Guest Action Items Handout* which lists items to be completed before the next meeting date. (See Appendix I for the *Guest Action Items Handout*.)

Casework services do little to help families find stable housing.

Based on the Exit Planning materials provided by the City, the “intensified casework services” do very little to help guests find stable housing. When asked what housing options are provided at the time of notice, the City stated only that “Households are notified that they can re-apply for placement in the City’s care, if needed.”

The *Exit Planning Case Worker Interview Script* instructs Case Workers only to (1) advise guests that the program can help them connect with family, friends, or acquaintances and provide travel assistance to other locations, and (2) provide guests with flyers about the City’s HERRCs and the State’s Family Relocation Program which provides up to one year of housing outside of the City and other benefits.

⁹ The City’s *Welcome to Exit Planning Training November 2023 NYC Asylum Shelters*

The 60-Day Notice states that “If you have applied for asylum, you may qualify for benefits that will help you exit shelter.” However, Case Workers do not inform guests which benefits they may qualify for or assist them with applications (despite the fact that applicants for asylum, TPS, and other immigration categories may receive State Safety Net Assistance benefits).

Additionally, Case Workers do not inform guests that they may be eligible for Public Housing or Section 8 housing vouchers depending on their immigration status or assist them with their applications (despite the fact that individuals who are paroled into the United States, victims of trafficking, refugees, and asylees, among others, are eligible for housing benefits).

Screening for immigration options is inadequate.

Prior to September 2023, the City did not screen guests to assess immigration options. In September 2023, the City announced that it was undertaking a census to ask all guests what stage of the process they are in “*with respect to seeking asylum and work authorization*” and what areas they need help with to enable them to exit shelter. The City stated that these assessments would “*form the basis of the case management program that we are now launching called our Red, Yellow, Green Program.*” The City assigned families color-coded Household Scores as follows:

- Green – A Household Score of green means that there are no significant barriers to exiting shelter. The City stated that there are “a few barriers that our case managers can work with you and overcome fairly quickly so...you can take your next step forward and leave our system.”
- Yellow – A Household Score of yellow means that there are barriers to exiting shelter that have a path to resolution. The City stated that “Yellow means you have a few more barriers we’re going to work with you on and give you the help you need.”
- Red - A Household Score of red means that there are more complex barriers to exiting shelter that require extensive resources. The City stated that “Red means that you have more intensive barriers, and therefore, might require a referral, for example, to a lawyer.”

The stated purpose of the census was to assess status “*with respect to seeking asylum and work authorization*” and to determine what areas they need help with to enable them to exit shelter. At that time, the City reported that it completed assessments for 70% of guests. However, this information seems to have had little impact on the services offered to families with children. Shelter placement, length of stay, and case management services appear to be the same regardless of the level of barriers identified at the time of the assessment.

The *Exit Planning Case Worker Interview Script* instructs Case Workers to ask guests whether they have applied for asylum and if not, asks guests whether they would like to schedule an

appointment at the City’s Asylum Application Help Center (AAHC).¹⁰ In a letter dated March 14, 2024, the Mayor stated that the AAHC “helps eligible individuals and families living in shelters apply for asylum, temporary protected status (TPS), or work authorization on a *pro se* basis” i.e., on their own behalf.¹¹

However, as part of the Exit Planning process, the City does not perform legal screenings to assess immigration options and benefits that guests may qualify for, or assist guests with immigration and benefit applications, other than *pro se* asylum and TPS applications.

Based on the Assessment obtained, dated February 16, 2024, the City does not collect information and perform legal screenings for other categories of immigration which may have less burdensome applications and may provide access to more benefits. For example, the City does not screen for or assist with applications for Special Immigrant Juvenile (SIJ) classification, T Nonimmigrant Status (T Visa), or U Nonimmigrant Status (U Visa). Table I below details eligibility requirements and available benefits for the above-mentioned immigration categories.

¹⁰ In a letter dated February 5, 2024, the Mayor stated that “The Asylum Application Help Center (AAHC) helps eligible clients living in shelters apply for asylum, TPS, or work authorization. The AAHC submits applications on behalf of clients and advises on the next steps. The Mayor’s Office of Immigrant Affairs (MOIA) Asylum Seeker Legal Assistance Network and other city-funded legal service programs provide a broad range of services including screenings, brief advice, application assistance, and self-help materials.”

¹¹ According to TRAC Immigration, *pro se* applications are much less likely to be granted than application prepared by an attorney representing the family. For the Fiscal Year ending September 2022, only 18% of *pro se* asylum applications were granted while 49% of asylum applications were granted when applicants were represented by an attorney.

Immigration Category	Eligibility Requirements	Available Benefits
SIJ Classification	Less than 21 years old, unmarried, and have a juvenile court order which finds, among other things, that (1) you cannot be reunified with one or both of your parents because you were abused, abandoned, or neglected and (2) it is not in your best interests to return to the country of nationality or last residence.	<p>Upon filing, individuals are eligible for New York State benefits including Safety Net Assistance.</p> <p>Furthermore, if SIJ classification is granted, individuals may qualify for Lawful Permanent Resident status (also known as getting a Green Card) which allows you to live and work in the United States.</p>
T Visa	T Visas are available to certain victims of a human trafficking if they have complied with any reasonable request for assistance from law enforcement in the detection, investigation, or prosecution of human trafficking or qualify for an exemption or exception.	<p>Up to four years of temporary nonimmigrant status with a path to Lawful Permanent Residence and citizenship.</p> <p>T nonimmigrants are eligible for employment authorization and certain federal and State benefits and services which include, among other things, cash, nutrition, employment, and housing benefits.</p> <p>T nonimmigrant status is also available to certain qualifying family members.</p>
U Visa	U Visas are available to certain crime victims who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.	<p>Up to four years of temporary nonimmigrant status with a path to lawful permanent residence and citizenship.</p> <p>U nonimmigrants are eligible for employment authorization and certain federal and State benefits and services.</p>

Additionally, the script instructs Case Workers to ask guests whether they have applied for work authorization and for Venezuelan guests who have not applied for TPS, to identify the date and time of the next available TPS support session. While the City collects information on country of origin as part of the intake assessment, the *Exit Planning Case Worker Interview Script* instructs Case Workers to ask only Venezuelan guests whether they have applied for TPS and if not, explain TPS to them and plan for them to attend the next available TPS support session. Guests from other TPS designated countries are not asked their status and offered support services. As of this date, the following countries are TPS designated—Afghanistan, Burma (Myanmar), Cameroon, El Salvador, Ethiopia, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Ukraine, Venezuela, and Yemen.

As of March 2024, the City reported that it assisted with filing 12,290 asylum applications and 10,745 TPS applications but does not know how many of those applications were approved since they do not maintain contact or offer ongoing case management services after guests leave shelter and USCIS does not share this information.

The 60-Day Rule undermines new arrivals' ability to obtain work authorization and stable employment.

Both the Mayor and the Governor have publicly stated that work authorization will help people become self-sufficient and is the solution to “*this crisis*.” However, the City’s 60-Day Rule does not allow individuals enough time to pursue work authorization, and in fact, may prolong or negatively affect the process.

Individuals can become eligible for work authorization through, among other ways, applications for asylum or TPS. Individuals who apply for asylum must wait at least 180 days *after filing their asylum application* to become eligible for Employment Authorization. Under federal rules, individuals who file an asylum application can apply for work authorization after their asylum application has been pending for 150 days and the United State Citizenship and Immigration Services (USCIS) can issue an Employment Authorization Document (EAD) after an additional 30 days. This waiting period is known as the 180-Day Asylum EAD Clock. Individuals who apply for TPS can apply for work authorization at the same time. According to the United States Department of Homeland Security, the processing time for TPS applications was 7.4 months for the period October 1, 2023 to March 31, 2024.

Beyond offering to schedule appointments at the AAHC, none of the materials the Administration shared with us for this review show a coordinated effort through case management to support new arrivals’ work authorization applications either while they are in shelter or upon exit after 60-days. In fact, they are explicit that the City is no longer tracking families once they move out of shelter at all to check in and support them throughout the process.

The 60-Day Rule and policies force guests to exit shelter and encourage them to relocate outside of the City through connections with family, friends, or acquaintances, Out of NYC Stay, and NYS Relocation Program. Once a family exits shelter, the case management, such as it exists, ends. The City does not maintain any contact with the family so cannot support their ongoing

application processes or transfer mail if it comes to the shelter location. Guests who relocate outside of the City, will very likely need to transfer their cases to a new asylum office or interview location and may need to obtain a new legal service provider which may delay their asylum applications and work authorizations.

Based on the materials provided, unless families participate in the Out of NYC Stay or NYS Relocation Program, the 60-day “case management” program does nothing to support the case transfer.¹² Additionally, families who relocate within or outside the City may not timely receive their mail from government agencies and legal service providers regarding applications, interviews, and other appointments. This may cause families to miss scheduled asylum interviews and appearances which may make them ineligible for work authorization or delay work authorization. Since work authorization is acknowledged as the path to self-sufficiency, it is counterproductive to relocate families, especially when relocation is not paired with ongoing case management.

According to USCIS, delays that individuals request or cause while their asylum application is pending do not count toward the 180-Day Asylum EAD Clock. These delays may include asking to transfer a case to a new asylum office or interview location and failing to appear at an interview.

Casework services do not inform individuals of their workplace rights, increasing their vulnerability to exploitation.

Additionally, the “case management” provided does not inform guests of any additional rights they might have. For instance, while awaiting work authorization, many new arrivals find work through low-paying, off-the-books jobs. There are City, State and Federal laws that protect these underground workers from exploitation but the City does not make new arrivals aware of these rights.

The City’s approach is in contrast to both internationally recognized standards and to the approach other, similarly situated states, have taken. The International Rescue Committee recommends providing case management services for at least 12 months since individuals cannot obtain work authorization or access public benefits for prolonged periods of time.

While awaiting work authorization, available work opportunities are limited to low paying, off-the-books jobs which do not allow individuals to be self-sufficient. Furthermore, individuals may be exploited in those jobs and the City does not advise them of their rights. According to The Road Forward: A Blueprint to Address New York City’s Response to the Asylum-Seeker Crisis issued by the City in March 2023, “Immigrants and low-wage workers are among those most vulnerable to labor law violations by employers. This includes paying below minimum wage, wage theft, and stealing tips.” However, the City does not inform families of their labor rights in New York as part of the Exit Planning, or that the NYS Department of Labor protects all workers from wage theft, regardless of their immigration status.

¹² Families exiting shelter have the option of continuing to work with Action NYC.

It has been reported that individuals who can't legally work are increasingly becoming victims of human trafficking.¹³ A non-profit organization that serves victims of human trafficking stated that "Counselors say they've seen an uptick in young migrants being sex trafficked, including teen girls and boys."¹⁴ Further, a Homeland Security Investigations (HSI) Deputy Special Agent in Charge recently reported that "There was a young migrant woman from Queens who [was] forced under the threat of deportation from her traffickers. She was driven upstate on a daily basis to have sex with anywhere between 40 and 60 men."¹⁵

Additionally, the New York State Office of Temporary and Disability Assistance stated that immigrants may be particularly vulnerable to labor trafficking which most often occurs in low-wage industries such as construction, domestic work, and the service industry including restaurants and hotels.

There have also been reports that many individuals who are awaiting work authorization are working long hours selling food and beverages on the street or in the subway, often accompanied by their children, or delivering food.¹⁶ Since these workers are unlicensed, they may be fined by police and have their goods and mopeds confiscated. Additionally, the New York Times and other media outlets reported that those who work delivering food are exploited because they cannot legally work, rent mopeds, and obtain food delivery app accounts.¹⁷ Delivery workers are forced to pay intermediaries a large share of their weekly earnings to rent mopeds and use app accounts, and in some cases, the app account holders do not pay them.

¹³ According to the United States Department of State, human trafficking is a crime in which a person uses force, fraud, or coercion to compel another person to engage in a commercial sex act or causes a child to engage in a commercial sex act (sex trafficking) or exploit the labor or services of another person (forced labor). <https://www.state.gov/what-is-trafficking-in-persons/>

¹⁴ Jennifer Bislam, *Migrants in New York City shelters falling victim to human trafficking*, CBS News New York (updated on February 23, 2024), [Migrants in New York City shelters falling victim to human trafficking - CBS New York \(cbsnews.com\)](https://www.cbsnews.com/news/migrants-in-new-york-city-shelters-falling-victim-to-human-trafficking/)

¹⁵ Ibid.

¹⁶ Nicole Hong and Ana Ley, *Turning to Street Vending, New Migrants Find a Competitive World*, (October 4, 2023), <https://www.nytimes.com/2023/10/04/nyregion/nyc-migrants-street-vendors.html#:~:text=Faced%20with%20a%20daunting%20process,for%20the%20city's%20newest%20immigrants.>

Gabriela Barzallo, *'The only way for us to survive': The life of a New York City candy seller*, (November 11, 2023), <https://www.aljazeera.com/news/2023/11/11/the-only-way-for-us-to-survive-the-life-of-a-new-york-city-candy-seller>

¹⁷ Andrew Silverstein, *Illegal Mopeds and Fake Names: Migrants Scrape By in Underground Economy*, (September 15, 2023), <https://www.nytimes.com/2023/09/15/nyregion/migrant-delivery-unlicensed-moped.html>

Families with elementary school-aged children are specifically denied placement in DHS shelters upon re-intake, subjecting them to more frequent moves which are detrimental to children’s learning.

Currently, the 60-Day Rule does not apply to shelters operated by DHS. Families with children are able to stay in DHS shelters without facing eviction after two months. Currently, newly arriving families with children may be placed in DHS sites but only certain families who apply for re-intake may be placed in DHS sites, i.e., families with children in pre-k or below and/or 7th grade and above may be placed in DHS sites upon re-intake.

However, City policies specifically provide that returning families with children in kindergarten through 6th grade may not be placed in DHS sites. The City offered no rationale for this policy. As a result, families with elementary school-aged children are subject to more frequent moves, which are detrimental to children’s learning.

Furthermore, returning families may be placed in HANYC sites managed by HPD which are subject to more restrictive and disruptive 28-day stays. Such frequent moves are inefficient and ineffective. As previously mentioned, they undermine the City’s ability to support individuals through immigration and work authorization processes and ensure continuity of legal services, parents’ ability to maintain jobs, and school-aged children’s ability to receive a public education and appropriate supports.

In response to the announcement of this investigation, several educators reported their experiences to the Comptroller’s Office. They stated that new students often come from limited or interrupted educational backgrounds and are disproportionately impacted by the 60-Day Rule, and advocated for exceptions to the rule for families with school-age children which would allow them to stay in their shelter for at least the remainder of the school year.

Educators reported that staff worked tirelessly to get to know students to assess their academic and social-emotional needs and to provide them with appropriate interventions and supports. Further, they reported that having families forced from their shelters after 60 days results in student absences while families leave one shelter, apply for re-intake, and await a new placement, as well as students being relocated to shelters which are not always near their current schools, forcing them to either transfer schools or endure long commutes.

In a letter dated February 5, 2024, the Mayor stated that the City will strive to place families “in or near the school district where their children are enrolled. . . . Families who are re-applying will be assigned to the available placement nearest to the school of the household’s youngest child.”

However, individuals reported to the Comptroller’s Office that families were not offered placements or placed near students’ current schools. As a result, families reportedly left the shelter system or accepted placements which required long commutes. One educator reported

that the new placements have “had an impact on the students' attendance as they are now multiple subway transfers away and in a different borough.”

An individual who assisted three families reported that before leaving their shelter which was located on Flatbush Avenue in Brooklyn, impacted families were “told that the City was going to try to prioritize the kids being near their current school” (an elementary school in Flatbush, Brooklyn). However, when families applied for re-intake, they received “conflicting information as to where they would be placed, but indicated it would be in any one of three locations in Queens, Manhattan, or a location in Brooklyn an hour away from their current school.” Ultimately, all three families decided to leave the shelter system so that their children could remain in their current school. Volunteer parents arranged for two families to move into a temporarily available apartment until the end of the school year. The remaining family initially accepted a shelter placement in Manhattan but subsequently, moved into a room offered by someone in the neighborhood until the end of the school year.

These experiences are anecdotal and reported by educators and families who responded to a public notice about this investigation. The Comptroller’s office has requested that the City provide data on families with children who received 60-Day Notices and were discharged from shelters and advised the City that we will review case files for a sample of impacted families. To date, the City has not provided requested data.

The City does not evaluate program effectiveness or impact of the 60-Day Rule. While the rule has contributed somewhat to the reduction of the shelter population, no outcomes are tracked regarding self-sufficiency, stable housing arrangements, or long-term outcomes.

When asked how the City evaluates the success of the 60-Day Rule, the City stated “census [i.e. the number of asylum seekers in the shelter system] is the only metric that could be used to evaluate cost savings over time.” Short-term cost savings and program effectiveness are not the same thing, nor is it the only stated goal the Administration laid out when establishing this policy.

The City does not consider and evaluate the 60-Day Rule on effectiveness in helping families “achieve self-sufficiency, find stable housing arrangements, and exit from the shelter system,” despite those being stated aims.

In a letter dated February 5, 2024, the Mayor stated that “The City does not track outcomes for families who are impacted by the 60-day notice unless they return and reapply for placement.”

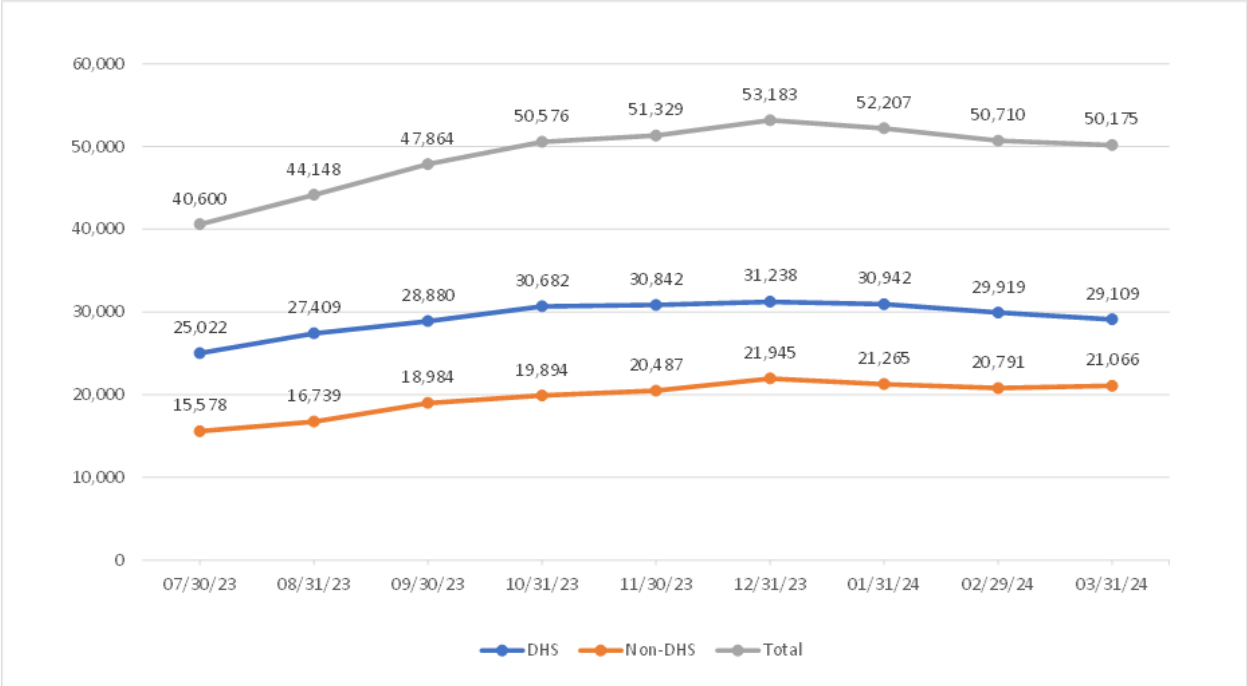
Additionally, when evaluating cost savings, the City considers only census and does not consider other costs (e.g. Exit Planning and case management services, interpretation, data management,

legal staff, school transportation) or impacts (e.g. reduction in the number of people who obtain work authorization and/or legal status).

From July 2023 through December 2023, the number of individuals in families with children shelters increased from 40,600 to 53,183 (31%). Since 60-Day Notices took effect and some families have been discharged from shelter, the census has remained relatively stable, decreasing slightly from the peak in December 2023. The City reported that there were 50,175 individuals in families with children shelters as of March 31, 2024—29,109 individuals in DHS shelters and 21,066 in non-DHS shelters. This represents an overall decrease in families with children census of 5.7%.

Please see Table II and Chart I below which details families with children shelter census from July 2023 through March 2024.

Date	DHS Shelters	Non-DHS Shelters	Total
July 30, 2023	25,022	15,578	40,600
August 31, 2023	27,409	16,739	44,148
September 30, 2023	28,880	18,984	47,864
October 31, 2023	30,682	19,894	50,576
November 30, 2023	30,842	20,487	51,329
December 31, 2023	31,238	21,945	53,183
January 31, 2024	30,942	21,265	52,207
February 29, 2024	29,919	20,791	50,710
March 31, 2024	29,109	21,066	50,175



Recommendations

Based on this investigation, the Comptroller's Office recommends:

1. **The City should end the 60-Day Rule, and instead implement a policy that genuinely coordinates temporary shelter, legal assistance toward immigration status and work authorization, workforce development that enables people to obtain work, and case management that enables people to achieve self-sufficiency.** Other jurisdictions are adopting more humane and effective long-term policies of this type:
 - Massachusetts (which, like New York, has a right to shelter mandate) has implemented or proposed policies for emergency shelters that limit the maximum length of stay to nine consecutive months, with an additional three months for those currently employed or enrolled in a job training program. While Massachusetts implemented a one-month limit for state-run “overflow” sites starting May 1, 2024, families may remain in shelter if they recertify monthly that they are applying for work authorization, participating in workforce training, submitting job applications, taking English classes, and looking for permanent housing.
 - As part of the announcement of the termination of its contract with DocGo for the care of asylum seekers upstate, the Adams Administration has indicated that it is in the process negotiating a contract with Jewish Family Services of Western New York (JFS) to utilize a “refugee resettlement” model, in which JFS would built upon its experience serving refugees to provide families with housing identification and move-in, initial food and basic-necessity supply, securing their first job, parenting guidance, and securing health care and social support services.
2. **While the City continues to implement the 60-Day Rule, it must immediately correct critical shortcomings in the implementation of the policy:**
 - Promulgate clear written policies and procedures, provide training and guidance on these policies to agencies responsible for implementation, and make them available to the public.
 - Amend the 60-Day Notice to add critical missing information, including the right to re-apply for shelter and the right to apply for reasonable accommodations.
 - Provide the “intensive case management” promised when the policy was announced, which the City has failed to offer. This should include screening for all TPS designated countries, and other possible routes to work authorization and legal status.
 - Allow returning families with elementary school aged children to be placed in DHS shelters.
3. **To achieve cost savings, the City must move away from emergency procurement (which was appropriate in the initial months of the increase in asylum seekers in 2022) to competitive bidding among qualified service providers, including not-for-profit human**

service providers in addition to the for-profit contractors who have dominated the City's asylum seeker service procurement, as the Comptroller's office has repeatedly recommended.

4. **The City should track and evaluate program effectiveness, including overall cost savings, and outcomes for families toward immigration status, work authorization, housing stability, and self-sufficiency.** At present, no tracking of outcomes whatsoever takes place for families who have left the shelter system as a results of the 60-Day Rule (or otherwise). Further, outcomes of the City's efforts to help families move toward immigration status and obtain work authorization are also poorly tracked. In order to effectively assist families and evaluate long-term effectiveness of approaches, it is essential to begin tracking outcomes for families.

This investigation into the 60-Day Rule found a hurriedly executed policy, implemented without clear objectives or adequate written protocols. The documents implementing the policy disclose a single-minded focus on avoiding the City's legal obligations to provide shelter. While the rule has contributed to a reduction in the shelter population, it has also served to destabilize families with children and increase barriers to work authorization and legal status.

Rather than evicting families with children from shelter, the City should connect new arrivals to effective immigration legal help, workforce development, and the intensive case management it promised to help families obtain legal status, employment, and stable housing that will enable them move out of shelter, gain self-sufficiency, and contribute to a thriving future for New York City.

Appendix I

Guest Action Items Handout

DOCUMENT NAME: H+H & HPD Exit Planning Case Work Guest Action Item Handout
DOCUMENT AUDIENCE: Guests (guest facing)

Guest Name(s) and G#:

Guest Exit Date:

Please take action on the marked items below and prepare those items for your next meeting.

An Exit-Planner will help you with these items:

<input type="checkbox"/> Reconnections: Our program can help pay for transportation to connect you with family, friends, or acquaintances in the US. Go to the Reconnections desk located here _____.
<input type="checkbox"/> Asylum: We can schedule you a NYC Asylum Application Help Center appointment. Your Help Center appointment will be _____.
<input type="checkbox"/> Work Authorization: We can schedule you a NYC Asylum Application Help Center appointment. Your Help Center appointment will be _____.
<input type="checkbox"/> Identification: ID NYC
<input type="checkbox"/> Legal services: USCIS flyers with QR codes and legal services for New Americans: https://dos.ny.gov/office-new-americans U-Visa, T-Visa, VAWA support
<input type="checkbox"/> Employment: Workforce Development, OSHA training, Workforce One
<input type="checkbox"/> Temporary Housing in NYS: Out of NYC Stay, MRAP, NYS Family Relocation

A Behavioral Health Worker will help you with these items:

<input type="checkbox"/> Services for Children: Maternal/child benefits, Guide for Child Care & Early Childhood Services, WIC, HRA, ACS Prevention Workshops	<input type="checkbox"/> Education for Adults: ESOL
<input type="checkbox"/> Food: Food banks, food pantries, farmers markets	<input type="checkbox"/> Clothing: Salvation Army voucher
<input type="checkbox"/> Health Insurance: NYC Care, Metro Plus, NY State of Health Marketplace	<input type="checkbox"/> Vaccine Records: Accessing Vaccine Records in the Citywide Immunization Registry
<input type="checkbox"/> Non-Emergency Medical Care: Scheduling appointments, filling/transferring a prescription, changing doctors	<input type="checkbox"/> Mental Health Care: Finding support for addiction, short/long-term therapy
<input type="checkbox"/> Transportation within NYC: Fair Fares	<input type="checkbox"/> Recreation: Parks and Rec, Library Services
<input type="checkbox"/> Other:	

Next steps: Please take the actions noted above and be prepared to provide an update on these items at the next meeting. You will be notified of the date of your follow up meeting at the entry area.

END OF DOCUMENT

Appendix II

60-Day Notice



Notice

DATE: _____

TO: _____

Tens of thousands of asylum seekers have come to the City over the last year and shelter space is extremely limited. More asylum seekers, including many families with children, arrive every day. We would like to work to help you take the next steps towards exiting City temporary housing within the next _____ days.

A staff member will be reaching out to you in the coming days to explore your options for the future, including connecting with family, friends and other networks. The City is able to help facilitate your travel to another destination. If you have applied for asylum, you may qualify for benefits that will help you exit shelter.

As of _____, you and your household can no longer stay at this location. During this _____-day period the City may need to move you to one or more sites within the City's system. If that happens, you will still have until _____ to remain in the City's system.

If you have any questions or need any other help, please speak with a staff person at your current site.

Appendix III

Final Notice



Notice

DATE: _____

G#/CaresID: _____

Cot/Room: _____

As your exit date approaches, please remember to collect your belongings ahead of your discharge at 11am on _____. Please note that mail will be kept for a maximum of 60 days, and any personal items remaining past 10 days will be discarded.

Please remember to take **all** personal items with you when you leave the facility, including all important immigration documents and other personal documents, as well as your identification cards. These documents and identification cards are very important, and we encourage you to keep them with your personal belongings or with you at all times.

HERRC is not responsible for any lost or missing items left behind.

If you have any further questions or concerns, please feel free to contact the exit planning team on the _____ floor, room _____.

Thank you.





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