



**NEW YORK CITY COUNCIL COMMITTEES ON
AGING AND IMMIGRATION**

Tuesday, February 27, 2024, 10:00 a.m.

SUBJECT: Oversight – The Needs of Immigrant Older Adults in N.Y.C.

Good morning. My name is Elisa Mercedes Tustian. I am the Supervising Attorney in the Senior Law Project at Volunteers of Legal Service (VOLS). VOLS was established in 1984 and we partner with private attorneys to provide free legal services to low-income New Yorkers to help fill the justice gap.

Our VOLS Senior Law Project serves low-income New Yorkers age 60+ by providing Last Wills and Testaments, Powers of Attorney, Health Care Proxies, and other essential advance directives free of charge. These life planning documents enable older adults to prepare for possible incapacity, illness and/or death. With the proper documents in place, we help our clients to maintain income and avoid homelessness, ensure that their dying wishes are fulfilled, and can empower our clients' eventual caregivers to obtain services necessary for our clients to access health care and age in place. The VOLS Senior Law Project also provides legal services on a range of other civil legal issues including landlord tenant matters, access to benefits, consumer matters, and other civil legal needs. We provide training and ongoing support to social workers, older adult center staff, and pro bono attorneys to address our clients' legal needs.

While we strongly believe that all older adults should have the right documents in place as they plan for the future, we have several initiatives that focus on vulnerable sub-sets of the older adult population. These include older veterans, Latine and Spanish speaking seniors, older women, and LGBTQIA+ older adults. We have created these initiatives because we know that it is important to deliver targeted and culturally competent services to each of the immigrant groups we seek to serve.

In January of 2024, the New York Times reported that immigrant older adults make up over half of New York City's over 65 population and in January of 2023 the Center for an Urban Future had already noted that the number of immigrant older adults had increased at more than twice the rate of non-immigrant older adults since 2010. The Center for an Urban Future also notes that, just over 12 percent of older adults in New York live at or below the poverty level, but Latine older adults experience poverty at the highest rates at 23.5 percent (composed of 25.6% for U.S. born Latine older adults and 21.9% for immigrant Latine older adults). Older Adults of Asian descent have the second-highest poverty rate, at 19.1 percent. Looking at these statistics it is clearly incumbent upon service providers to target services to where the need is greatest.

The VOLS we try to do just that, Extensión Comunitaria para Adultos Mayores is our initiative for Spanish speaking and Latine older adults. This initiative ensures that Latine clients have language accessible and culturally competent legal services. Since launching, we have translated all of our educational materials and life planning documents into Spanish, increased outreach,

and created partnerships with community-based organizations and older adult centers serving largely Latine communities.

The VOLS Senior Law Project also targets outreach to the Asian American immigrant community. We leverage our network of volunteer attorneys and our partnerships with community-based organizations to provide presentations in Mandarin and Cantonese and to serve clients with legal counsel in a variety of Asian languages.

We specifically target outreach and services to immigrant older adults, because of the unique challenges they may face as they age. We notice that our immigrant clients more often than our non-immigrant clients have no family here in the United States. Recently, one of our clients wanted to know how best to leave her modest savings to her niece in China. Another wanted to make a similar bequest to a nephew in Colombia. We help our clients have their last wishes fulfilled.

Family members step in as caregivers for some older adults. The importance of planning for the future becomes amplified when those traditional caregiving structures are not present. Medical decision-making defaults to next of kin, therefore unless the older adult has completed advance directives, immigrants who live far from their families may not have their wishes followed. During the pandemic, we helped a client whose friend had passed away and was held in the morgue for months while relatives in Cuba were consulted about how to handle his remains. If this client's friend had completed an Appointment of Agent for the Disposition of Remains form, then he could have easily named his best friend in NYC to handle his remains.

Even when a caregiver is a spouse or adult child, they need to have the right documents in place to be effective in financial decision making. An immigrant older adult who has executed a Power of Attorney authorizes their agent to seek government benefits to pay for housing costs, to sign leases, apply for and recertify for housing subsidies, and deal with any issue that may arise with their landlord or housing provider. The agent can also seek SNAP, Medicaid, and other critical benefits. Without a Power of Attorney loved ones may have to file for Guardianship in court, a process which is invasive, time consuming, and potentially costly.

Planning for the future is a hard process. It is a process that forces older adults to face their mortality and think seriously about who they trust to care for them if their health declines. We believe that it is important for legal services providers to explicitly acknowledge the unique challenges that planning for the future poses for immigrant older adults and to create a safe space for immigrant older adults as they grapple with this process and make these hard decisions.

The challenges outlined in my testimony are just a few facing immigrant older adults. Thank you for allowing us to submit this testimony and for supporting the New York City's aging immigrant community.

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