STATE OF NEW YORK

3403--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. CRUZ, BURDICK, BARRETT, THIELE, HEVESI, SIMON, MORINELLO, TAGUE, SILLITTI, WALSH, GONZALEZ-ROJAS, BENDETT, EPSTEIN, ZINERMAN, ZACCARO, SEAWRIGHT, TAPIA, SIMONE, CUNNINGHAM, ANDERSON, BURGOS, CLARK -- read once and referred to the Committee on Veterans' Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the veterans' services law, the military law and the executive law, in relation to establishing the Alex R. Jimenez New York state military immigrant family legacy program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The veterans' services law is amended by adding a new section 29-b to read as follows:

§ 29-b. Staff sergeant Alex R. Jimenez New York state military immigrant family legacy program. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Uniformed service member" shall mean a member of the army, navy, air force, space corps, marine corps, coast guard, public health service commissioned corps, or national oceanic and atmospheric administration commissioned officer corps serving on active duty.

(b) "The program" shall mean the staff sergeant Alex R. Jimenez military immigrant family legacy program.

(c) "Coordinator" shall mean an employee of the department appointed by the commissioner, or an employee of the division of military and naval affairs appointed by the adjutant general, to serve as a military immigrant family legacy program coordinator pursuant to subdivision three of this section.

(d) "Veteran" shall have the same meaning as such term is defined in section one of this article and shall also include any veteran with a qualifying condition, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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service, or is a discharged LGBT veteran, as defined in section one of this article, and has received a discharge other than bad conduct or dishonorable from such service.

(e) "Intended recipients" shall mean uniformed service members, veterans, reserve component members and their family members.

(f) "Reserve component members" shall mean those serving in the army reserve, navy reserve, marine corps reserve, the army national guard, the air national guard, or reserve corps of the public health service during the time the unit was federally recognized as a reserve component.

2. There is hereby established within the department, in conjunction with the division of military and naval affairs, the staff sergeant Alex R. Jimenez New York state military immigrant family legacy program which shall be jointly developed and implemented by the commissioner and the adjutant general of the division of military and naval affairs, in consultation with the office for new Americans established pursuant to section ninety-four-b of the executive law, and in accordance with the provisions of this section. The primary purpose of the program shall be to assist intended recipients to secure legal immigration status in the United States, including but not limited to, citizenship.

3. Two military immigrant family legacy program coordinators shall be appointed, one appointed by the commissioner and one by the adjutant general of the division of military and naval affairs, to administer the program. Each coordinator shall be a veteran. The coordinators' duties shall include, but not be limited to:

(a) assisting intended recipients, who may qualify for adjustment of status, special immigration status through the federal Parole in Place program authorized by section 1758 of the 2020 National Defense Authorization Act, or any other sort of immigration relief, including relief that can lead to citizenship, in securing legal representation or consultation by qualified immigration attorneys or duly authorized board of immigration appeals representatives as may be necessary to obtain such relief.

(b) communicating with the commissioner and the adjutant general and the office for new Americans regarding existing policies and regulations pertaining to the needs of intended recipients and to make recommendations regarding the improvement of benefits and services to such intended recipients.

(c) serving as liaison between the department and the division of military and naval affairs, the United States citizenship and immigration services, immigration and customs enforcement, the United States department of veterans affairs, the United States department of defense, local veterans' service agencies, state agencies, community groups, advocates, and other veterans and military organizations and interested parties for the purpose of coordinating efforts to provide immigration relief to intended recipients.

(d) consulting with qualified immigration attorneys or duly authorized board of immigration appeals approved representatives to facilitate such coordination with the United States citizenship and immigration services or other appropriate agency.

(e) advocating for intended recipients.

(f) developing and maintaining a clearinghouse for information and resources relating to the program as well as other federal, state, local and non-profit programs that may offer assistance to intended recipients in immigration matters.

(g) promoting events and activities that educate and assist intended recipients, including but not limited to, veteran human rights conferences, veterans benefit and resources events.

(h) including the contributions that intended recipients have made on behalf of the United States and this state on the department's official website.

(i) developing information to be made available to congressionally chartered veterans' organizations, and local veterans' services agencies to provide a general overview of the program, including but not limited to, its purpose and the eligibility requirements for adjustment of status, citizenship, or any other form of available relief.

(j) preparing reports on topics, including but not limited to, the demographics of intended recipients residing in the state, including the number of such intended recipients by county, an estimate of how many may be eligible for naturalization, and the unique needs of the intended recipients within New York state to the commissioner, the adjutant general of the division of military and naval affairs and the office for new Americans.

4. The coordinators shall submit a report to the commissioner and to the adjutant general of the division of military and naval affairs on January first each year following the first full year after the effective date of this section. Such report shall include, but not be limited to, a description and evaluation of the coordinators' activities for the preceding calendar year as well as any recommendations for future programmatic changes. The commissioner shall submit the report to the governor and the legislature in accordance with the provisions of section four of this article. The adjutant general of the division of military and naval affairs shall submit the report to the governor and the legislature in accordance with the provisions of section one hundred sixty-four of the executive law.

§ 2. Section 4 of the veterans' services law is amended by adding a new subdivision 38 to read as follows:

38. To encourage the development of and provide for the establishment of a state military immigrant family legacy program coordinator, as provided in section twenty-nine-b of this article.

§ 3. The military law is amended by adding a new section 256 to read as follows:

§ 256. State military immigrant family legacy program support. The adjutant general shall encourage the development of and provide for the establishment of a state military immigrant family legacy program coordinator, as provided in section twenty-nine-b of the veterans' services law.

§ 4. Paragraph (l) of subdivision 5 of section 94-b of the executive law, as added by chapter 206 of the laws of 2014, is amended to read as follows:

(l) (i) Coordinate with other state agencies and otherwise marshal the resources of the state to serve the needs of immigrants, and (ii) advise the state military immigrant family legacy program coordinators pursuant to section twenty-nine-b of the veterans' services law;

§ 5. This act shall take effect on the ninetieth day after it shall have become a law.