

STATE OF NEW YORK

3586--A

Cal. No. 1087

2023-2024 Regular Sessions

IN SENATE

February 1, 2023

Introduced by Sens. FERNANDEZ, ADDABBO, ASHBY, MATTERA, MAYER, RAMOS, RHOADS, STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged and said bill committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

3 § 29-b. Staff sergeant Alex R. Jimenez New York state military immi-
4 grant family legacy program. 1. For the purposes of this section, the
5 following terms shall have the following meanings:

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

10 (b) "The program" shall mean the staff sergeant Alex R. Jimenez mili-
11 tary immigrant family legacy program.

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

17 (d) "Veteran" shall have the same meaning as such term is defined in
18 section one of this article and shall also include any veteran with a

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

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

6 (e) "Intended recipients" shall mean uniformed service members, veter-
7 ans, reserve component members and their family members.

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

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

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

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

36 (b) communicating with the commissioner and the adjutant general and
37 the office for new Americans regarding existing policies and regulations
38 pertaining to the needs of intended recipients and to make recommenda-
39 tions regarding the improvement of benefits and services to such
40 intended recipients.

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

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

53 (e) advocating for intended recipients.

54 (f) developing and maintaining a clearinghouse for information and
55 resources relating to the program as well as other federal, state, local

1 and non-profit programs that may offer assistance to intended recipients
2 in immigration matters.

3 (g) promoting events and activities that educate and assist intended
4 recipients, including but not limited to, veteran human rights confer-
5 ences, veterans benefit and resources events.

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

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

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

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

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

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

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

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

45 § 4. Paragraph (1) of subdivision 5 of section 94-b of the executive
46 law, as added by chapter 206 of the laws of 2014, is amended to read as
47 follows:

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

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