STATE OF NEW YORK

7657

2023-2024 Regular Sessions

IN SENATE

September 18, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, the executive law and the civil service law, in relation to enacting the New York emergency expedited temporary work permit act; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. This act shall be known and may be cited as the "New York emergency expedited temporary work permit act".

§ 2. Legislative finding and intent. The federal immigration law has become outdated and an impediment to New York state's ability to quickly and properly integrate asylum seekers allowed to enter the United States of America. Current federal law requires that an asylum seeker wait 150 days before applying for a work permit. Current work permit applications can take anywhere from 5 months to 14 months to process, leaving asylum seekers without the legal paperwork to support themselves and their families. Asylum seekers desperate to provide shelter, food, and living expenses for themselves and their families are forced to work without proper documentation leaving them open to exploitation from employers that range from working in dangerous conditions without training to having their wages stolen. In view of the current federal inaction to expedite federal work permit applications for asylum seekers, it is incumbent on New York state to exercise its state's constitutional duties and the powers reserved to states under the federal constitution and enact a worker permit program.

§ 3. The labor law is amended by adding a new article 4-B to read as follows:

ARTICLE 4-B

ASYLEE WORKER PERMIT PROGRAM

Section 155. Definitions.

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

LBD13202-02-3

156. Asylee worker permit program.
157. Rules and regulations.
158. Construction.

§ 155. Definitions. For the purposes of this article:

1. The term "asylee" shall have the same meaning as defined in the federal immigration and nationality act (8 U.S.C. § 1101) provided that for the purposes of this article such term shall include both asylees who have filed federal paperwork to obtain asylum status and those who are in the process of filing such application.

2. The term "employment" shall include employment in both the private and public sectors.

§ 156. Asylee worker permit program. 1. The commissioner shall establish a temporary program for the expedited issuance of work permits by the department to asylum seekers residing in New York within forty-five days of application.

2. No fees shall be charged for the issuance of asylee worker permits.

3. Permits issued under this section shall be valid for a period of eighteen months from issuance, but may be renewed pursuant to regulations adopted by the department.

§ 157. Rules and regulations. The commissioner shall promulgate emergency rules and regulations for the issuance of worker permits to asylees within thirty days of the effective date of this section.

§ 158. Construction. Nothing contained within this article shall be construed to grant any additional rights not explicitly provided for pursuant to the provisions of this article.

§ 4. Subdivision 1 of section 291 of the executive law, as amended by chapter 8 of the laws of 2019, is amended to read as follows:

1. The opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, [~~or~~] disability, or status as an asylum seeker, is hereby recognized as and declared to be a civil right.

§ 5. Section 53 of the civil service law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

§ 53. Noncitizen status. Except as otherwise provided by law, no noncitizen lawfully admitted for permanent residence in the United States shall be denied appointment to a position in the competitive class of civil service for reasons of noncitizen status. The state and municipal civil service commissions may, by rule, provide for the appointment of persons who are asylum seekers and who are issued worker permits under article four-B of the labor law.

§ 6. This act shall take effect on the forty-fifth day after it shall have become a law and shall expire 2 years after such effective date when upon such date the provisions of this act shall be deemed repealed.