

STATE OF NEW YORK

8119

IN SENATE

January 8, 2024

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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

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

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

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

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

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

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

29 (b) communicating with the commissioner and the adjutant general and
30 the office for new Americans regarding existing policies and regulations
31 pertaining to the needs of intended recipients and to make recommenda-
32 tions regarding the improvement of benefits and services to such
33 intended recipients.

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

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

46 (e) advocating for intended recipients.

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

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

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

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

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

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

25 § 2. Section 4 of the veterans' services law is amended by adding a
26 new subdivision 39 to read as follows:

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

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

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

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

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

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