

STATE OF NEW YORK

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Cal. No. 1496

IN SENATE

January 8, 2024

Introduced by Sens. FERNANDEZ, ASHBY, CANZONERI-FITZPATRICK, HELMING, ROLISON, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 force, 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) "Liaison" shall mean an employee of the office for new Americans
13 designated by the director of the office for new Americans, an employee
14 of the division of military and naval affairs designated by the adjutant
15 general, or the department designated by the commissioner, to serve as a
16 military immigrant family legacy program liaison pursuant to subdivision
17 three of this section.

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

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1 (d) "Veteran" shall have the same meaning as such term is defined in
2 section one of this article and shall also include any veteran with a
3 qualifying condition, as defined in section one of this article, and has
4 received a discharge other than bad conduct or dishonorable from such
5 service, or is a discharged LGBT veteran, as defined in section one of
6 this article, and has received a discharge other than bad conduct or
7 dishonorable from such service.

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

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

15 2. There is hereby established within the office for new Americans the
16 staff sergeant Alex R. Jimenez New York state military immigrant family
17 legacy program. The commissioner and adjutant general shall designate
18 one or more staff as liaisons to the office for new Americans who shall
19 refer any intended recipient, alive or deceased, in need of assistance
20 with an immigration matter to the office for new Americans. The office
21 for new Americans shall designate one or more staff to be liaisons with
22 the department and the division of military and naval affairs who shall
23 receive and coordinate such referrals from the department and the divi-
24 sion of military and naval affairs and secure legal assistance under
25 existing office for new Americans legal services for intended recipi-
26 ents. The primary purpose of the program shall be to assist intended
27 recipients to secure legal immigration status in the United States,
28 including but not limited to, citizenship.

29 3. The duties of the liaisons at the office for new Americans shall
30 include:

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

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

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

51 (d) advocating for intended recipients.

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

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

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

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

16 4. The liaisons appointed pursuant to subdivision two of this section
17 shall jointly submit a report to the commissioner, the adjutant general
18 and the director of the office for new Americans on January first each
19 year following the first full year after the effective date of this
20 section. Such report shall include, but not be limited to, a description
21 and evaluation of the program and the liaisons' activities for the
22 preceding calendar year, and the number of intended recipients aided by
23 the program, as well as any recommendations for future programmatic
24 changes. The director of the office for new Americans shall submit the
25 report to the governor and the legislature in accordance with the
26 provisions of paragraph (n) of subdivision five of section ninety-four-b
27 of the executive law.

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

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

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

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

39 § 4. Paragraphs (m) and (n) of subdivision 5 of section 94-b of the
40 executive law, as added by chapter 206 of the laws of 2014, are amended
41 and two new paragraphs (o) and (p) are added to read as follows:

42 (m) Encourage and assist local governments in the development of
43 activities to enhance civic engagement among immigrants and in immigrant
44 communities; ~~and~~

45 (n) Beginning in two thousand fifteen, by June fifteenth of each year,
46 produce a report to the governor, the speaker of the assembly, and the
47 temporary president of the senate describing the activities of the
48 office, including but not limited to, summarizing calls received through
49 the hotline and website, information on ESOL training services provided
50 by the office, the number of immigrants assisted through the opportunity
51 centers, or an estimation thereof, the status of any workforce develop-
52 ment programs, and any other relevant information~~[-]~~;

53 (o) Encourage the development of and provide for the establishment of
54 a state military immigrant family legacy program liaison, as provided in
55 section twenty-nine-b of the veterans' services law; and

(p) Request individuals seeking assistance from the office answer the following questions: "Have you served in the United States military?" "Has someone in your family served in the United States military?" Individuals identifying themselves or a family member as "intended recipients" of the staff sergeant Alex R. Jimenez New York state military immigrant family legacy program as such term is defined in paragraph (e) of subdivision one of section twenty-nine-b of the veterans' services law, shall be advised of such program. In addition, such individuals shall be informed that the department of veterans' services and local veterans' service agencies established pursuant to section seventeen of the veterans' services law provide assistance to uniformed service members, veterans and their families regarding benefits available under federal and state law. Information regarding veterans and military status provided by assisted individuals shall be protected as personal confidential material, and used only to identify such individuals as "intended recipients" of the staff sergeant Alex R. Jimenez New York State military immigrant family legacy program, and to assist such individuals in matters relating to immigration status and citizenship, and in referring such individuals to the department of veterans' services or local veterans' service agencies for information and assistance with regard to benefits and entitlements under federal and state law.

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