

STATE OF NEW YORK

8837--A

IN ASSEMBLY

January 18, 2024

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

AN ACT to amend the veterans' services law, and the military 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 force, 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) "Liaison" shall mean an employee of the department of state or the department designated by the secretary of state or the commissioner, to serve as a military immigrant family legacy program liaison 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 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.

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

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

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

8 2. Establishing the staff sergeant Alex R. Jimenez New York state
9 military immigrant family legacy program inside the office for new Amer-
10 icans and the division of military and naval affairs and will require
11 the commissioner of the division of military and naval affairs to design-
12 ate one or more staff as liaisons to the office for new Americans. The
13 office for new Americans shall designate one or more staff to be liai-
14 sons with the division of military and naval affairs to manage case
15 referrals from the division of military and naval affairs and secure
16 legal assistance under existing office for new Americans legal services
17 for veterans and/or their families. The liaison shall coordinate and
18 refer any veteran's need for assistance to legalize their status or the
19 status of the family of a veteran, alive or deceased, to the office for
20 new Americans. The primary purpose of the program shall be to assist
21 intended recipients to secure legal immigration status in the United
22 States, including but not limited to, citizenship.

23 3. Two military immigrant family legacy program liaisons shall be
24 appointed/designated, one appointed by the commissioner and one by the
25 adjutant general of the division of military and naval affairs, to
26 administer the program. Each coordinator shall be a veteran. The liai-
27 sons at the office for new Americans, once having received a referral
28 from the division of military and naval affairs will ensure the follow-
29 ing coordination with immigrant legal service providers:

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

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

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

50 (d) advocating for intended recipients.

51 (e) developing and maintaining a clearinghouse for information and
52 resources relating to the program as well as other federal, state, local
53 and non-profit programs that may offer assistance to intended recipients
54 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' services 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 coordinators shall submit a report to the commissioner and to
17 the governor and legislature on January first each year following the
18 first full year after the effective date of this section. Such report
19 shall include, but not be limited to, a description and evaluation of
20 the coordinators' activities for the preceding calendar year as well as
21 any recommendations for future programmatic changes. The commissioner
22 shall submit the report to the governor and the legislature in accord-
23 ance with the provisions of section four of this article. The adjutant
24 general of the division of military and naval affairs shall submit the
25 report to the governor and the legislature in accordance with the
26 provisions of section one hundred sixty-four of the executive law.

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

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

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

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

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