

STATE OF NEW YORK

3586

2023-2024 Regular Sessions

IN SENATE

February 1, 2023

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 a military immigrant family legacy
13 program coordinator appointed pursuant to subdivision three of this
14 section.

15 (d) "Veteran" shall mean a person who served in the active military,
16 naval or air service and who was discharged or released under conditions
17 other than dishonorable.

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

20 (f) "Reserve component members" shall mean those serving in the army
21 reserve, navy reserve, marine corps reserve, the army national guard or
22 the air national guard during the time the unit was federally recognized
23 as a reserve component.

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

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

11 3. Two military immigrant family legacy program coordinators shall be
12 appointed, one appointed by the commissioner and one by the adjutant
13 general of the division of military and naval affairs, to administer the
14 program. Each coordinator shall be a veteran. The coordinators' duties
15 shall include, but not be limited to:

16 (a) assisting intended recipients who may qualify for adjustment of
17 status, special immigration status through the federal Parole in Place
18 program authorized by section 1758 of the 2020 National Defense Authori-
19 zation Act, or any other sort of relief that can lead to citizenship.

20 (b) communication with the commissioner and the adjutant general and
21 the office for new Americans regarding existing policies and regulations
22 pertaining to the needs of intended recipients and to make recommenda-
23 tions regarding the improvement of benefits and services to such
24 intended recipients.

25 (c) serving as liaison between the department and the division of
26 military and naval affairs, the United States citizenship and immi-
27 gration services, immigration and customs enforcement, the United States
28 department of veterans affairs, local veterans' service agencies, state
29 agencies, community groups, advocates, and other veterans and military
30 organizations and interested parties.

31 (d) consulting with qualified immigration attorneys or duly authorized
32 board of immigration appeals approved representatives to facilitate such
33 coordination with the United States citizenship and immigration services
34 or other appropriate agency.

35 (e) advocating for intended recipients.

36 (f) developing and maintaining a clearinghouse for information and
37 resources relating to the program.

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

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

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

49 (j) preparing reports on topics, including but not limited to, the
50 demographics of intended recipients, the number of such intended recipi-
51 ents by county, and the unique needs of the intended recipients within
52 New York state to the commissioner, the adjutant general of the division
53 of military and naval affairs and the office for new Americans.

54 4. The coordinators shall submit a report to the commissioner and to
55 the adjutant general of the division of military and naval affairs on
56 January first each year following the first full year after the effec-

1 tive date of this section. Such report shall include, but not be limited
2 to, a description of the coordinators' activities for the preceding
3 calendar year. The commissioner shall submit the report to the governor
4 and the legislature in accordance with the provisions of section four of
5 this article. The adjutant general of the division of military and naval
6 affairs shall submit the report to the governor and the legislature in
7 accordance with the provisions of section one hundred sixty-four of the
8 executive law.

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

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

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

16 § 256. State military immigrant family legacy program support. The
17 adjutant general shall encourage the development of and provide for the
18 establishment of a state military immigrant family legacy program coor-
19 ordinator, as provided in section twenty-nine-b of the veterans' services
20 law.

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

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

28 § 5. This act shall take effect on the ninetieth day after it shall
29 have become a law, provided however, that if section 2 of part PP of
30 chapter 56 of the laws of 2022 shall not have taken effect on or before
31 such date, then this act shall take effect on the same date and in the
32 same manner as such section of such part of such chapter of the laws of
33 2022 takes effect.