

# STATE OF NEW YORK

3586--A

Cal. No. 1087

2023-2024 Regular Sessions

## IN SENATE

February 1, 2023

Introduced by Sens. FERNANDEZ, ADDABBO, ASHBY, MATTERA, MAYER, RAMOS, RHOADS, STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- 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 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

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

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1 qualifying condition, as defined in section one of this article, and has  
2 received a discharge other than bad conduct or dishonorable from such  
3 service, or is a discharged LGBT veteran, as defined in section one of  
4 this article, and has received a discharge other than bad conduct or  
5 dishonorable from such service.

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

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

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

23 3. Two military immigrant family legacy program coordinators shall be  
24 appointed, one appointed by the commissioner and one by the adjutant  
25 general of the division of military and naval affairs, to administer the  
26 program. Each coordinator shall be a veteran. The coordinators' duties  
27 shall include, but not be limited to:

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

36 (b) communicating with the commissioner and the adjutant general and  
37 the office for new Americans regarding existing policies and regulations  
38 pertaining to the needs of intended recipients and to make recommenda-  
39 tions regarding the improvement of benefits and services to such  
40 intended recipients.

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

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

53 (e) advocating for intended recipients.

54 (f) developing and maintaining a clearinghouse for information and  
55 resources relating to the program as well as other federal, state, local

1 and non-profit programs that may offer assistance to intended recipients  
2 in immigration matters.

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

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

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

14 (j) preparing reports on topics, including but not limited to, the  
15 demographics of intended recipients residing in the state, including the  
16 number of such intended recipients by county, an estimate of how many  
17 may be eligible for naturalization, and the unique needs of the intended  
18 recipients within New York state to the commissioner, the adjutant  
19 general of the division of military and naval affairs and the office for  
20 new Americans.

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

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

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

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

40 § 256. State military immigrant family legacy program support. The  
41 adjutant general shall encourage the development of and provide for the  
42 establishment of a state military immigrant family legacy program coor-  
43 ordinator, as provided in section twenty-nine-b of the veterans' services  
44 law.

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

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

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