

# STATE OF NEW YORK

7789

2023-2024 Regular Sessions

## IN SENATE

December 6, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to eligibility for the temporary assistance to needy families block grant program, safety net assistance and medical assistance for certain noncitizens

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraphs (vi) and (vii) of paragraph (a) of subdivi-  
2 sion 1 of section 122 of the social services law, as amended by chapter  
3 669 of the laws of 2022, are amended and a new subparagraph (viii) is  
4 added to read as follows:

5 (vi) a noncitizen granted status as a Cuban and Haitian entrant as  
6 defined in section 501(e) of the federal Refugee Education Act of 1980  
7 within the previous five years with respect to benefits under the tempo-  
8 rary assistance to needy families block grant program, and safety net  
9 assistance and within the previous seven years with respect to medical  
10 assistance; ~~and~~

11 (vii) a noncitizen admitted to the United States as an Amerasian immi-  
12 grant as described in section 402(a)(2)(A) of the federal personal  
13 responsibility and work opportunity reconciliation act of 1996 within  
14 the previous five years with respect to benefits under the temporary  
15 assistance to needy families block grant program, and safety net assist-  
16 ance and within the previous seven years with respect to medical assist-  
17 ance~~[-]~~; ~~and~~

18 (viii) a noncitizen and their spouse and unmarried children under  
19 twenty-one years of age, who entered the United States within the previ-  
20 ous five years with respect to benefits under the temporary assistance  
21 to needy families block grant program, and safety net assistance program  
22 and within the previous seven years with respect to medical assistance,  
23 provided such noncitizen:

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

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1 (1) (A) has been confirmed as a victim of human trafficking by the  
2 office of temporary and disability assistance and the division of crimi-  
3 nal justice services, pursuant to section four hundred eighty-three-cc  
4 of this chapter; or

5 (B) has provided a sworn statement that the noncitizen is a foreign-  
6 born victim of trafficking or domestic violence and other serious crimes  
7 for which immigration relief is available via pursuit of a T or U visa,  
8 Violence Against Women Act related petition or application, special  
9 immigrant juvenile status, or application for asylum, in addition to at  
10 least one item of corroborating evidence, including, but not limited to:

11 (I) a written notice from the federal agency confirming receipt of the  
12 T or U visa application, Violence Against Women Act related petition or  
13 application, special immigrant juvenile status, claim that the nonciti-  
14 zen is a victim of torture, or application for asylum; or

15 (II) attestation from an attorney or service provider that the noncit-  
16 izen is a victim of human trafficking, domestic violence or any other  
17 crimes that form the basis for applying for a T or U visa, filing a  
18 Violence Against Women Act related petition or application, filing for  
19 special immigrant juvenile status, a victim of torture, or filing an  
20 application for asylum and that the noncitizen is on the waiting list  
21 for legal or social services related to such victimization; provided,  
22 however, that if an attorney who provided a noncitizen with an attesta-  
23 tion under this subclause is no longer able to represent the noncitizen  
24 for these immigration needs, the noncitizen may submit a new attestation  
25 from another attorney, which will start anew the deadline to apply for  
26 immigration relief.

27 (2) (A) For a noncitizen who has filed a petition or application for  
28 immigration relief pursuant to subclause (B) of clause one of this  
29 subparagraph, benefits issued pursuant to this subparagraph shall be  
30 available to the noncitizen and their spouse and unmarried children  
31 under twenty-one years of age for the duration that such noncitizen's  
32 immigration-related petition or application is pending. For petitions or  
33 applications that remain pending two years after the initial filing of  
34 such petition or application, the administering entities issuing the  
35 temporary assistance to needy families block grant program, the safety  
36 net assistance program or medical assistance to eligible noncitizens  
37 shall issue requests for confirmation of pending status.

38 (B) For noncitizens who have not yet filed a petition or application  
39 for immigration relief pursuant to subclause (B) of clause one of this  
40 subparagraph, benefits issued pursuant to this subparagraph shall be  
41 available for up to two years for the noncitizen and their spouse and  
42 unmarried children under twenty-one years of age. Such benefits shall  
43 discontinue if there is a final administrative denial of the immigra-  
44 tion-related petition or application under Section 1101(a)(15)(T),  
45 1101(a)(15)(U), 1101(a)(27)(J), 1101(a)(51), 1158, or 1229b(b)(2) of  
46 Title 8 of the United States Code.

47 § 2. This act shall take effect immediately.