STATE OF NEW YORK

8119--A

IN SENATE

January 8, 2024

Introduced by Sens. FERNANDEZ, CANZONERI-FITZPATRICK -- 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

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.

(e) "Intended recipients" shall mean uniformed service members, veterans, reserve component members and their family members.

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

LBD07478-08-4

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

2. Establishing the staff sergeant Alex R. Jimenez New York state military immigrant family legacy program inside the office for new Americans and the division of military and naval affairs and will require the commissioner of the division of military and naval affairs to designate one or more staff as liaisons to the office for new Americans. The office for new Americans shall designate one or more staff to be liaisons with the division of military and naval affairs to manage case referrals from the division of military and naval affairs and secure legal assistance under existing office for new Americans legal services for veterans and/or their families. The liaison shall coordinate and refer any veteran's need for assistance to legalize their status or the status of the family of a veteran, alive or deceased, to the office for new Americans. The primary purpose of the program shall be to assist intended recipients to secure legal immigration status in the United States, including but not limited to, citizenship.

3. Two military immigrant family legacy program liaisons shall be appointed/designated, one appointed by the commissioner and one by the adjutant general of the division of military and naval affairs, to administer the program. Each coordinator shall be a veteran. The liaisons at the office for new Americans, once having received a referral from the division of military and naval affairs will ensure the following coordination with immigrant legal service providers:

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

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

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

(d) advocating for intended recipients.

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

(f) promoting events and activities that educate and assist intended recipients, including but not limited to, veteran human rights conferences, veterans benefit and resources events.

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

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

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

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

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

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

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

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