STATE OF NEW YORK

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Cal. No. 1496

IN SENATE

January 8, 2024

Introduced by Sens. FERNANDEZ, ASHBY, CANZONERI-FITZPATRICK, HELMING, ROLISON, WEBER -- 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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:

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 office for new Americans designated by the director of the office for new Americans, an employee of the division of military and naval affairs designated by the adjutant general, or the department designated by the commissioner, to serve as a military immigrant family legacy program liaison pursuant to subdivision three of this section.

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

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(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.

(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. There is hereby established within the office for new Americans the staff sergeant Alex R. Jimenez New York state military immigrant family legacy program. The commissioner and adjutant general shall designate one or more staff as liaisons to the office for new Americans who shall refer any intended recipient, alive or deceased, in need of assistance with an immigration matter to the office for new Americans. The office for new Americans shall designate one or more staff to be liaisons with the department and the division of military and naval affairs who shall receive and coordinate such referrals from the department and the division of military and naval affairs and secure legal assistance under existing office for new Americans legal services for intended recipients. 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. The duties of the liaisons at the office for new Americans shall include:

(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, the United States 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' service 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 liaisons appointed pursuant to subdivision two of this section shall jointly submit a report to the commissioner, the adjutant general and the director of the office for new Americans 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 program and the liaisons' activities for the preceding calendar year, and the number of intended recipients aided by the program, as well as any recommendations for future programmatic changes. The director of the office for new Americans shall submit the report to the governor and the legislature in accordance with the provisions of paragraph (n) of subdivision five of section ninety-four-b 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 liaison, 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 liaison, as provided in section twenty-nine-b of the veterans' services law.

§ 4. Paragraphs (m) and (n) of subdivision 5 of section 94-b of the executive law, as added by chapter 206 of the laws of 2014, are amended and two new paragraphs (o) and (p) are added to read as follows:

(m) Encourage and assist local governments in the development of activities to enhance civic engagement among immigrants and in immigrant communities; [~~and~~]

(n) Beginning in two thousand fifteen, by June fifteenth of each year, produce a report to the governor, the speaker of the assembly, and the temporary president of the senate describing the activities of the office, including but not limited to, summarizing calls received through the hotline and website, information on ESOL training services provided by the office, the number of immigrants assisted through the opportunity centers, or an estimation thereof, the status of any workforce development programs, and any other relevant information[~~.~~];

(o) Encourage the development of and provide for the establishment of a state military immigrant family legacy program liaison, as provided in section twenty-nine-b of the veterans' services law; and

(p) Request individuals seeking assistance from the office answer the following questions: "Have you served in the United States military?" "Has someone in your family served in the United States military?" Individuals identifying themselves or a family member as "intended recipients" of the staff sergeant Alex R. Jimenez New York state military immigrant family legacy program as such term is defined in paragraph (e) of subdivision one of section twenty-nine-b of the veterans' services law, shall be advised of such program. In addition, such individuals shall be informed that the department of veterans' services and local veterans' service agencies established pursuant to section seventeen of the veterans' services law provide assistance to uniformed service members, veterans and their families regarding benefits available under federal and state law. Information regarding veterans and military status provided by assisted individuals shall be protected as personal confidential material, and used only to identify such individuals as "intended recipients" of the staff sergeant Alex R. Jimenez New York State military immigrant family legacy program, and to assist such individuals in matters relating to immigration status and citizenship, and in referring such individuals to the department of veterans' services or local veterans' service agencies for information and assistance with regard to benefits and entitlements under federal and state law.

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