STATE OF NEW YORK

710

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

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:

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

(vi) a noncitizen granted status as a Cuban and Haitian entrant as defined in section 501(e) of the federal Refugee Education Act of 1980 within the previous five years with respect to benefits under the temporary assistance to needy families block grant program, and safety net assistance and within the previous seven years with respect to medical assistance; [~~and~~]

(vii) a noncitizen admitted to the United States as an Amerasian immigrant as described in section 402(a)(2)(A) of the federal personal responsibility and work opportunity reconciliation act of 1996 within the previous five years with respect to benefits under the temporary assistance to needy families block grant program, and safety net assistance and within the previous seven years with respect to medical assistance[~~.~~]**; and**

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

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.