

# STATE OF NEW YORK

710--A

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 -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 subdivision  
2 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

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

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1 to needy families block grant program, and safety net assistance program  
2 and within the previous seven years with respect to medical assistance,  
3 provided such noncitizen:

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

8 (B) has provided a sworn statement that the noncitizen is a foreign-  
9 born victim of trafficking or domestic violence and other serious crimes  
10 for which immigration relief is available via pursuit of a T or U visa,  
11 Violence Against Women Act related petition or application, special  
12 immigrant juvenile status, or application for asylum, in addition to at  
13 least one item of corroborating evidence, including, but not limited to,  
14 an attestation from an established provider of social or legal services  
15 pursuant to applicable division of criminal justice services regulations  
16 that the noncitizen is a victim of human trafficking, domestic violence  
17 or any other crimes that form the basis for applying for a T or U visa,  
18 filing a Violence Against Women Act related petition or application,  
19 filing for special immigrant juvenile status, a victim of torture, or  
20 filing an application for asylum and that the noncitizen is on the wait-  
21 ing list for legal or social services related to such victimization;  
22 provided, however, that if an established provider of legal services who  
23 provided a noncitizen with an attestation under this subclause is no  
24 longer able to represent the noncitizen for these immigration needs, the  
25 noncitizen may submit a new attestation from another established provid-  
26 er of legal services, which will start anew the deadline to apply for  
27 immigration relief.

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

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

48 § 2. This act shall take effect immediately.