

NEW YORK STATE COUNCIL OF CHURCHES

2022 LEGISLATIVE ASK

IMMIGRATION

The Theological and Anti-Racist Rationale for our Work:

Almost every great faith tradition (Muslim, Judeo-Christian, Baha'i, Hindu, Sikh, Native American) has in their basic tenets a reference to **welcoming the stranger, the alien, the foreigner**.

The antagonism against the immigrant has its roots in the same systemic racism that has oppressed Black and indigenous people of this country since the first Europeans set foot on American soil. Simply put, the use of "whiteness" as a standard of superiority is rooted in the enslavement of African people in the United States. That "original sin" continues to be reinvented by discriminating against one group of "non-white" people after another whether they were born here or have come from other countries. The insidious basis for that discrimination is to attempt to bar the immigrant (*i.e.* the 'non-white' outsider) from access to the wealth and power that benefit "white America."

Legislative Request - Principles:

The principles on which we base our 2022 legislative requests are as follows:

- Undocumented immigrants are not criminals. For too long, this country has held historical and cultural assumptions that a person who arrives in this country without the correct documentation is at best, suspect and, at worst, evil. *Ergo*, the term "illegal alien" continues to be used in Federal law.
- In fact, undocumented immigrants are valuable, contributing residents of New York State, and should have the same rights and protections as other residents. These rights include access to health care, protection from over-reaching immigration law enforcement officers, privacy protection, and a right to due process.
- Due to their difficult immigrant status, undocumented immigrants, are often economically distressed, and, yet, do not have the same safety nets as other low-income residents may have, including access to quality, affordable health coverage. Furthermore, their low income often means they cannot afford to hire a lawyer to represent them when they seek asylum or are faced with deportation proceedings.

State Legislative Requests:

While New York State has a justifiably proud history of welcoming the immigrant, much still needs to be done. An area of continuing and great concern revolves around the basic protections and rights of undocumented immigrants who reside in New York.

Specifically, we are requesting that you support bills and budget items that:

- Provide adult undocumented immigrants with the same access and information to health care coverage as other New York State residents.
- Protect all undocumented immigrants, wherever they reside, from abuse and illegal incursions by federal Immigration law enforcement.

- Provide government-appointed counsel to immigrants facing deportation proceedings.
- Ensure that non-citizens involved in criminal or family court proceedings are informed of the possible consequences of their cases to their immigration status.
- Expand pro-bono legal assistance to low-income immigrants.

Recommendations for the 2022 Legislative Session:

Health Care Access and Assistance

- **State-funded Essential Plan A for ALL New Yorkers up to 200% of the federal poverty level, regardless of immigration status (A880/S1572).** By allocating \$345 million New York policymakers can make them eligible for quality, affordable coverage through a state-funded Essential Plan. A state-funded Essential Plan would leverage \$316 million in federal Emergency Medicaid funds to lower the cost of the overall program. The state's portion would be \$345 million to cover 46,000 immigrant New Yorkers. Other states—including California and Illinois—have moved forward to remedy this situation using state funds. In the wake of the COVID-19 pandemic, excluding immigrants is unethical given that they contribute over \$1 billion annually in state and local taxes.

Legal Rights and Representation

- **The New York For All Act (S. 3076/A2328A):** “Broadly prohibits state and local officers from enforcing federal immigration laws, funneling people into ICE custody, and sharing sensitive information with ICE. It prohibits ICE from entering non-public areas of state and local property without a judicial warrant. It also ensures that people in custody are given notice of their rights before being interviewed by ICE and starts the process of limiting ICE access to state information databases.”¹ The enactment of the New York for All Act will provide safer neighborhoods in which residents possess an enhanced degree of trust in law enforcement.
- **Access to Representation Act (S. 81/A.01961):** Would be the first-in-the-nation law to ensure that low-income immigrants, regardless of legal status, who are facing deportation proceedings, will have a right to a government-paid attorney to represent them in immigration court.
- **Court Notice that Plea may have Immigration Consequences (S2903/A1481):** Requires that courts inform noncitizen defendants that their acceptance of a plea for a misdemeanor or violation may result in their deportation.
- **Increase in the Liberty Defense Project (LDP) budget from \$10 million to \$15 million:** The Officer for New American Liberty Defense Project (LDP) provides free legal assistance and representation to immigrants, regardless of status. In addition to representing immigrants facing deportation, the LDP helps immigrants to navigate the complex systems of naturalization, permanent residency, and employment authorization. This \$5 million requested increase in the LDP budget will provide the needed support to continue the work on existing cases and to allow new providers to serve 1,000 New Yorkers needing legal assistance to fight deportation proceedings.