



# New York State Council Of Churches

## 2023-24 STATE LEGISLATIVE AND BUDGET PRIORITIES

### IMMIGRANT RIGHTS AND NEEDS

#### Background

**2023-24 New York State Executive Budget:** Governor Hochul's 2023-24 Executive Budget includes a number of major proposals to support immigrants in New York State.

- **\$1 billion framework to support asylum seekers:** In her 2023-24 Executive Budget, Governor Hochul provided a framework through which the financial responsibility for supporting recent and future asylum seekers is split evenly among New York City, New York State and the federal government. This proposed budget allocation is heavily focused on supporting temporary sheltering of asylum seekers in New York City. (See Housing section below for details on Governor's proposal.)

**Response - New York State Council of Churches:**

*It is not fully clear as to how much of the above proposal is actually additional funding, and how much is already in the current year's budget.*

*Also, while it is important to meet emergency needs of asylum seekers, this approach does not speak to a systemic State-wide plan to address the basic rights and needs of low-income immigrants in New York, whatever their status, or wherever they live. (See **Housing Assistance**, below.)*

- **\$43 million for the Office for New Americans (ONA) and the Liberty Defense Project (LDP) – a \$23 million increase from last year.** The Office for New Americans provides a wide array of support services for immigrants through a network of ONA Opportunity Centers throughout the State (including New York City). The Liberty Defense Project, which is a program under the auspices of ONA, provides legal services to immigrants including those who have been detained and are facing deportation.

**Response - New York State Council of Churches:**

*We appreciate the Governor's recognition of the need for increased funding in immigrant legal services and direct support. However, this allocation falls far short in providing equitable and adequate legal counsel and services to people who are facing deportation, applying for asylum, or needing other immigrant legal services. A more systemic response is needed. (See **Access to Representation Act proposal and budget request** below)*

**New York City 2023-24 Legislative Proposals:** In his ***The Road Forward: A Blueprint to Address New York City's Response to the Asylum Seeker Crisis***, Mayor Adams outlines New York City's request for additional funding from New York State to support asylum seekers. In particular, he proposes:

- Supporting **legal services** for asylum seekers.
- Providing funding to support **localities outside of New York City** to welcome and provide housing and service support for asylum seekers and other undocumented immigrants.
- A **portable housing voucher program** that is accessible to all immigrants, no matter their legal status.
- Expanding **health care coverage** for undocumented adults.
- Enactment of a **NYS Empire Licensing Act** that would provide all New Yorkers, including all immigrants, regardless of their status, access to professional, occupational, commercial or business licenses, permits, certificates etc.

**Response - New York State Council of Churches:**

Our legislative requests below align with the Mayor's proposals, not just in terms of asylum seekers living in NYC but for all immigrants living throughout our State. We believe a state-wide approach is absolutely essential and this includes ensuring that all of the above proposals will support immigrants wherever they live.

The Mayor also has proposed a **task force to develop funding sources and advocacy for asylum seekers and other migrants**. We agree with this concept in principle, but ask that it not be confined stakeholders in New York City and the State. Rather, this joint task force should include representatives from New York State government and municipalities throughout the State.

## **New York State Council of Churches Legislative Requests**

### **LEGAL REPRESENTATION AND SERVICES FOR IMMIGRANT FAMILIES.**

#### **Access to Representation Act (ARA)**

S999 (Hoylman-Sigal)/A170(Cruz)

If enacted, this would be the first-in-the-nation law to provide due process to immigrants facing deportation proceedings. The legislation mandates that any immigrant, meeting income requirements, who has a case before an immigration judge has a right to a State-appointed lawyer.

- **Allocate \$100 million in State funding for legal representation and services –**
  - **\$55 million to launch first year of the Access to Representation Act.** (Note: It is essential that this first-year funding be included as *part* of the ARA legislation. Funding without the legislation would be an impermanent stop-gap measure.)
  - **\$35 million to increase the budget line referred to as the Liberty Defense Project:** This expands current legal services to immigrants on a wide variety of issues (e.g. citizenship and green card applications, family reunification, etc. )
  - **\$10 million to support rapid response legal services for new arrivals.**
- **Expand other support services through the Office for New American (ONA).** In addition to the Liberty Defense Project, ONA provides a host of services for immigrants throughout New York State.
  - **Allocate total of \$20 million specifically for other ONA service –** including creation of new ONA Opportunity Centers in underserved areas, additional adult English language classes, and improved ONA Hotline.

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**Note: 2023-24 Executive Budget:** Provides \$43 million budget that is earmarked for the Office for New Americans and the Liberty Defense Project (without delineating how much is earmarked for legal services as opposed to other services provided by ONA). In addition, the Governor has included \$10 million for legal services to administered by ONA, as part of the \$1 billion allocation to support asylum seekers.

## **BASIC LEGAL PROTECTIONS FROM UNWARRANTED INCURSIONS BY ICE AND CBP**

*Ensure that immigrant New Yorkers are no longer afraid to seek help from local police or other basic governmental agencies because they worry local officials will conspire with Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) to try to deport them.*

### **New York For All**

(S. / A. )

Prohibits State and local officers from enforcing federal immigration laws, funneling people into ICE custody and sharing sensitive information with ICE and/or CBP.

## **HOUSING ASSISTANCE**

*We need more permanent housing solutions in general, and for asylum seekers and other immigrants in particular. In addition, there is a need for more state funding for housing assistance outside of New York City to resettle asylum seekers and undocumented immigrants. As noted below, only \$30 million is proposed in the Governor's budget for resettling asylum seekers in localities outside of New York City (and only a portion of that would go for housing.)*

*The Council's Housing Legislative Requests will assist all low-income New Yorkers, including low-income immigrants. We are highlighting the Housing Access Voucher program below because of its immediate positive impact for undocumented immigrants who are facing homelessness:*

### **Housing Access Voucher Program**

S568A (Kavanagh)/A4021 (Rosenthal)

Establishes a state-funded rental assistance program for New Yorkers who are currently homeless or are at risk of homelessness, including undocumented New Yorkers as well as those who have certain felony convictions.

**Funding:** \$250 million for the first year to create 16,000 vouchers to cap tenant rent burden at 30% of income. (Note: The Senate and Assembly have included this funding in their Legislative Budget proposals.)

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**Note: 2023-24 Executive Budget:** Most of the Governor's \$1 billion budget is heavily focused on supporting temporary sheltering of asylum seekers in New York City. Specifically, there is:

*\$767 million to cover New York City Shelter Costs*

*\$6 million for shelter site at Brooklyn Cruise Terminal*

*\$162 million to support deployment of the National Guard to assist with asylum seekers' sheltering needs in*

NYC.

\$25 million for Resettlement funding for Asylum seekers for outside New York City

\$5 million for refugee resettlement agencies for refugee already under contract with OTDA.

## HEALTH

*Ensure that all low-income undocumented adult immigrants have the same access to quality, affordable health care insurance as all other New Yorkers.*

### Coverage for All

(S.2237 (Rivera) / A. 3020 ( Gonzalez-Rojas)

Expands the Essential Plan in New York, providing quality, affordable health insurance to low-income New Yorkers, to include low-income undocumented immigrants ages 19 – 64.

**Funding:** We urge elected officials to continue to advocate for a 1332 waiver from the federal government, which will free up federal funding to support this health care coverage expansion.

**Note:** *2023-24 Executive Budget provided \$137 Million for health care for asylum seekers as part of the \$1 billion framework package. It is unclear as to why the Governor did not go ahead and simply support Coverage for All in lieu of her \$137 Million proposal.*

**State Senate and Assembly One-House budgets** include Coverage for All as well as a call for the Governor to expedite Medicaid enrollment for those undocumented immigrants who are 65 and older.

## UNEMPLOYMENT ASSISTANCE

*The pandemic-era Excluded Workers fund taught us many lessons, especially the need to provide wage replacement for groups of workers that are ineligible for NYS Unemployment Insurance. Groups that need such a program include eligible immigrants without work authorization, people re-entering the labor force after being incarcerated, cash economy workers (e.g. day laborers, domestic workers, construction workers, and self-employed people).*

### Unemployment Bridge Program

(S.3192(Ramos) / A. 4821 (Reyes )

Creates a permanent unemployment program for workers currently excluded from NYS Unemployment Insurance. This Unemployment Bridge Program will provide temporary wage replacement for eligible undocumented workers, formerly incarcerated people re-entering the workforce, cash earners and self-employed workers.

**\$500 million annually to support Unemployment Bridge Program.** The bill includes a new **Digital Ad Tax Act** which would tax ad services from companies with gross digital advertising revenues of \$100 million+. A part of this tax revenue will be used to fully support the Unemployment Bridge Program.

## EMPLOYMENT

Immigrants, whatever their legal status, are important contributors to our economic growth in New York State and in the nation. However, asylum seekers are not yet legally able to work until after a six month waiting period. This federal prohibition denies them the ability to provide for themselves and their families and increases their need for shelter and services.

### **Expedited Right-to-Work Policy**

#### **H.R. 1325 – (Federal legislation)**

This Federal legislation would shorten the waiting period from six months to one month for eligible asylum seekers to receive work permits. We ask that State legislators advocate for HR 1325.

### **NYS Empire Licensing Act**

Establishing a NYS Empire Licensing law would provide all New Yorkers, no matter their citizenship or immigrant status, access to professional, occupational, commercial or business licenses, permits, certificates, or related registrations.

## **LANGUAGE ACCESS**

*Last year, a new Office of Language Access was established and previous State language access regulations were codified and expanded so that gubernatorial agencies are required to translate their public documents into twelve non-English languages commonly spoken in NYS. It is time to strengthen this good beginning.*

### **Language Access**

(S. / A. )

- **Expands language access mandates** to additional State agencies including DMV and State Education Dept.
- **Allows regional variations in current language access policy:** Based on up-to-date census data, allow each region of the State to add non-English languages spoken in their region to the State's current language access policy.

## **ASYLUM**

*The Covid-era Title 42, which allowed the federal government to stop people entering the US for public health reasons, will be lifted in May 2023. As a result, the Biden administration is considering other means of stopping immigration across the US/Mexico border. It is proposing a **rule change in the asylum process** and is considering **reinstating family detention policies**:*

### **Federal Asylum Ban**

*A new asylum process rule proposed by Dept. of Homeland Security and other govt. agencies would, in effect, close down the ability for people to seek asylum in the United States. Under this proposal, those seeking asylum would be presumed **ineligible** unless:*

- 1. They schedule a time and place to appear at the border to request asylum by using an on-line application. This requires access to a digital device as well as the means to reach the border at the assigned time.*  
*OR*
- 2. Apply for two-year humanitarian parole, but only if applicants are from certain designated countries. And – they must fly to the U.S. at their own expense, have a valid passport, and have a sponsor who will support them financially. Even if parole is granted, it is temporary and does not offer a pathway to citizenship.*  
*OR*
- 3. They must have first applied for asylum in a country through which they have traveled.*

***Any person seeking asylum unable to meet one of those conditions will be expelled from the U.S. without due process.*** *The Biden administration has set the bar impossibly high for most people seeking asylum in this country, and most people will not be able to comply. Those who do cross the border without following the new procedures will not be permitted to apply for asylum and will be immediately expelled from the U.S.*

### **Immigrant Family Detention**

*It was recently reported, that the Biden Administration is considering re-instating the policy to detain, in ICE detention*

*centers, immigrant families who cross the Mexico/US border illegally.*

**We call on the Governor and all New York State legislators to immediately and unequivocally:**

- **Protest the Biden Administration’s proposed Rule entitled “Circumvention of Lawful Pathways.” (See <https://www.federalregister.gov/documents/2023/02/23/2023-03718/circumvention-of-lawful-pathways>: Public comment deadline is March 27, 2023.)**
- **Demand that the Biden Administration *not* re-instate the inhumane practice of detaining immigrant families in ICE detention centers.**