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## THE COUNCIL

# **COMMITTEE REPORT OF THE JUSTICE Division**

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**COMMITTEE ON IMMIGRATION**

*Hon. Carlos Menchaca, Chair*

**January 9, 2020**

**Int. No. 1636:**  By Council Member Dromm

**Title:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing a department of immigrant affairs and to repeal section 18 of the New York city charter, relating to the office of immigrant affairs

**Charter:** Repeals § 18 and adds Chapter 77

**Administrative Code:** Adds Title 33

**Int. No. 1835:**  By Council Member Menchaca

**Title:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to repealing subdivision g of section 18 of such charter relating to the interagency task force on immigrant affairs, placing such task force in the administrative code of the city of New York, and expanding such interagency task force

**Charter:** Repeals subdivision g of § 18

**Administrative Code:** Adds new Subchapter 8 to Chapter 1 of Title 3

**Int. No. 1836:**  By Council Member Moya

**Title:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to replacing the term “alien” with “noncitizen,” and to repeal section 17-124 of the administrative code of the city of New York, relating to the quarantine of those with communicable diseases

**Charter:** Amends §1304

**Administrative Code:** Amends Sections 8-102 and 11-1758; repeals § 17-124

**Int. No. 1844:**  By Council Member Menchaca

**Title:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to repealing subdivision f of section 18 of such charter relating to the office of immigrant affairs reporting requirement, placing such reporting requirement in the administrative code of the city of New York, and expanding such reporting

**Charter:** Repeals subdivision f of § 18

**Administrative Code:** Adds Subchapter 8

# **Introduction**

 On January 9, 2020, the Committee on Immigration, chaired by Council Member Menchaca, will hold a hearing on the following legislation: Int. No. 1636, sponsored by Council Member Dromm, in relation to establishing a department of immigrant affairs; Int. No. 1835, sponsored by Council Member Menchaca, in relation to expanding the interagency task force on immigrant affairs; Int. No. 1836, sponsored by Council Member Moya, in relation to replacing the term “alien” with “noncitizen;” and Int. No. 1844, sponsored by Council Member Menchaca, in relation to expanding reporting by the office of immigrant affairs. The committee expects to receive testimony from the Mayor’s Office of Immigrant Affairs (‘MOIA’), as well as advocates, legal and social services providers and members of the public.

# **Background**

# **Mayor’s Office of Immigrant Affairs**

Former-Mayor Edward I. Koch established an Office of Immigrant Affairs within the New York City Department of City Planning in 1984.[[1]](#footnote-1) A 2001 Charter Revision Commission, convened by former-Mayor Rudolph W. Giuliani to review and make recommendations for improvements to the New York City Charter, submitted a Ballot Proposal to the electorate[[2]](#footnote-2) that when approved,[[3]](#footnote-3) established the Mayor’s Office of Immigrant Affairs (‘MOIA’). This office was intended to exist independently from existing city agencies, unlike its predecessor. The 2001 Charter Revision Commission’s intent was for an office that would “advise and assist the Mayor and City Council in developing and implementing policies to aid the City’s immigrants and other foreign language speakers.”[[4]](#footnote-4) Two critical missions of the office, as established, were to enhance access to City services through outreach to immigrant communities and interpretation services, and to ensure that the immigration status information retained by City agencies remained confidential.

* 1. ***Bloomberg Years (2002 – 2013)***

 Former-Mayor Bloomberg appointed MOIA’s first commissioner, Sayu V. Bhojwani, in April 2002, who by charter amendment[[5]](#footnote-5) was mandated to oversee the “policy-advising and service-coordinating agency.”[[6]](#footnote-6) In the immediate years after it was created, MOIA acted in several roles. The office convened City agencies and immigrant-serving community-based organizations (“CBOs”) to better understand the economic impact of local crises on immigrant communities. Examples of this work include responses to the September 11 tragedy[[7]](#footnote-7) and Hurricane Sandy.[[8]](#footnote-8) The office distributed guidance to City agencies about best practices for serving immigrant communities, including “Easy-to-Read NYC” informational materials,[[9]](#footnote-9) and language access guidance.[[10]](#footnote-10) The office also provided information to immigrant communities about City laws, regulations, agencies, and existing social and legal service providers, including its Directory of Services for Immigrants,[[11]](#footnote-11) and Restaurant Owner Manual.[[12]](#footnote-12)

 On the issue of privacy policies, Bloomberg issued Executive Order (‘E.O.’) 34 in May of 2003, allowing City agencies, such as the New York City Police Department (‘NYPD’) and the Department of Correction (‘DOC’), to share immigration status information with the federal government and cooperate “with federal authorities in investigating and apprehending aliens suspected of criminal activity.”[[13]](#footnote-13) Amid sharp pushback from immigrant-serving CBOs, Bloomberg issued an amendment to this policy in E.O. 41, which clarified that no city agency, including the NYPD and the DOC, should ask for immigration status information unless such a question was necessary for the “investigation of illegal activity” that extended beyond mere unlawful presence in the country.[[14]](#footnote-14) In both executive orders, city agencies were instructed to work with MOIA in developing policies, procedures, and training to ensure the orders were correctly implemented.

 MOIA was also critical in the implementation of E.O. 120 of 2008, which established a language access policy for the City that required all covered agencies[[15]](#footnote-15) to provide language assistance for the top six languages spoken as determined by Census data.[[16]](#footnote-16) E.O. 120 expanded on the City’s first language access law,[[17]](#footnote-17) which directed the Human Resources Administration (‘HRA’), and its agency contractors or service providers to provide language interpretation and translation. Beginning in 2005, MOIA convened an “interagency taskforce” on language access, which included representatives from over 30 City agencies to regularly meet and share language access best practices.[[18]](#footnote-18) The work accomplished by the taskforce led to the signing of E.O. 120 in 2008, which was the precursor to the Local Law 30 of 2017 on language access.[[19]](#footnote-19)

 By the end of former Mayor Bloomberg’s term, MOIA began to play a larger role in developing what was termed a “Blueprint for Immigrant Integration.”[[20]](#footnote-20) This “blueprint” was designed to be a framework for government programs and policies that were immigrant-friendly and capable of being tailored to different local contexts across the nation. In this effort, MOIA convened the “Cities for Immigrant Integration” in April 2013, hosting representatives from 23 U.S. Mayor’s Offices.[[21]](#footnote-21) The convening shared best practices and lessons learned from the City’s (and specifically MOIA’s) efforts on citizenship,[[22]](#footnote-22) language access,[[23]](#footnote-23) civic engagement,[[24]](#footnote-24) economic development,[[25]](#footnote-25) and police and community relations.[[26]](#footnote-26) Subsequent topical “blueprints” and accompanying webinars were published and shared with representatives from U.S. cities, on topics including: education,[[27]](#footnote-27) public libraries,[[28]](#footnote-28) financial empowerment,[[29]](#footnote-29) health,[[30]](#footnote-30) public benefits,[[31]](#footnote-31) and family and child welfare.[[32]](#footnote-32) According to former-MOIA Commissioner Fatima Shama, more than 50 cities around the world had used MOIA’s published “blueprints” as of December 2013.[[33]](#footnote-33)

* 1. ***De Blasio Years (2014 – Present)***

Shortly after assuming office, Mayor Bill de Blasio appointed Nisha Argawal as MOIA Commissioner.[[34]](#footnote-34) In addition to the existing Charter mandate for the office,[[35]](#footnote-35) Commissioner Argawal was charged with developing a municipal identification (‘ID’) program to assist with the ongoing difficulty in acquiring and maintaining valid identification for vulnerable populations in the city, including the undocumented immigrant population. MOIA also began increasing outreach and education efforts related to policy changes at the federal level, such as Deferred Action for Childhood Arrivals (‘DACA’), and the proposed Deferred Action for Parents of Americans and Lawful Permanent Residents (‘DAPA’). MOIA has continued to act as clearinghouse for information on federal immigration policy changes under the current federal administration, including the federal travel ban E.O.,[[36]](#footnote-36) attempts to end the DACA program,[[37]](#footnote-37) and the “public charge” federal rule change proposal,[[38]](#footnote-38) among others. Partnering with the City Council, MOIA assumed a new role investing in free legal services for immigrant New Yorkers through several initiatives, including ActionNYC, launched in 2016, a free legal services program that provides legal screenings and referrals through a network of providers,[[39]](#footnote-39) deportation defense contracts with local legal service providers, citizenship application assistance, among others.[[40]](#footnote-40) MOIA continues its role as a leader on immigrant-friendly government policies and programming through the Cities for Action network, originally convened by Mayor de Blasio in 2014. Building on past efforts, MOIA has also appeared at international conferences on immigration, showcasing efforts in New York City as models for cities globally experiencing increasing influxes of immigrants.[[41]](#footnote-41)

* 1. ***MOIA Expansion Legislation of 2017***

In September 2017, the City Council enacted Local Law 185 of 2017 (“Local Law 185”) and Local Law 186 of 2017 (“Local Law 186”), to expand the scope of MOIA, and create an immigrant affairs taskforce, respectively. In light of the significant size of New York City’s foreign born population, and the hostile federal climate towards immigrants under President Donald J. Trump, Local Law 185 expanded MOIA’s responsibilities. The legislation placed additional requirements on MOIA to:

* + - * Conduct research on obstacles faced by immigrants and Limited English Proficient (‘LEP’) New Yorkers when accessing City services;
			* Establish a state and federal unit tasked with monitoring and analyzing immigration policy changes;
			* Consult with City agencies on any policy changes that could impact immigrant and/or LEP New Yorkers;
			* Consult with the Civil Justice Coordinator and City agencies in determining the legal service needs of immigrant and LEP New Yorkers;
			* Participate in interagency handling of confidential information;
			* Solicit community and stakeholder input regarding MOIA activities;
			* Work with the Mayor’s Office to Combat Domestic Violence, Mayor’s Office of Criminal Justice, and others, to address the unique needs of immigrants and LEP New Yorkers who are victims and/or witnesses of crime; and
			* Publish an annual report on the City’s immigrant population and MOIA’s activities beginning March 15, 2018, and continuing annually thereafter.

 Local Law 185 of 2017 also requires all City agencies to share information with MOIA as requested, unless prohibited by law or if such documents are part of an ongoing law enforcement investigation.

 Local Law 186 of 2017 created an interagency taskforce led by MOIA, that would include representatives from the NYPD, DOC, Department of Probation, Department of Social Services, Department of Youth and Community Development, Department for the Aging, Administration for Children’s Services, Department of Health and Mental Hygiene, Department of Homeless Services, Department of Education, and the Office of Civil Justice, in addition to representatives from other agencies and offices the Mayor deemed appropriate. The taskforce was intended to improve interagency communication and coordination on issues related to immigration and the implementation of policies and laws impacting immigrants and LEP New Yorkers, and review and make recommendations to address obstacles to accessing City services.

1. **Analysis of Int. No. 1636**

 Int. No. 1636 (Council Member Dromm) would repeal section 18 of the New York City Charter, which established the Mayor’s Office of Immigrant Affairs, and add a new Chapter 77 to the Charter, entitled “Department of Immigrant Affairs, which includes new sections 3301-3304.

Sections 3301-3303 enumerate the general powers of the new Department, naming the head of the department and permitting deputies to be appointed, and broadly enumerating the powers and duties of the Department.

Section 3304 outlines the department’s duties regarding consultation with other agencies. It also states that any services provided by city agencies must be made available to all immigrants to the same extent they are made available to citizens, unless an agency is required by law to deny eligibility for a service to immigrants. Lastly, it states that city agencies must cooperate with the Department of Immigrant Affairs and provide information and assistance as requested, where applicable.

Int. No. 1636 would also amend the Administrative Code of the city of New York by adding a new Title 33, entitled “Department of Immigrant Affairs.” Section 33-101 would establish definitions for the chapter. Section 33-102 would establish the interagency task force on immigrant affairs and outline its duties. Section 33-103 would establish and detail a reporting requirement for the Department.

This bill would take effect immediately 120 days after it became law.

1. **Analysis of Int. No. 1835**

Int. No. 1835 (Council Member Menchaca) would repeal subdivision g of section 18 of the New York City Charter, which established the Interagency Task Force on Immigrant Affairs, and place the Task Force in the Administrative Code of the city of New York by creating a new subchapter 8 in chapter 1 of the of title 3 of the Administrative Code. Moving this requirement from the Charter to the Administrative Code would follow the general pattern of the Charter and Administrative Code in which a Department or Office’s core powers and duties are typically enumerated in the charter and its non-core powers and duties are enumerated in the Administrative Code.

Int. No. 1835 would additionally expand the interagency task force, by requiring the task force to be co-chaired by the director of the office of immigrant affairs, or other such officer that the mayor may designate, and a representative designated by the speaker of the council. The bill would additionally require the task force to meet no less than once each quarter in furtherance of its functions and at any other time at the request of either co-chair.

This bill would take effect immediately after it became law.

1. **Analysis of Int. No. 1836**

 Section 1 of Int. No. 1836 (Council Member Moya) would establish that no laws, documents, or materials generated by any city agency after the effective date of this law could refer to noncitizens as “aliens,” “illegal aliens,” or “illegal immigrants.” This would require all forms, signage, or other printed or online materials produced by city agencies to be amended to replace the term “alien” with “noncitizen.” However, laws, documents, and materials generated by the city could reference the term “alien” when referencing specific federal laws or programs or case law in which the term “alien” is used.

 Sections 2 and 3 of Int. No. 1836 would amend sections 8-102 and 11-1758, respectively, of the Administrative Code of the city of New York to replace the term “alien” with “noncitizen.” Sections 4 and 5 of Int. No. 1836 would amend section 1304 of the New York City charter to replace the term “alien” with “noncitizen.” Section 6 would amend section 1305 of the New York City charter to replace the term “alien” with “noncitizen.”

 Lastly, section 7 of the Int. No. 1836 would repeal section 17-124 of the Administrative Code of the city of New York, relating to the quarantine of those with communicable diseases.

This local law would take effect immediately after it became law.

1. **Analysis of Int. No. 1844**

Int. No. 1844 (Council Member Menchaca) would repeal subdivision f of section 18 of the New York City Charter, which established the existing reporting requirement for the office of immigrant affairs, and place that reporting requirement in the Administrative Code of the city of New York by creating a new subchapter 8 in chapter 1 of title 3 of the Administrative Code. Moving this requirement from the Charter to the Administrative Code would follow the general pattern of the Charter and Administrative Code in which a Department or Office’s core powers and duties are typically enumerated in the charter and its non-core powers and duties are enumerated in the Administrative Code.

Int. No. 1844 would additionally expand this reporting requirement, requiring the inclusion of: graphical representations of data regarding the needs of the immigrant population; actions taken by the Mayor’s Office of Immigrant Affairs to address barriers faced by the immigrant population in accessing services, including programmatic initiatives and initiatives that are conducted in partnership with other offices or agencies; metrics that measure the success and failure of such actions, including year-to-year data; and recommendations on how the City could further address barriers identified.

This bill would take effect immediately after it became law.

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Int. No. 1636

By Council Member Dromm

A LOCAL LAW

T..Title

To amend the New York city charter and the administrative code of the city of New York, in relation to establishing a department of immigrant affairs and to repeal section 18 of the New York city charter, relating to the office of immigrant affairs

..Body

Be it enacted by the Council as follows:

Section 1. Section 18 of the New York city charter is REPEALED.

§2. The New York city charter is amended by adding a new chapter 77 to read as follows:

Chapter 77

DEPARTMENT OF IMMIGRANT AFFAIRS

§ 3301. Department; commissioner. There shall be a department of immigrant affairs, the head of which shall be the commissioner of immigrant affairs.

§ 3302. Deputies. The commissioner may appoint deputies within available appropriations.

§ 3303. Powers and duties. a. The department shall have the power and duty to:

1. Conduct research and advise the mayor and council on issues faced by immigrants and speakers of languages other than English, including, but not limited to, obstacles to accessing city programs, benefits, and services, and on socioeconomic trends related to such persons.

2. Enhance the accessibility of city programs, benefits, and services to immigrants and speakers of languages other than English by establishing outreach programs in conjunction with other city agencies and the council to inform and educate immigrants and speakers of languages other than English of relevant city programs, benefits, and services.

3. Perform policy analysis and make recommendations concerning immigrant affairs.

4. Establish a state and federal affairs unit within the department to monitor and conduct analysis on state and federal laws, policies, enforcement tactics, and court decisions regarding issues relating to and impacting immigrant affairs, including potential strategies for addressing such developments.

5. Solicit community and stakeholder input regarding the activities of the department, including but not limited to the department’s consultations with relevant agencies on implementation of sections of the charter and the administrative code that are relevant to immigrants.

6. Perform such other duties and functions as may be appropriate to pursue the policies set forth in this chapter.

§ 3304. Consultation with other agencies. a. The department shall:

1. Develop and implement policies designed to assist immigrants and speakers of languages other than English in the city, in consultation with the office of the language services coordinator with respect to language accessibility.

2. Consult with relevant agencies on implementation of sections of the charter and the administrative code that are relevant to immigrants.

3. Consult with and provide information and advice to the office of civil justice and relevant city agencies in determining and responding to the legal service needs of immigrants and the availability of free and low-cost civil legal services to meet such needs, in accordance with section 13-b;

4. Participate in interagency efforts, as appropriate, relating to the handling of confidential information about individuals held by city agencies and those contracting with city agencies.

5. Consult with and provide information and advice to relevant city agencies, in coordination, as appropriate, with the office to combat domestic violence, the office of criminal justice, and other agencies or offices as the mayor may designate, on addressing the unique needs of immigrant crime victims and witnesses, including agency standards and protocols for issuing law enforcement certifications required in order to apply for nonimmigrant status under subparagraphs (T) and (U) of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States code, or successor statutes.

b. Any service provided by a city agency shall be made available to all immigrants who are otherwise eligible for such service to the same extent such service is made available to citizens unless such agency is required by law to deny eligibility for such service to immigrants.

c. All city agencies shall cooperate with the department and provide information and assistance as requested; provided, however, no information that is otherwise required to be provided pursuant to this section shall be disclosed in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§3. The administrative code of the city of New York is amended by adding a new title 33 to read as follows:

Title 33

DEPARTMENT OF IMMIGRANT AFFAIRS

§ 33-101 Definitions. As used in this title, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of immigrant affairs.

Department. The term “department” means the New York city department of immigrant affairs.

§ 33-102 Interagency Task Force a. An interagency task force on immigrant affairs shall ensure interagency communication and coordination on issues relating to and impacting immigrant affairs. Such task force shall:

1. Review and make recommendations to relevant agencies on implementation of sections of the charter and the administrative code that are relevant to immigrants.

2. Review legal and policy developments presented by the state and federal affairs unit in the department and their potential impact on city agencies.

3. Review and make recommendations to address obstacles to accessing city programs, benefits, and services.

4. Review and make recommendations to address the unique needs of particularly vulnerable immigrant populations, including, but not limited to, victims of crime, domestic violence, and human trafficking; individuals who are lesbian, gay, bisexual, transgender, queer, or intersex; individuals involved in the criminal justice system; and minors.

5. Review the solicitation and consideration of community and stakeholder input received by the department pursuant to paragraph 5 subsection a of section 3503 of the charter.

6. Perform such other functions as may be appropriate in furtherance of the policies set forth in this chapter.

b. Such task force shall be led by the director, or by the head of such other officer or agency as the mayor may designate, and shall include at a minimum:

1. The commissioners of the following agencies or offices or such commissioners’ designees:

(a) the administration for children's services;

(b) department of social services;

(c) department of homeless services;

(d) department of health and mental hygiene;

(e) department of youth and community development;

(f) department for the aging;

(g) police department;

(h) department of correction; and

(i) department of probation;

(j) the chancellor of the city school district, or their designee;

(k) the coordinator of the office of civil justice, or their designee; and

(l) representatives of other such agencies or offices as the mayor may designate.

c. Such task force shall meet regularly in furtherance of its functions and at any other time at the request of the director or other designated task force leader.

§ 33-103 Reporting. a. No later than March 15, 2020, and each March 15 thereafter, the department shall provide to the speaker of the council and post on the department’s website a report regarding the city’s immigrant population and the activities of the department during the previous calendar year, including, but not limited to the following information, where such information is available:

1. The size and composition of such population, including, but not limited to demographic information, socio-economic markers, and estimates of the immigration status held by members of such population, if any.

2. Information regarding the needs of such population including, but not limited to, social services, legal services, housing, public benefits, education, and workforce development needs.

3. Information regarding barriers faced by such population in accessing such services, and recommendations on how the city could address such barriers.

4. Information and metrics relating to each programmatic initiative of the department, including initiatives that are conducted in partnership with other offices or agencies, including but not limited to:

(a) Total program capacity, disaggregated by service type.

(b) Number of intakes or program eligibility screenings conducted.

(c) Number of individuals served, disaggregated by service type.

(d) Number of matters handled, and aggregate data on the outcomes achieved, disaggregated by service type.

(e) With respect to legal services initiatives, number of cases accepted for legal advice and full representation, as well as the number of cases referred to other legal services providers, disaggregated by service and case type, and aggregate data on the outcomes achieved in cases accepted for full representation during the reporting window.

5. For relevant agencies, information regarding requests for law enforcement certifications required in order to apply for nonimmigrant status under subparagraphs (T) and (U) of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States code, or successor statutes, including, but not limited to, number of requests for certification received, request processing times, number of certifications issued, number of certification requests denied and information as to why, and number of request appeals and outcomes, disaggregated by agency.

6. The efforts of the department to monitor agency efficacy in conducting outreach and serving the immigrant population, including the efforts of the task force established pursuant to section 33-102.

7. The efforts of the department in fulfilling the duties set forth in sections 3303 and 3304 of the charter.

§ 4. This local law takes effect 120 days after it becomes law.

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Int. No. 1835

By Council Member Menchaca

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to repealing subdivision g of section 18 of such charter relating to the interagency task force on immigrant affairs, placing such task force in the administrative code of the city of New York, and expanding such interagency task force

Be it enacted by the Council as follows:

Section 1. Subdivision g of section 18 of the New York city charter is REPEALED.

§2. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

SUBCHAPTER 8

OFFICE OF IMMIGRANT AFFAIRS

§ 3-180 Definitions. a. As used in this subchapter, the following terms have the following meanings:

Office. The term “office” means the office of immigrant affairs.

Director. The term “director” means the director of the office of immigrant affairs.

§ 3-181 Interagency taskforce on immigrant affairs. a. There is hereby established an interagency task force on immigrant affairs to ensure interagency communication and coordination on issues relating to and impacting immigrant affairs. Such task force shall:

1. review and make recommendations to relevant agencies on implementation of sections of the charter and the administrative code that are relevant to immigrants;

2. review legal and policy developments presented by the state and federal affairs unit in the office and their potential impact on city agencies;

3. review and make recommendations to address obstacles to accessing city programs, benefits, and services;

4. review and make recommendations to address the unique needs of particularly vulnerable immigrant populations, including, but not limited to, victims of crime, domestic violence, and human trafficking; individuals who are lesbian, gay, bisexual, transgender, queer, or intersex; individuals involved in the criminal justice system; and minors;

5. review the solicitation and consideration of community and stakeholder input received by the office pursuant to paragraph 6 of subdivision d of this section; and

6. perform such other functions as may be appropriate in furtherance of the policies set forth in this chapter.

b. Such task force shall be co-chaired by the director, or by the head of such other officer or agency as the mayor may designate, and a representative designated by the speaker of the council and shall include at a minimum:

 1. the commissioners of the following agencies or offices or such commissioners’ designees:

(a) the administration for children’s services;

(b) department of social services;

(c) department of homeless services;

(d) department of health and mental hygiene;

(e) department of youth and community development;

(f) department for the aging;

(g) police department;

(h) department of correction; and

(i) department of probation;

(j) the chancellor of the city school district, or their designee;

(k) the coordinator of the office of civil justice, or their designee;

(l) representatives of other such agencies or offices as the mayor may designate.

c. Such task force shall meet no less than once each quarter in furtherance of its functions and at any other time at the request of either co-chair.

§ 2. This local law takes effect immediately.

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Int. No.1836

By Council Members Moya and Louis

A LOCAL LAW

T..Title

To amend the New York city charter and the administrative code of the city of New York, in relation to replacing the term “alien” with “noncitizen,” and to repeal section 17-124 of the administrative code of the city of New York, relating to the quarantine of those with communicable diseases

..Body

Be it enacted by the Council as follows:

Section 1. a. Except as otherwise provided in this section, no laws, documents, or materials generated by any city agency after the effective date of this law shall refer to noncitizens as “aliens,” “illegal aliens” or “illegal immigrants.”

b. Notwithstanding subdivision a of this section, laws, documents and materials generated by the city may include the term “alien” when referencing specific federal laws or programs or case law in which the term “alien” is used.

c. Notwithstanding subdivision b of this section, all forms, signage or other printed or online materials produced by city agencies shall be amended to replace the term “alien” with “noncitizen.”

§2. Subdivision 14 of section 8-102 of the administrative code of the city of New York is amended to read as follows:

14. Applicability; alienage or citizenship status. Notwithstanding any other provision of this section, it shall not be an unlawful discriminatory practice for any person to discriminate on the ground of alienage or citizenship status, or to make any inquiry as to a person's alienage or citizenship status, or to give preference to a person who is a citizen or national of the United States over an equally qualified person who is [an alien] a noncitizen, when such discrimination is required or when such preference is expressly permitted by any law or regulation of the United States, the state of New York or the city, and when such law or regulation does not provide that state or local law may be more protective of [aliens] noncitizens; provided, however, that this provision shall not prohibit inquiries or determinations based on alienage or citizenship status when such actions are necessary to obtain the benefits of a federal program. An applicant for a license or permit issued by the city may be required to be authorized to work in the United States whenever by law or regulation there is a limit on the number of such licenses or permits which may be issued.

§3. Paragraph 1 of subdivision c of section 11-1758 of the administrative code of the city of New York is amended to read as follows:

(1) Partnerships. Every partnership having a city resident partner shall make a return for the taxable year setting forth all items of income, gain, loss and deduction and such other pertinent information as the tax commission may by regulations and instructions prescribe. Such return shall be filed on or before the fifteenth day of the fourth month following the close of each taxable year except that the due date for the return of a partnership consisting entirely of nonresident [aliens] noncitizens shall be the date prescribed for the filing of its federal partnership return for the taxable year. For purposes of this paragraph, "taxable year" means a year or a period which would be a taxable year of the partnership if it were subject to tax under this chapter.

§4. Subparagraph b of paragraph 6 of subdivision e of section 1304 of the New York city charter is amended to read as follows:

b. For the purposes of such certification, "minority owned business enterprise" and "women owned business enterprise" shall mean business enterprises authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident [aliens] noncitizens who are either minority group members or women, (ii) the ownership interest of such individuals is real, substantial and continuing, and (iii) such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise;

§5. Subparagraph c of paragraph 6 of subdivision e of section 1304 of the New York city charter is amended to read as follows:

c. For the purposes of such certification, "emerging business enterprise" shall mean a business enterprise authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident [aliens] noncitizens; (ii) the ownership interest of such individuals is real, substantial and continuing, (iii) such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise; and (iv) such individuals have demonstrated, in accordance with regulations promulgated by the commissioner, that they are socially and economically disadvantaged. An individual who is "socially and economically disadvantaged" shall mean an individual who has experienced social disadvantage in American society as a result of causes not common to individuals who are not socially disadvantaged, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. An individual's race, national origin, or gender by itself, shall not qualify the individual as "socially disadvantaged." In drafting such regulations, the commissioner shall consider criteria developed for federal programs established to promote opportunities for businesses owned by individuals who are socially and economically disadvantaged, including criteria for determining initial and continued eligibility in relation to the net worth of individuals claiming to be economically disadvantaged, provided that the net worth of an individual claiming disadvantage pursuant to this section must be less than one million dollars. In determining such net worth, the department shall exclude the ownership interest in the business enterprise and the equity in the primary personal residence.

§6. Subdivision a of Section 1305 of the New York city charter is amended to read as follows:

a. The commissioner shall administer the provisions of this section and enforce a citywide program to ensure that city contractors and subcontractors take appropriate action to ensure that women and minority group members are afforded equal employment opportunity, and that all persons are protected from discrimination prohibited under the provisions of federal, state and local laws and executive orders with regard to recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay and other forms of compensation. The commissioner may request and shall receive from any contracting agency of the city such assistance as may be necessary to carry out the provisions of this section. “Minority group member” shall mean a United States citizen or permanent resident [alien] noncitizen who is a member of a racial or language minority group in New York city protected by the voting rights act of 1965, as amended, or such other groups as may be covered by rule of the agency.

§7. Section 17-124 of the administrative code of the city of New York is REPEALED.

§8. This local law takes effect immediately after it becomes law.

HKA

LS #10570

9/25/19

Int. No. 1844

By Council Member Menchaca

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to repealing subdivision f of section 18 of such charter relating to the office of immigrant affairs reporting requirement, placing such reporting requirement in the administrative code of the city of New York, and expanding such reporting

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 18 of the New York city charter is REPEALED.

§2. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

SUBCHAPTER 8

OFFICE OF IMMIGRANT AFFAIRS

§ 3-180 Definitions. a. As used in this subchapter, the following terms have the following meanings:

Office. The term “office” means the office of immigrant affairs.

Director. The term “director” means the director of the office of immigrant affairs.

§3-181 Annual Report. a. No later than March 15, 2018, and each March 15 thereafter, the office shall provide to the speaker of the council and post on the office’s website a report regarding the city’s immigrant population and the activities of the office during the previous calendar year, including, but not limited to the following information, where such information is available:

1. the size and composition of such population, including, but not limited to demographic information, socio-economic markers, and estimates of the immigration status held by members of such population, if any;

2. information including, but not limited to, graphical representations of data regarding the needs of such population including, but not limited to, social services, legal services, public benefits, education, and workforce development needs:

3. for each need identified in paragraph 2 of this subdivision, information regarding barriers faced by such population in accessing services and what actions the office has taken to address such barriers, including programmatic initiatives and initiatives that are conducted in partnership with other offices or agencies;

4. for each action identified in paragraph 3 of this subdivision, information and metrics, using industry standard metrics where available, that support the success or failure of such actions, including but not limited to:

(a) total program capacity, disaggregated by service type;

(b) number of intakes or program eligibility screenings conducted;

(c) number of individuals served, disaggregated by service type;

(d) number of matters handled, and aggregate data on the outcomes achieved, disaggregated by service type;

(e) metrics that measure the success or failure of a program during the duration of such program;

(f) metrics that measure the continued success or failure of a program over time through comparisons of year-to-year data; and

(g) with respect to legal services initiatives, number of cases accepted for legal advice and full representation, as well as the number of cases referred to other legal services providers, disaggregated by service and case type, and aggregate data on the outcomes achieved in cases accepted for full representation during the reporting window; and

5. recommendations based on the metrics described in paragraph 4 on how the office and the city could further address barriers identified in paragraph 3;

6. for relevant agencies, information regarding requests for law enforcement certifications required in order to apply for nonimmigrant status under subparagraphs (T) and (U) of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States code, or successor statutes, including, but not limited to, number of requests for certification received, request processing times, number of certifications issued, number of certification requests denied and information as to why, and number of request appeals and outcomes, disaggregated by agency and calendar year;

7. the efforts of the office to monitor agency efficacy in conducting outreach and serving the immigrant population, including the efforts of the task force established pursuant to subdivision g of this section; and

8. the efforts of the director, or such other office or agency as designated by the mayor, in fulfilling the duties set forth in subdivision d of this section.

§ 3. This local law takes effect immediately.

HKA

LS #11752

12/5/19

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13. Mayor Michael Bloomberg, *Executive Order 34: City Policy Concerning Immigrant access to City Services*, (May 13, 2003), <https://www1.nyc.gov/assets/records/pdf/executive_orders/2003EO034.pdf>. [↑](#footnote-ref-13)
14. Mayor Michael Bloomberg, *Executive Order 41: City Policy Concerning Immigrant Access to City Services*, (Sept. 17, 2003), <https://cis.org/sites/cis.org/files/articles/2011/nyc-executive-order-34-amended.pdf>. [↑](#footnote-ref-14)
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30. Mayor’s Office of Immigrant Affairs, *A Blueprint for Immigrant Integration – Health* (2013), <https://on.nyc.gov/35ElKaC> [↑](#footnote-ref-30)
31. Mayor’s Office of Immigrant Affairs, *A Blueprint for Immigrant Integration – Public Benefits* (2013), <https://on.nyc.gov/306E8aI> [↑](#footnote-ref-31)
32. Mayor’s Office of Immigrant Affairs, *A Blueprint for Immigrant Integration – Family and Child Welfare* (2013), <https://on.nyc.gov/2NbjfpG> [↑](#footnote-ref-32)
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