



Legislation Text

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Int. No. 1566-A

By Council Members Dromm, Rodriguez, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Koslowitz, Gibson, Gentile, Menchaca, Rosenthal, Koo and Espinal

A Local Law to amend the New York city charter, in relation to expanding the office of immigrant affairs

Be it enacted by the Council as follows:

Section 1. Section 18 of the New York city charter, as added by vote of the electors on November 6, 2001, subdivision b as amended by local law number 30 for the year 2017, is amended to read as follows:

§ 18 Office of immigrant affairs.

a. The city recognizes that a large percentage of its inhabitants were born abroad or are the children of parents who were born abroad and that the well-being and safety of the city is put in jeopardy if the people of the city do not seek medical treatment for illnesses that may be contagious, do not cooperate with the police when they witness a crime or do not avail themselves of city services to educate themselves and their children. It is therefore desirable that the city promote the utilization of city services by all its residents, including foreign-born inhabitants, speakers of foreign languages and undocumented [aliens] immigrants.

b. In furtherance of the policies stated in subdivision a of this section, there shall be established in the executive office of the mayor an office of immigrant affairs. The office shall be headed by a director, who shall be appointed by the mayor. The director of the office of immigrant affairs shall have the power and the duty to:

1. advise and assist the mayor and the council in developing and implementing 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. 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 [such] relevant city programs, benefits, and services;

3. perform policy analysis and make recommendations concerning immigrant affairs; and

4. perform such other duties and functions as may be appropriate to pursue the policies set forth in [subdivision a of] this section.

c. Any service provided by a city agency shall be made available to all [aliens] 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 aliens].

d. The director, or such other office or agency as the mayor may designate, shall have the power and the duty to:

1. conduct research and advise the mayor and council on challenges 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. establish a state and federal affairs unit within the office to monitor and conduct analysis on state and federal laws, policies, enforcement tactics, and case law regarding issues relating to and impacting immigrant affairs, including potential strategies for addressing such developments;

3. consult with relevant agencies on implementation of sections of the charter and the administrative code that are relevant to immigrants;

4. 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;

5. 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;

6. solicit community and stakeholder input regarding the activities of the office, including but not limited to the office's consultations with relevant agencies on implementation of sections of the charter and the administrative code that are relevant to immigrants; and

7. 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.

e. All city agencies shall cooperate with the office 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.

f. 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 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 office, 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; and

(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 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

7. 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.

§ 2. This local law takes effect 60 days after it becomes law.

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