



Legislation Text

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Int. No. 1636

By Council Member Dromm

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

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 Section 18 of the New York city charter is REPEALED.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

HKA
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