

## NEW YORK IS HOME ACT

**The New York is Home Act is a comprehensive piece of legislation that seeks to exercise the power that New York has as a state to establish and strengthen the rights and the responsibilities of immigrants – both documented and undocumented – in New York State.**

- New York is Home Act recognizes that there are 2.7 million non-citizen immigrants who participate in the State's economy and society.
  - These individuals are denied the ability to become fully contributing members of society, and their communities and neighborhoods.
  - The continued marginalization of these members of our society detracts from the State's overall economic and political health and well-being.
- This act will help ensure that all individuals who make New York State their home have the ability to pursue a brighter future and be able to fully participate in society.
- This legislation will exercise New York State's power to determine who is a citizen of the State, as well as lay out the rights and the responsibilities those individuals have as State citizens.
- This act respects and does not interfere with the Federal government's authority to regulate immigration. However in the absence of leadership at the Federal level to enact comprehensive immigration reform, the need for this legislation, which enables more equitable economic and democratic participation by non-U.S. citizens with longtime ties to New York State, is ever more important.
- The New York is Home Act is composed of 12 sections that, if enacted, will establish and grant eligible individuals New York State Citizenship.
  - This piece of legislation lays out both the rights and responsibilities that accompany citizenship in New York State.
  - It requires individuals who are not U.S. citizens to demonstrate that they have a vested interest in New York State by, at a minimum, having lived in and paid required taxes in the State for three years, and by taking a pledge to abide by State law and uphold the State constitution.
  - It grants New York State Citizens rights and privileges in the State.
- New York State Citizenship creates a path for immigrants – documented and undocumented – to have the ability to fully contribute to our State's economy, to contribute to our State's political and legal processes and to have equal access to State higher education opportunities and health benefits. New York State benefits from ensuring healthy and thriving New York families who call our state home.

## New York is Home 12-Section Overview

- (1) **New York is Home Act.** This is the act's short title.
- (2) **Eligibility Criteria.** Any person who meets the following five criteria can qualify to apply for New York State citizenship.
- Can present proof of identity.
  - Has resided in New York State for at least 3 years.
  - Has paid required New York State taxes for at least 3 years.
  - Pledges to abide by New York laws and uphold the State Constitution.
  - Attests willingness to serve on New York juries and continue to pay state taxes.

New York State citizens shall be issued an identification card and number which they may use for identification purposes unless prohibited by federal law.

- (3) **Voting.** The New York is Home Act extends voting rights to all State Citizens.
- State Citizens may vote in all State and local elections.
  - Localities *must* honor the voting rights of all State Citizens, and *may* extend voting rights to other New York State residents who are not State Citizens.
  - Voting is a fundamental right and responsibility in a democracy. The U.S. and New York State Constitutions permit the State to extend voting rights to non-U.S. citizens.
  - Voting by non-U.S. citizens has a long historical precedent in the U.S., having taken place throughout our nation's history. At the beginning of the 20th century, at least 22 states and territories permitted non-U.S. citizens to vote in local, state, and national elections. Arkansas was the last state to end voting by non-U.S. citizens in 1926. In modern times, localities such as Takoma Park, Maryland and even New York City have extended voting to non-U.S. citizens for certain elections.
- (4) **Public Officers.** The New York is Home Act extends the right to hold certain public offices to State Citizens.
- State Citizens may hold civil office where permitted by the New York State Constitution.
  - Just as with voting, the principle of equal rights and equal responsibilities dictates that State Citizens should be able to serve the public.
- (5) **Confidentiality.** The New York is Home Act prohibits:
- Retention of applicants' records after their applications for New York State Citizenship have been decided;
  - The sharing of documentation provided by individuals in the course of applying for New York State Citizenship;
  - Disclosure of any information that would identify an individual or group of individuals as State Citizens.
- (6) **Professional Licenses.** The New York is Home Act amends the law to ease access to professional licenses for New York State Citizens by:

- Allowing State Citizens to apply for any professional license issued by the State of New York regardless of federal citizenship status.
- Allowing State Citizens to provide a State Citizen number instead of a social security number during the license application process.
- Licenses that State Citizens may be able to access under the bill include those required for attorneys, physicians, dentists, midwives, and others.
- This section has no impact on a State Citizen's authorization to work in the United States, which is a function of a person's federal immigration status. Nothing about this act allows people without federal work authorization to access employment opportunities that are otherwise unavailable to them because of their federal immigration status.

(7) **Drivers Licenses.** The New York Is Home Act amends the Vehicle and Traffic Law as follows:

- Allows drivers license applicants to rely on their New York State Citizen number as an alternative to a social security in the application process.
- Requires the DMV commissioner to promulgate rules clarifying that eligibility does not require a social security number, and providing a list of alternative proofs of identity, including but not limited to a New York State Citizen number.
- These amendments will ensure New York State Citizens may obtain a New York State drivers license.

(8) **Human Rights Protections.** The New York is Home Act expands the existing Human Rights Law to prohibit discrimination against an individual on the basis of their real or perceived status as a New York State Citizen in the areas of:

- Employment and Employment Services
- Public Accommodation
- Housing and Real Estate
- Education
- Membership in Volunteer Fire Departments or Fire Companies
- Banking and Financial Services
- The act does not extend any additional rights or benefits to New York State Citizens with respect to employment, housing, or financial services. Thus for example this section of the act does not provide work authorization for people who lack permission to work because of their federal immigration status. Rather this section simply ensures that New York State Citizens are protected from discrimination based on (a) their real or perceived status as New York State Citizens and (b) their real or perceived federal immigration status based on their possession of a New York State Citizen Identification Card.

(9) **Social Services.** The New York is Home Act extends benefits and protections to New York State Citizens under the social services law.

- State Citizens can qualify for State Medicaid coverage.

(10) **DREAM.** The New York is Home Act extends educational benefits to certain individuals, including but not limited to New York State Citizens by:

- Establishing the DREAM Fund to provide private scholarships to qualifying students.

- Extending equal eligibility for in-state tuition, State financial aid and tuition assistance, and family tuition savings accounts to qualifying students regardless of their federal immigration status, including New York State Citizens as well as undocumented students.

(11) **Detainers and Racial Profiling.** The New York is Home Act puts limits on State and Local collaboration with Federal immigration enforcement programs by:

- Prohibiting State and local law enforcement officers from complying with Federal immigration detainer requests, which are voluntary requests to hold individuals for no other reason than to facilitate their deportation.
- Prohibiting Federal immigration officers from access to State and local facilities for the purpose of investigating violations of civil immigration law.
- Limiting information sharing by State and local law enforcement officers unless Federal immigration authorities have a criminal warrant or legitimate law enforcement purpose unrelated to the enforcement of civil immigration law.
- Prohibiting racial profiling by State police.

(12) **Home Rule.** The New York is Home Act does not prevent localities from enacting any laws, policies, or regulations that further protect and promote the rights and integration of New York State Citizens or other immigrants with ties to New York State.