



Legislation Text

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Int. No. 3-A

By Council Members Dromm, Cabrera, Arroyo, Jackson, Barron, Brewer, Dickens, Eugene, Ferreras, Fidler, Foster, Gonzalez, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Mealy, Palma, Seabrook, Vann, Williams, Nelson, Rodriguez, Van Bramer, Sanders Jr., Chin, Mendez and White

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Administration for Children's Services to review strategies and create a plan of action to protect children who qualify for Special Immigrant Juvenile Status.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Special Immigrant Juvenile Status (SIJS) is available for undocumented children involved in the child welfare system. SIJS is a statutory provision included in the Federal Immigration Act of 1990, which, if applied for in a timely manner, enables certain undocumented young people to become permanent residents and to obtain green cards. SIJS presents the opportunity for immigrant children to live in the United States and take advantage of the various opportunities available to lawful United States residents. Based on information provided to the Council by the Administration for Children's Services (ACS) as well as immigration and child welfare advocates, ACS could improve its procedures for serving the population of undocumented immigrant children that are under its care.

The Council finds that it is necessary for ACS to ensure that immigration relief is a factor in permanency planning for non-citizen youth. The Council further finds that, although ACS has made great strides to address the immigration needs of children in its care, there is a need for additional information, knowledge, resources, technical assistance and support to be provided to contract service providers in the area of immigration benefits for their clients. The Council finds that the creation of a new plan within ACS is necessary in order to create an accurate and efficient identification and tracking system in order to coordinate

immigration services so that ACS can meet its obligation to protect immigrant children in the child welfare system. This will help ensure that all SIJS-eligible children have the opportunities that they deserve.

§2. Chapter nine of title 21 of the administrative code of the city of New York is amended by adding a new section 21-904 to read as follows:

§ 21-904 Special Immigrant Juvenile Status Plan within the Administration for Children's Services.

a. ACS shall designate an individual or individuals responsible for creating and implementing a new comprehensive plan to provide services to children in contact with ACS who may be deemed eligible for Special Immigrant Juvenile Status ("SIJS") or other immigration benefits. Such plan shall, at a minimum, systemize how ACS, with assistance from foster care agencies, (i) identifies the country of birth, to the extent practicable, of children in contact with ACS; (ii) identifies all children within ACS, as early as possible, who may qualify for SIJS or other immigration benefits; (iii) tracks such children, to the extent practicable and consistent with client confidentiality requirements, until the completion of their SIJS or other immigration relief ; (iv) assists such children, as soon as they are identified, in obtaining the immigration services they need, including birth certificates if they do not possess them; and (v) provides mandatory training programs on immigration benefits, including SIJS, for appropriate ACS and contract agency case workers and staff.

b. Reporting. 1. Six months from the effective date of this local law, ACS shall submit the plan to the city council. 2. The plan shall include detailed descriptions of (i) how ACS will accomplish a(i)-(v) above; (ii) the structure and operation of the ACS offices that will have responsibility for identifying, tracking and ensuring the referral of youths for SIJS or other immigration benefits; (iii) the number and type of positions within ACS that will have responsibility for identifying, tracking and ensuring the referral of youths for SIJS or other immigration benefits, including whether each such position is full or part time and temporary or permanent; (iv) program standards for contract agencies regarding SIJS identification and coordination of immigration services; (v) ACS's mechanisms and indicators for monitoring its own and contract agencies' compliance with and achievements under the plan; and (vi) ACS's method(s) for collecting data and evaluating

outcomes for immigrant youth that it has made contact with under the new plan. 3. No later than one year after completion and submission of the plan, ACS shall prepare and submit to the city council a report (i) regarding its ability to identify, track and coordinate immigration services for youths with whom it has had contact; (ii) containing indicators sufficient to show the agency's progress towards achieving the goals of the plan; and (iii) containing such programs, procedures, memoranda, or training materials as concern the implementation and goals of the plan. Subsequent reports shall be submitted annually on the first of April thereafter.

§3. This local law shall take effect 90 days after its enactment into law and will sunset in 2015.

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