A BILL

TO PROVIDE THAT NEW YORK STATE DEMANDS THAT THE FEDERAL GOVERNMENT IMMEDIATELY HALT THE OFFICE OF REFUGEE RESETTLEMENT PROGRAM’S OPERATIONS IN NEW YORK STATE PENDING REVIEW BY THE NEW YORK STATE LEGISLATURE TO ENSURE PROPER REFORMS FOR PROPER VETTING OF PERSONS TO BE RESETTLED WITHIN THE STATE OF NEW YORK, AND TO AMEND N.Y. SOS. Article 5, Title 10, §358, RELATING TO THE STATE DEPARTMENT AND BOARD OF SOCIAL SERVICES, TO PROVIDE THAT PERSONS PROPOSED TO BE PLACED BY THE FEDERAL GOVERNMENT IN THE STATE OF NEW YORK WHO DO NOT MEET THE 1980 REFUGEE ACT DEFINITION OF REFUGEE WILL BE REFUSED PLACEMENT; TO PROVIDE THAT REFUGEES WHO DO NOT MEET THE 1980 REFUGEE ACT DEFINITION OF REFUGEE, PLACED IN THE STATE OF NEW YORK WILL NOT BE ELIGIBLE TO RECEIVE ANY DIRECT OR INDIRECT BENEFIT FROM THIS STATE; AND TO PROVIDE THAT MIGRANTS MISCLASSIFIED AS REFUGEES ARE NOT ELIGIBLE FOR DEPARTMENT OF SOCIAL SERVICES BENEFITS.

Whereas, the 1980 Refugee Act definition of Refugee states, “any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion”;

Whereas, 8 CFR 240.67, regarding those seeking asylum and those seeking a classification as a refugee, states that “a full criminal background check on an applicant has been completed. A definitive response that a full criminal background check on an applicant has been completed includes: (1) Confirmation from the FBI that an applicant does not have an administrative or criminal record; (2) Confirmation from the FBI that an applicant has an administrative or a criminal record; or (3) Confirmation from the FBI that two properly prepared fingerprint cards (Form FD 258) have been determined unclassifiable for the purpose of conducting a criminal background check and have been rejected”;

Whereas, the Legislature of the State of New York deems that vetting of persons designated as refugees by the federal government is not being performed to the satisfaction of the New York State Legislature so as to ensure the health, welfare, and safety of the citizens of New York State;

[1] Refugee Placement Moratorium
P. Vazquez
The People of the State of New York, represented in the Assembly and Senate, do enact as follows:

SECTION 1: By this bill, the State of New York, in order to promote the general welfare of all the citizens of New York State authorize a moratorium of the placement of refugees by the Federal Office of Refugee Resettlement Program in the State of New York pending review and approval of reforms for proper vetting of the persons to be resettled within the State of New York as this Legislature shall deem appropriate. Such approval to be expressed by future legislation allowing resumption of said program only on express finding of this Legislature that the health, welfare, and safety of the citizenry of New York State will be adequately protected.

SECTION 2: N.Y. SOS. Article 5, Title 10, §358 is amended by adding:

“Section 358:

(A) A person identified for placement in this State by the Office of Refugee Resettlement Program who does not meet the definition of refugee, as defined in the 1980 Refugee Act, may not be placed in this State.

(B) A person placed in this State by the Office of Refugee Resettlement Program shall not be eligible to receive any direct or indirect benefit from New York State, including, but not limited to Refugee Cash Assistance (RCA), Refugee Medical Assistance (RMA), and Refugee Social Services (RSS).

(C) A person placed in this State by the Office of Refugee Resettlement Program under the status of ‘refugee’, who properly falls within the definition of a ‘migrant’ under applicable federal law, rather than ‘refugee’, shall be excluded from eligibility from any benefits provided by the Department of Social Services.”

SECTION 3: This bill shall move as a message of necessity for immediate vote and takes effect immediately following signature by the Governor.

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[2] Refugee Placement Moratorium
P. Vazquez