Committee on Immigration

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## THE COUNCIL OF THE CITY OF NEW YORK

# COMMITTEE REPORT OF THE GOVERNMENTAL AFFAIRS Division

*Andrea Vazquez, Legislative Director*

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**COMMITTEE ON IMMIGRATION**

*Hon. Shahana Hanif, Chair*

#### April 27, 2022

**Proposed Res. No. 84-A:** By Council Member Hanif, Abreu, Moya, Schulman, Lee, Hudson, Brewer, Ung, Stevens, Brannan, Won, Restler, Avilés, Brooks-Powers, Menin, Joseph, Narcisse, Krishnan, and Nurse

**Title:** Resolution calling on the State Legislature to pass, and the Governor to sign, A.880A/S.1572A, to provide coverage for health care services under the basic health program for individuals whose immigration status renders them ineligible for federal financial participation

**Res. No. 112:**  By Council Member Hanif, the Public Advocate (Mr. Williams), Narcisse, Krishnan, Cabán, Restler, and Nurse

**Title:** Resolution calling on the New York State Legislature to pass, and the Governor to sign, the New York for All Act (A.2328-A / S.3076-A), which would prohibit and regulate the discovery and disclosure of immigration status by New York state and local government entities

1. **Introduction**

 On April 27, 2022, the Committee on Immigration, chaired by Council Member Shahana Hanif, will vote on Res. No. 84-A and Res. No. 112, both sponsored by Council Member Hanif. The Committee previously held a joint hearing with the Committees on Hospitals and Health, and Subcommittee on COVID Recovery and Resiliency on these resolutions on April 18, 2022. At that hearing the Committee received testimony from representatives from the Mayor’s Office of Immigrant Affairs and other City agencies, as well as advocates and other interested members of the public.

1. **Res. No. 84-A: Coverage for All Act (A.880A/S.1572A)**

The enactment of the Affordable Care Act in 2010 significantly reduced the number of uninsured New Yorkers. However, about 600,000 New York City residents are still uninsured.[[1]](#footnote-2) Of those individuals, many are likely undocumented, based on data and the lack of availability of insurance options for this population. According to a 2018 report from the Mayor’ Office of Immigrant Affairs, there are an estimated 560,000 undocumented individuals in New York City.[[2]](#footnote-3) Approximately 96 percent of U.S.-born New Yorkers have health insurance, compared to only 78 percent of non-citizen New Yorkers.[[3]](#footnote-4) Additionally, only 54 percent of undocumented immigrants have health insurance compared to 93 percent of New York City’s total population.[[4]](#footnote-5) Utilizing a 2018 estimate, this means about 257,600 people who are undocumented are uninsured. The lack of health insurance often means that uninsured adults do not see a doctor or health care professional and obtain needed prescriptions due to cost.[[5]](#footnote-6) This has serious health consequences, such as delayed diagnoses[[6]](#footnote-7) and an increased risk of death.

The COVID-19 pandemic shows how important it is for uninsured immigrant New Yorkers to have access to quality affordable healthcare. Data on immigrant New Yorkers indicates that immigrant communities are at higher risk of COVID-19 exposure and poorer health outcomes than their U.S.-born counterparts, due to higher rates of crowded living arrangements, higher rates of poverty, and generally lower educational attainment and lower health insurances rates.[[7]](#footnote-8)

Res. No. 84-A calls on the New York State Legislature to pass the Coverage for All Act (A.880A/S.1572A), which would allow undocumented individuals who are ineligible for federal financial participation, with household income below 200% of the federal poverty line, to purchase health insurance under the state-funded Essential Health Plan. The bill would also require eligible individuals to pay a small premium to contribute to their own coverage. While the bill is expected to cost $345 million to expand coverage to uninsured immigrant New Yorkers, the expansion will save in emergency Medicaid spending on this same population. With roughly 154,000 immigrant New Yorkers uninsured because of their immigration status, the expansion of health care coverage would further drive down the state’s uninsured rate while offering access to quality affordable healthcare to all New Yorkers regardless of immigration status.

1. **Res. No. 112: New York for All Act (A.2328A/S.3076A)**

The City Council passed two legislative packages in 2014 and 2017 to restrict discovery and disclosure of immigration status information and coordination with federal immigration enforcement. This was part of the Council’s effort to end the entanglement between federal immigration enforcement and local law enforcement. However, immigrant New Yorkers interact with State agencies and State law enforcement out of necessity. As it stands, existing State laws can expose immigrant New Yorkers to federal immigration enforcement, which erodes trust in government and can decrease willingness to report crimes witnessed, cooperate in investigations and access critical government services.

Res. 112 calls on the New York State Legislature to pass the New York for All Act (A.2328A/S.3076A), which broadly prohibits state and local officers from enforcing federal immigration laws, funneling people into Immigration and Customs Enforcement (ICE) custody, and sharing information with federal immigration authorities; it also prohibits ICE and Customs and Border Protection (CBP) from entering non-public areas of state and local property without a judicial warrant; ensures people in custody are given notice of their rights before being interviewed by ICE; and starts the process of limiting ICE and CBP access to state information databases

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Proposed Res. No. 84-A

Resolution calling on the State Legislature to pass, and the Governor to sign, A.880A/S.1572A, to provide coverage for health care services under the basic health program for individuals whose immigration status renders them ineligible for federal financial participation.

By Council Members Hanif, Abreu, Moya, Schulman, Lee, Hudson, Brewer, Ung, Stevens, Brannan, Won, Restler, Avilés, Brooks-Powers, Menin, Joseph, Narcisse, Krishnan, and Nurse

Whereas, About 154,000 low-income New York City residents are ineligible for health insurance coverage because of their immigration status, according to the New York Immigration Coalition; and

Whereas, Uninsured New Yorkers often avoid medical care for fear of costs, resulting in prolonged illness, suffering and even increased risk of death; and

Whereas, According to the Health Care For All New Yorkers Campaign, when people can no longer avoid care, they may incur huge medical bills that result in uncompensated care for providers; and

Whereas, According to Community Service Society and Citizens Budget Commission, insuring 46,000 uninsured people could save New York State $19 million in uncompensated care costs; and

Whereas, Undocumented New Yorkers have been at the forefront of New York City’s fight against COVID-19, representing 31 percent of the state’s essential workers and playing a key role in all sectors of our battle against the virus; and

Whereas, According to a 2021 report by Families USA, more than 8,200 individuals in New York state died from COVID-19 due to lack of health coverage, of which an estimated 2,050 were undocumented; and

Whereas, Other states, such as California, Illinois, and Minnesota have taken bold steps to invest in the health of their immigrant residents by establishing state-only funded programs for certain groups of immigrants, such as young people and older people; and

Whereas, Since the enactment of the Affordable Care Act in 2010, the amount of New Yorkers who are uninsured has been reduced considerably from 3 million to 1 million individuals; and

Whereas, In January, 2021, New York State Assembly Member Richard Gottfried introduced A.880A, along with its companion bill S.1572A, which was introduced by New York State Senator Gustavo Rivera, to expand eligibility for the Essential Plan, a health care plan for individuals who do not qualify for Medicaid in New York, to individuals who currently face barriers to health care coverage due to their immigration status; and

Whereas, A.880A/S.1572A aims to improve the overall healthcare system by encouraging people with serious and chronic health conditions to seek care and not delay out of fear for the cost of service; and

Whereas, By expanding coverage under the existing Essential Plan, A.880A/S.1572A will protect New Yorkers from financial hardships related to medical expenses incurred, stabilize our State’s healthcare economy, and save lives; and

Whereas, New York State’s FY 2023 enacted budget expanded health coverage for those who are undocumented, yet only if they are over 65 years old; and

Whereas, The state will also expand postpartum coverage for all individuals eligible for Medicaid while pregnant, including all immigrants, from 60 days to one year after they give birth; and

Whereas, This is not sufficient enough, and access to healthcare is an inherent human right; and

 Whereas, New York State must ensure health care is accessible for all New Yorkers, regardless of immigration status and age; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, A.880A/S.1572A, to provide coverage for health care services under the basic health program for individuals whose immigration status renders them ineligible for federal financial participation.

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Res. No. 112

Resolution calling on the New York State Legislature to pass, and the Governor to sign, the New York for All Act (A.2328-A / S.3076-A), which would prohibit and regulate the discovery and disclosure of immigration status by New York state and local government entities.

By Council Member Hanif, the Public Advocate (Mr. Williams), Narcisse, Krishnan, Cabán, Restler, and Nurse

Whereas, Immigrants make up almost a quarter of New York state’s population and account for 37 percent of New York City’s population; and

Whereas, Immigrant New Yorkers are valuable members of our communities, contributing over $61 billion in federal and state taxes in 2019; and

Whereas, Immigrants in New York City make up more than 50 percent of all individuals working on COVID-19 frontlines since the very first outbreak in 2020; and

Whereas, In recent years, New York State has made strides to be more inclusive to its foreign born residents, passing laws that extended driver’s license eligibility to residents, regardless of immigration status, provided tuition assistance for undocumented New Yorkers, and investing in deportation defense programs such as the Liberty Defense Fund, mirroring similar programs in New York City; and

Whereas, State and municipal policies throughout New York that require and retain immigration status information can, however, unnecessarily expose immigrant New Yorkers to federal immigration enforcement; and

Whereas, Entanglement between federal immigration enforcement and local and state entities erodes trust between immigrant communities and local authorities, which can decrease willingness to report crimes witnessed, cooperate in investigations and access critical government services; and

Whereas, Research from the Center for American Progress published in 2017 showed that counties that restrict local interactions with ICE had lower crimes rates while experiencing higher median household incomes, lower unemployment and lower poverty rates; and

Whereas, A 2020 comparative study from the Stanford University Department of Political Science found that counties that disentangled local authorities from federal immigration enforcement; experienced decreased deportations without increases in crime and

Whereas, In 2021, New York State Assemblymember Karines Reyes and Senator Julia Salazar introduced the New York for All Act (A.2328-A / S.3076-A), which prohibits the discovery and disclosure of immigration status by state entities, including law enforcement; and

Whereas, The Act additionally directs municipalities throughout the state to prohibit the discovery and disclosure of such information; and

Whereas, The Act requires reporting to the State Attorney General’s office, to be made publicly available, of every communication between federal immigration enforcement and state and local government entities; and

Whereas, The Act would require ICE to present a judicial warrant in order to access non-public areas of government property and require local jails to inform detained individuals of their rights related to ICE, including the right to decline an interview with ICE and to seek counsel; and

Whereas, In 2014 and 2017, New York City Council passed two packages of legislation that restricted the discovery and disclosure of immigration status information and the coordination with federal immigration enforcement, in an effort to end unchecked entanglement between federal immigration enforcement and local law enforcement; and

Whereas, Immigrant New Yorkers necessarily interact with State agencies and state law enforcement as residents of New York City, and deserve to be treated with dignity and respect; and

Whereas, Immigrant New Yorkers should not be held to different standards depending on the city or state agency with which they interact, regardless of immigration status; and

Whereas, Passage of the New York for All Act would distinguish New York State, joining ranks with other such states as California and Washington, in protecting all immigrant residents; now, therefore, be it

Resolved, that the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, the New York for All Act (A.2328-A / S.3076-A), which would prohibit and regulate the discovery and disclosure of immigration status by New York state and local government entities.

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LS 5853

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EK

LS 17249/17515

Res. 1648-2021

1. New York City Mayor’s Office, *Mayor de Blasio Unveils NYC Care Card, Details Progress Toward Launch of Guaranteed Health Care*, May 7, 2019, available at <https://www1.nyc.gov/office-of-the-mayor/news/239-19/mayor-de-blasio-nyc-care-card-details-progress-toward-launch-guaranteed-health-care#/0> [↑](#footnote-ref-2)
2. Mayor’s Office of Immigrant Affairs, *State of Our Immigrant City*, Annual Report March 2018, available at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf> [↑](#footnote-ref-3)
3. Mayor’s Office of Immigrant Affairs, *State of Our Immigrant City*, Annual Report, 2020, available at <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2020.pdf> [↑](#footnote-ref-4)
4. *Id.* [↑](#footnote-ref-5)
5. J. Tolbert, K. Orgera, & A. Damico, *Key Facts about the Uninsured Population*, Kaiser Family Foundation, November 6, 2020, available at <https://www.kff.org/uninsured/fact-sheet/key-facts-about-the-uninsured-population/> [↑](#footnote-ref-6)
6. Primary Care Development Corporation, *Primary Care Access and Equity in New York City’s Council Districts: a special report on COVID-19,* 2021, available at <https://www.pcdc.org/wp-content/uploads/FY-2021-NY-City-Council-Access-Equity-Report-1.pdf> [↑](#footnote-ref-7)
7. Mayor’s Office of Immigrant Affairs, *2019 Annual Report* (March 2020), <https://www1.nyc.gov/site/immigrants/about/annual-report.page>. [↑](#footnote-ref-8)