



Legislation Text

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Res. No. 1419-A

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19.

By Council Members Moya, Kallos, Yeger, Chin, Adams, Rosenthal, Ayala, Eugene and Louis

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, The first cases of humans infected with COVID-19 were identified in December 2019, and by mid-February 2021, there were more than 112 million cases reported across the world and more than two million deaths linked to the disease; and

Whereas, In New York City, there were more than 700,00 confirmed cases of COVID-19 and more than 28,000 confirmed deaths from the disease by February 2021; and

Whereas, Nationally, foreign-born individuals account for a larger share of essential workers, including 17 percent of the healthcare workforce; and

Whereas, In New York, the foreign-born share of the healthcare workforce is more than twice the national average, with high rates of foreign-born registered nurses, and the highest share of home health aides; and

Whereas, New York City's Mayor's Office of Immigrant Affairs estimates that more than 47 percent of hospital medical staff and more than 79 percent of home health aides are foreign-born, across the five boroughs; and

Whereas, A large proportion of foreign-born frontline workers in the healthcare profession are present in

the United States on nonimmigrant visas; and

Whereas, Employment-based nonimmigrant visas are restrictive and must specify an employer and location of employment, requiring individuals to re-apply should circumstances warrant any changes of employment; and

Whereas, Certain nuclear family members may derive visas from a primary nonimmigrant visa-holder, but if this primary visa-holder passes away then all family members on derived visas must return to their countries of origin; and

Whereas, In many cases, families on such visas have established lives in the United States, with employment, schooling, and connections to local communities that make it very difficult to uproot and return to their countries of origin; and

Whereas, This is additionally difficult for children who may no memory of their birthplace or may be U.S.-born citizens themselves; and

Whereas, In May 2020, the United States House of Representatives passed the HEROES Act (H.R. 6800) sponsored by U.S. Representative Nita Lowey (D-NY), which, among other things, provided specific immigration relief to surviving family members of frontline healthcare workers who passed away as a result of contracting COVID-19; and

Whereas, Congressional action on this specific provision is desperately needed as families are already fighting their pending deportations, brought about by fatal SARS-CoV-2 infections; and

Whereas, In August 2020, ProPublica highlighted significant under-reporting of COVID-19 related deaths within the healthcare profession by New York State, the U.S. Center for Disease Control and the U.S. Occupational Safety and Health Administration, among other entities; and

Whereas, As a result, it is difficult to estimate the number of healthcare professionals who have contracted fatal COVID-19 infections, despite higher levels of exposure; and

Whereas, The deaths of visa-sponsoring individuals is likely to put many immigrant New Yorkers at risk

of losing their own immigration statuses and subjecting them to removal proceedings solely because their family members sacrificed their lives to help others during an unprecedented global pandemic; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for the noncitizen family members who derive lawful status from a frontline worker who passed away due to COVID-19.

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