

# New York Legislature Considering State Citizenship to Undocumented Residents

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A **path to state citizenship** for non-citizen New Yorkers, **including undocumented residents**, is under consideration by the New York legislature. “The New York Is Home Act” was introduced by State Senator Gustavo Rivera in the Senate (S7879) and Assembly Member Karim Camara in the Assembly (A10129).

If passed, the bill would grant state citizenship to persons who: (1) can prove identity; (2) have lived in New York for three years; (3) have paid state taxes for three years; (4) commit to abide by New York laws and uphold the State Constitution; and (5) agree to serve on New York juries and pay state taxes.

Qualified non-citizens would receive such benefits as drivers’ and professional licenses, financial aid, health care, the right to vote, the right to run for office, and protection against racial discrimination. A summary on the bill can be viewed [here](#).

If enacted, approximately 2.7 million non-citizens will be provided a wide range of civic and economic benefits by the state. The bill also may motivate other states with large undocumented populations to adopt similar legislation. According to Senator Rivera, California and Texas could follow New York’s example. With the gridlock in the U.S. Congress when it comes to federal immigration reform, states appear to be stepping up. Two recent examples of pro-immigrant state actions are the right to Florida in-state tuition (“The DREAM Act” signed into law by Republican Governor Richard Scott on June 9, 2014) and the right to practice law in California (see *In re Sergio C. Garcia*, the unanimous decision of the California Supreme Court of January 2, 2014).

While supporters of the New York bill assert that the notion of state citizenship is consistent with the nature of dual-sovereignty and U.S. Supreme Court precedents, even if passed, the law would not protect undocumented workers from federal laws prohibiting unauthorized employment. In addition, employers would still have to comply with the I-9 regulations requiring all workers to have proper employment authorization documents. With that in mind, New York may be hoping to stimulate enough support from others to push Congress to re-focus on federal immigration reform.

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