



**Legislative Affairs
(212) 382-6655**

DOMESTIC VIOLENCE COMMITTEE

**A.10228
S.7185**

**M. of A. Paulin
Senator Saland**

AN ACT to amend the social services law, in relation to residential services for victims of domestic violence

THIS BILL IS APPROVED

The Domestic Violence Committee of the New York City Bar Association supports Assembly Bill 10228 and Senate Bill 7185. This legislation permits all victims, including non-qualified aliens, to be eligible for emergency domestic violence residential services. Specifically, it amends section 398-e of the Social Services Law by extending eligibility for domestic violence residential services to aliens, including non-qualified aliens.

Domestic violence remains an epidemic in New York State. According to the New York State Office for the Prevention of Domestic Violence (OPDV), approximately 450,000 domestic violence incidents are reported to police departments each year; however, many incidents go unreported, particularly by non-qualified immigrants, because of fear of deportation. To escape domestic violence, many victims must flee to domestic violence shelters; in 2006, 15,009 adults and children entered into a residential program for victims of domestic violence and 1,607 adults and children resided in transitional domestic violence housing. See, NYS Office of Children and Family Services, Annual Report to the Governor and Legislature, 2006. To be eligible for domestic violence shelter services, the victim seeking shelter must be eligible for public assistance. Eligibility for public assistance includes a qualified alien status. S.S.L. §131-u(1). Non-qualified aliens are not eligible for domestic violence shelter services. Although current federal and state law do not permit states to receive per diem reimbursements for domestic violence shelter services provided to non-qualified aliens, states may enact a law permitting aliens who are not lawfully present in the United States to receive state and locally funded public benefits for which they would otherwise be ineligible. 8 U.S.C. §1621(2). This bill would allow non-qualified aliens to access domestic violence shelter services, and provide enhanced protections for non-qualified alien victims, and would permit the state to receive a per diem reimbursement for these services.

The lack of access to domestic violence shelters may well force many non-qualified immigrants and their children to stay with their abusers in dangerous situations, subjecting the victims and their children to further violence. Shelters must be available to non-qualified immigrants and their children so that they may have the same services available to any victim trying to escape a violent relationship. Victims of violence, including human trafficking victims who are now protected by the landmark legislation passed by New York State in 2007, need safe, confidential emergency shelter to escape their abusers and traffickers. This bill would provide those services.

For the foregoing reasons, the Domestic Violence Committee recommends enactment of this bill.