



Prop 1: A Basis for Tax-Payer Benefits to Migrants - Fact Sheet

- Prop 1 states you cannot discriminate based on national origin, but national origin is already covered in existing state and federal Human Rights laws and typically applied to U.S. citizens.
- If passed, Prop 1 will provide a constitutional basis to Hochul's grant of substantial benefits to illegal migrants at taxpayers' expense
- New York City's 1979 'Right to Shelter' consent decree for homeless New Yorkers will be construed as a migrant's legal right to shelter -- with a constitutional guarantee that courts will be hard pressed to deny.
- Hochul's current generous benefits to migrants -- public assistance such as cash payments in lieu of welfare, credit cards to purchase food, and housing options -- would all have a constitutional basis of protection.
- With respect to housing migrants, a federal court recently dismissed an NYCLU lawsuit challenging an Orange County executive order prohibiting hotels from becoming shelters. Additionally, Rockland County has beaten a NYCLU federal lawsuit asserting that the County could not constitutionally bar migrants from traveling to or residing in the County. Should Prop 1 be ratified into law, courts would have to find that executive orders such as these intentionally discriminate against the migrants and violate their constitutional rights to travel freely within New York State.
- Hochul believes work authorization is the way out of the migrant crisis and is fast-tracking migrant work permits and employment processes for government jobs -- jobs that tax-payers fund. She seeks to work around the current requirement to first apply for asylum and then wait 6 months to apply for a work permit . One problem with her approach: the Biden-Harris White House cannot and will not control the border.
- Will the ERA allow migrants the right to vote? A 2022 NYC law granting non-citizens/green card holders/those with federal work authorizations the right to vote has not gone into effect because of legal challenges. This would have applied to 800,000 newly eligible voters in the city alone. The trial court and 2nd Department Appellate Division struck down the law as unconstitutional. New York City has appealed to the Court of Appeals and a hearing is scheduled in the Fall.
- Will the ERA grant the right for migrants to apply for public service jobs such as law enforcement, firefighters, emergency medical workers etc.? Non-citizens can become police officers in California, Colorado, and Illinois; Virginia and Wisconsin are considering bills to allow this as well. And taking it even further, in Illinois, a U.S. District Court ruled that migrants are not prohibited from legally possessing weapons.
- If Prop 1 is approved in November, all bets are off on how far this can go.