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## **Empire Justice Victory Means Thousands of Immigrants in NY with Humanitarian Status Can Access Financial Assistance**

On March 16, 2018, the Appellate Division, Fourth Department, relying on the arguments of the Empire Justice Center, [unanimously held](#) that New Yorkers with Temporary Protected Status are eligible to access Safety Net Assistance benefits as far back as June 2012.

Temporary Protected Status (TPS) is granted to individuals from countries where ongoing armed conflict, environmental disaster, or other extraordinary circumstances mean that return to that country would pose a grave threat to their lives. New York State is home to over 26,000 TPS holders who help generate over \$1.5 billion annually for the New York State economy<sup>1</sup>; it is likely that this decision will affect several thousand of these individuals. Most TPS holders in New York State have lived in the United States for an average of fifteen to twenty-two years<sup>2</sup>.

The plaintiff in the case, Mr. Karamalla, who is now elderly, left his home country of Sudan over a decade ago, due to violent armed conflict which continues to this day, and came to the United States under Temporary Protected Status. Mr. Karamalla worked in New York for many years until he became disabled. When he applied for assistance, he was denied based on his TPS status, in contradiction to the tenets of the State Constitution, as were all other TPS holders who applied.

“This is a long fought battle to do the right thing for individuals like Mr. Karamalla who have received Temporary Protected Status,” said Saima Akhtar, a Senior Attorney with Empire Justice Center who argued the appeal. “They initially came to New York because they feared for their lives, but went on to become valued members of their communities. Our State Constitution says they should have access to assistance if it is needed and yet they were being denied.”

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<sup>1</sup> Center for American Progress, “TPS Holders in New York”,  
[https://cdn.americanprogress.org/content/uploads/2017/10/19130252/101717\\_TPSFactsheet-NY.pdf](https://cdn.americanprogress.org/content/uploads/2017/10/19130252/101717_TPSFactsheet-NY.pdf)

<sup>2</sup> *Ibid.*

In 2015, Empire Justice Center, with co-counsel from the Erie County Volunteer Lawyers Project, filed a class action lawsuit on behalf of Mr. Karamalla and other immigrants with TPS like him, arguing that immigrants with TPS should be eligible for Safety Net assistance, just as they are for other programs, rather than be denied just on the basis of their immigration status, in violation of both the U.S. and New York State Constitutions.

In early 2016 Supreme Court Justice Katherine Nugent-Panepinto issued two decisions in favor of Mr. Karamalla and other individuals with TPS and certifying a class of plaintiffs, meaning that these individuals would be provided with the assistance if they applied and were eligible. The decision certifying the class was appealed by the New York State Office of Temporary Disability Assistance, but this new decision resolves that appeal.

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*Empire Justice Center is a statewide, multi-issue, multi-strategy, public interest law firm focused on changing the "systems" within which poor and low-income families live. Empire Justice protects and strengthens the legal rights of people in New York State who are poor, disabled or disenfranchised through: systems change advocacy, training and support to other advocates and organizations, and high quality direct civil legal representation. Empire Justice has offices in Albany, Rochester, Yonkers, White Plains and Central Islip on Long Island.*