

\ASSEMBLY THIRD READING

AB 325 (Reyes)

As Introduced January 30, 2023

Majority vote

SUMMARY

This bill allows applicants who have completed their formal application with the appropriate federal agency for status or relief under the federal Violence Against Women Act (VAWA), special immigrant juvenile status (SIJS) or asylum status to be eligible for certain public social services and health care services offered through current law to noncitizen victims.

Major Provisions

- 1) Specifies those that have filed a formal application with the appropriate federal agency for status or relief under the federal VAWA include:
 - a) Individuals that have filed a formal application with the appropriate federal agency for status or relief under the federal VAWA, are eligible for public social services, benefits, and health care under current provisions for noncitizen victims.
 - b) Individuals that have filed a formal application for SIJS with the appropriate federal agency, in those eligible for public social services, benefits, and health care under current provisions for noncitizen victims.
 - c) Individuals that have filed a formal application for asylum with the appropriate federal agency, in those eligible for public social services, benefits, and health care under current provisions for noncitizen victims.
- 2) Requires the California Department of Social Services (CDSS) to implement the provisions relating to the expansion of public social services to VAWA petitioners, those applying for SIJS, and asylum seekers before July 1, 2024; further, provides that emergency regulations may be adopted by the department, as specified.
- 3) Expands qualifying individuals to noncitizen victims of "parental maltreatment", and "noncitizen children who have been abused, neglected, or abandoned, and noncitizens who fear persecution."
- 4) Prohibits the discontinuance of services due to the denial of a visa application if the individual is otherwise eligible for those services.

COMMENTS

Special Immigrant Juvenile Status. SIJS is a classification used by federal immigration to help undocumented youth remain in the country under specified protections. SIJS was established in 1990 at the federal level and has been expanded upon by several states to allow access to services for immigrant children, including allowing for lawful permanent resident status. Under the Trafficking Victims Protection Reauthorization Act, any unmarried undocumented individual under age 21 who has been abused, neglected, or abandoned by a parent and has been declared a dependent of the juvenile court or been committed to the custody of specified entities may seek SIJS classification. Through current requirements, a large portion of undocumented

unaccompanied minors within California would qualify for SIJS; however, many are unaware of the application process regulations and do not receive their right to service.

Violence against Women Act. In 1994, Congress passed VAWA, which sought to improve legal and community-based responses to domestic violence, dating violence, sexual assault, and stalking throughout the country. Provisions of the Act dedicated resources to community-coordinated responses, dictated federal protections and rights, and extended supports to women without citizenship status. Since its original passage, Congress has reauthorized VAWA several times, and states continue to establish policies that go above the federal protections for those who petition for status under the provisions.

Asylum Seekers. Asylum seekers, who are in the United States, but have not yet been legally recognized as a refugee, are immigrants who are fleeing persecution and threats of violence to them or their family. An asylee is a person who entered the country as an asylum seeker and has since had their asylum claim approved and been granted legal status. This population of immigrants lacks significant resources including food, shelter, and health care to support them as they settle into the United States.

Refugee Resettlement Program. In California, the Refugee Resettlement Program assists refugees, Cuban and Haitian entrants, asylees, human trafficking victims, Special Immigrant Visa holders, and Amerasians establish themselves in the state after approval of eligibility. The Refugee Programs Bureau within CDSS has statewide administrative responsibility for the program. Program benefits and services are delivered at the local level by county welfare departments and refugee service providers. Certain counties where large populations of refugees reside are designated as refugee-impacted. These refugee-impacted counties offer additional employment and social services to refugees. Refugees who live in these counties may be eligible for special employment services and training. The Counties of Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, Santa Clara, and Stanislaus are currently considered refugee-impacted counties.

CalFresh. In California, SNAP funds are administered through the CalFresh program. SNAP is the federal program that provides states funds to offer nutritional benefits to low-income individuals and families. SNAP eligibility standards are set by the United States Department of Agriculture (USDA) and include income tests, work requirements, and required documentation. The current maximum allowable gross income is 200% of the Federal Poverty Level (FPL); however, households with members who are elderly or have disabilities are instead subject to a net monthly income at or below 100% of the FPL. The benefit is meant to assist with access to healthy and nutritious foods and is distributed through various sources, depending on the state. Formerly known as food stamps, the program provides specific eligibility requirements and funding to states, planning and implementing at the local level. In the state, CalFresh is under the purview of CDSS and facilitated through county human services agencies. Federal, state, and local governments share in the financial obligation of program administration. Individuals can complete the CalFresh application online, over the phone, in person at their county CalFresh office, or through the mail, as specified. Eligible individuals in the state receive benefits through electronic cards, known as EBT cards, that are used to purchase food items and seeds and plants that can be grown as food at home.

California Food Assistance Program (CFAP). With the 1996 passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), immigrants who entered

the country after August 22, 1996, lost eligibility for SNAP benefits. California responded to this change the following year by creating the CFAP to provide nutrition benefits to legally present immigrants who lost food assistance with the passing of the PRWORA. State dollars are used to provide aid to families not eligible for federal funding solely due to residency requirements. Income and other eligibility requirements for CFAP are aligned with CalFresh requirements, as are benefit amounts.

California Work Opportunity and Responsibility to Kids. In California, the federal TANF, known as CalWORKs, provides eligible low-income families with cash grants to obtain education, training, and employment. CalWORKs is administered at the county level, primarily funded through the federal block grant, and maintained with state maintenance-of-effort contributions. Families participating in CalWORKs have access to various services aimed at helping the family achieve self-sufficiency; these services can include child care, homelessness assistance, and services aimed at addressing mental health needs, substance use disorders, experiences of domestic violence, and learning disabilities, among others. Unless deemed exempt or otherwise not required to participate under CalWORKs program rules, parents are required to develop and participate in a WTW plan. Approved WTW activities can include: public or private sector subsidized or unsubsidized employment; on-the-job training; community service; secondary school and adult basic education; and vocational education and training when needed for the recipient to become employed, among others.

According to the Author

"[This bill] would improve accessibility to services for racial/ethnic groups, low-income individuals, children/young adults, and immigrants/refugees. The aforementioned groups are those who apply for Violence Against Women Act, Special Immigrant Juvenile Status, and asylum seekers, therefore by expediting their access to services [this bill] is improving accessibility to services to vulnerable communities."

Arguments in Support

According to Coalition for Humane Immigrant Rights, "AB 325 ensures qualified immigrants have access to the benefits and programs they need in a timely manner, independent of the time it takes the federal government to process applications and bridges access to services for vulnerable immigrants. We believe AB 325 would continue to ensure immigrants have access to the resources and benefits they need..."

The Coalition for Humane Immigrant Rights and Coalition of California Welfare Rights Organizations write that, "AB 325 would provide access to state and local public benefits for survivors who fall within this gap. It would cover individuals who have applied for relief under the Violence Against Women Act who have applied for Special Immigrant Juvenile Status as victims of abuse, abandonment or neglect, and persons who have properly filed an application for asylum based on their fear."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee on March 29, 2023:

- 1) CDSS estimates ongoing General Fund costs in the range of \$19 million to \$57 million annually to provide services to visa applicants awaiting approval. This estimate includes individual assistance and family assistance and supports and assumes a take-up rate of 5% to 15%.
- 2) Unknown, but likely substantial costs to counties to administer the expanded program and determine eligibility under the new requirements in this bill. These costs are likely reimbursable by the state, subject to a determination by the Commission on State Mandates.

VOTES

ASM HUMAN SERVICES: 7-0-1

YES: Jackson, Alanis, Arambula, Bonta, Bryan, Calderon, Garcia

ABS, ABST OR NV: Sanchez

ASM APPROPRIATIONS: 13-0-3

YES: Holden, Megan Dahle, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Mathis, Papan, Pellerin, Weber, Ortega

ABS, ABST OR NV: Dixon, Robert Rivas, Sanchez

UPDATED

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FN: 0000617