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# SENATE COMMITTEE ON HUMAN SERVICES

Senator Alvarado-Gil, Chair

2023 - 2024 Regular

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**Bill No:** AB 325  
**Author:** Reyes  
**Version:** January 30, 2023  
**Urgency:** No  
**Consultant:** Heather Hopkins  
**Hearing Date:** June 19, 2023  
**Fiscal:** Yes

**Subject:** Human services: noncitizen victims

## SUMMARY

This bill provides that 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 are eligible for certain public social services and health care services that are authorized in current law to certain noncitizen survivors of trafficking and serious crimes.

## ABSTRACT

### Existing Law:

- 1) Establishes the federal “Supplemental Nutrition Assistance Program” (SNAP) pursuant to the Food Stamps Act of 1964 to provide benefits to families and individuals meeting specified criteria. (*7 United States Code Section [USC] 2011*)
- 2) Establishes the “CalFresh program” for the administration of federal SNAP benefits to eligible individuals. Provides program requirements and eligibility, as specified. (*WIC 18900 et seq.*)
- 3) Establishes under federal law the “Temporary Assistance for Needy Families” (TANF) program to provide aid and welfare-to-work (WTW) services to eligible families. (*42 USC 601 et seq.*)
- 4) Establishes in state law the CalWORKs program to provide cash assistance and other social services for low-income families through TANF. Under CalWORKs, each county provides assistance through a combination of state, county and federal TANF funds. (*WIC 11120 et seq.*)
- 5) Provides that "refugee social services" include, but are not limited to, English language and employment training, funded through federal appropriations. (*WIC 13275(c)*)

- 6) Requires CDSS to allocate appropriated federal funds for refugee social services programs to each eligible county and, if the department exercises its discretion, to a qualified nonprofit organization, based on the number of refugees receiving aid in the eligible county or the number of refugees that reside in the eligible county. (*WIC 13276*)
- 7) Requires a county, to the extent permitted by federal law, to utilize funds to pay for the costs of any services provided to, or activity performed on behalf of, any refugee participating in the program Refugee Cash Assistance Program. (*WIC 13278*)
- 8) Requires that refugee social services programs be available to recipients of refugee cash assistance and refugees receiving county general assistance in eligible counties. If the county does not provide these services, a portion of the funds allocated to the county may be used to provide services to recipients of refugee cash assistance and refugee recipients of general assistance based on federal requirements and service needs. (*WIC 13279*)
- 9) Provides that, in counties receiving federal refugee social services funding, the county welfare department shall include in its CalWORKs plan a section that specifically addresses the provision of services for refugee applicants for, and recipients of, aid and the orderly transition of those applicants and recipients into the CalWORKs program. (*WIC 13280*)
- 10) Authorizes CDSS, notwithstanding any other law, and to the extent permitted by federal law, to contract with, or issue grants to, qualified nonprofit organizations for the purpose of administering federally funded refugee cash assistance within a county. (*WIC 13284*)
- 11) Authorizes the provision of aid to eligible legal immigrants who have been lawfully admitted for permanent residence or are otherwise permanently residing in the United States, to the extent permitted by federal law. (*WIC 11104*)
- 12) Defines, under federal law, a "special immigrant juvenile" as a person under 21 who is declared a dependent by a juvenile court or committed to the custody of a state agency or a court-appointed individual, whose reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis found under state law, and whose return to their country of nationality or last habitual residence is not in the juvenile's best interest. Allows such person to obtain SIJS and, based on that, apply for a visa for lawful permanent residency. (*8 USC 1101(a)(27)(J); 8 Code of Federal Regulations 204.11.*)
- 13) Defines "unaccompanied undocumented minor" (UUM) in state law to mean the same as "unaccompanied alien children" in federal law, which defines an unaccompanied alien child to mean a child who has no lawful immigration status in the United States, had not yet reach 18 years of age, and with respect to whom either there is no legal parent or guardian in the United States, or no parent or legal guardian in the United State is available to provide care and physical custody. (*WIC 13300(c); 6 U.S.C. 279(g)(2)*)
- 14) Establishes the "Violence Against Women Act" and contains provisions including the protections and rights of petitioners. (*42 USC 12131 et seq.*)

- 15) Prohibits the federal government from returning to their home countries people whose life or freedom would be threatened because of the person's race, religion, nationality, membership in a particular social group, or political opinion. (*8 USC 1231(b)(3)*)
- 16) Provides eligibility for public social services, benefits, and health care services provided through the state to noncitizen victims of trafficking, domestic violence, and other serious crimes, as specified. (*WIC 18945*)

**This Bill:**

- 1) Includes individuals who have filed a formal application with the appropriate federal agency for status or relief under the federal VAWA as eligible for public social services, benefits, and health care under current provisions for noncitizen victims.
- 2) Includes individuals who have filed a formal application for SIJS with the appropriate federal agency as eligible for public social services, benefits, and health care under current provisions for noncitizen victims.
- 3) Includes individuals who have filed a petition for asylum with the appropriate federal agency, among those eligible for public social services, benefits, and health care under current provisions for noncitizen victims.
- 4) Requires the California Department of Social Services (CDSS) to implement the provisions relating to the expansion of public social services to VAWA petitions, those applying for SIJS, and asylum seekers before July 1, 2024. Further provides that emergency regulations may be adopted by the department, as specified.
- 5) Makes technical and conforming changes

**FISCAL IMPACT**

According to the Assembly Appropriations Committee, 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%.

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.

The author is also pursuing this proposal in the Legislative budget process.

**BACKGROUND AND DISCUSSION****Purpose of the Bill:**

According to the author, “Survivors awaiting case determination are often left without access to state and local benefits during the review process of the survivor’s petition for federal relief. With delays in application processing times, survivors cannot access services while in emotionally, physically, and mentally difficult situations. AB 325 will allow Violence Against Women Act petitioners, Special Immigrant Juvenile Status petitioners, and asylum seekers to access crucial benefits while awaiting prima facie case determination. AB 325 will create a pathway to benefits for these survivors and help a relatively small number of people in great need before they transition to existing state or federal services. It is in the spirit of California to secure care for survivors, AB 325 is a step in right direction in building a bridge for benefits and care.”

### *Social Safety Net*

Various government-funded programs help support low-income Californian’s experiencing poverty or hardship. The goal of the majority of these programs are to provide support through financial benefits or services to individuals as they work to address barriers and gain financial security. Some programs, like Supplemental Security Income, are not intended to be time limited but rather provide long term support for specific, designated populations who are recognized as needing ongoing assistance to meet basic needs. The following is a brief overview of several of these programs.

*CalFresh/SNAP*: SNAP, formerly known as food stamps, is a federal program that provides states fund to offer a nutritional benefit 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 percent 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 percent 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. In California, SNAP funds are administered through the CalFresh program. CalFresh is under the purview of CDSS and facilitated through the county human services agencies. Individuals apply through their county human services agency and once deemed eligible receive benefits through electronic benefit (EBT) cards. CalFresh benefits may be used to purchase food, as well as seeds and plants that can utilized to grow food.

*California Work Opportunity and Responsibility to Kids (CalWORKs)/Temporary Assistance for Needy Families (TANF)*: CalWORKs is a public assistance program that provides cash aid and service to eligible families have a child(ren) in the home. Funding for CalWORKs is provided through federal TANF block grants, which gives the state flexibility to create its own program rules as long as they are within federal guidelines. Families are provided monthly assistance payments to help pay for housing, food, and other necessary expenses. The amount of a family’s monthly assistance payment varies depending on a variety of factors, including the number of people who are eligible residing in the home and the special needs of any of those family members. Families participating in CalWORKs have access to various services aimed at helping the family achieve self-sufficiency, including: childcare; homelessness assistance; mental health and addiction services; domestic violence counseling; among others. Unless deemed exempt

or otherwise not required to participate under CalWORKs program rules, parents are required to develop and participate in a Welfare-to-Work (WTW) plan. Approved WTW activities may include: public or private sector subsidized or unsubsidized or employment; on-the-job training; community services; secondary school and adult basic education; vocational education and training, among others. CalWORKs benefits are time limited.

*Supplemental Security Income/State Supplementary Payment (SSI/SSP):* SSI/SSP provides a monthly cash benefit to qualified low-income individuals and couples in order to help them pay for basic living expenses, such as food, clothing and shelter. In order to be eligible for SSI/SSP, a person must be at least 65 years old, blind or disabled (including disabled children) and meet certain income and resource requirements. A qualified SSI recipient is automatically eligible for SSP. SSI is a federally funded benefit. The SSP benefit is funded with the state's General Fund and California sets its own SSP rates. SSI/SSP grant amounts vary based on a number of factors, including: whether a recipient is aged, blind, or living with disabilities; the individual's or couple's living arrangements; a recipient's marital status; and whether or not a recipient is a minor.

*General Assistance or General Relief (GA/GR):* The GA/GR program is designed to provide relief and support to indigent adults who are not supported by their own means, other public funds, or assistance programs. GA/GR programs are operated at the county level and each county establishes and funds their own program. As these programs are county run and funded, benefits, payment levels, and eligibility requirements vary among each of California's 58 counties.

*Medi-Cal:* Medi-Cal is California's Medicaid program and provides medical services to qualifying, low-income people at little or no cost. It is administered by the Centers for Medicare and Medicaid Services and the California Department of Health Care Services. Medi-Cal has more than 90 eligibility categories, and each category has its own rules and requisites. Individuals can see if they qualify by applying online through BenefitsCal or Covered California.

*California Food Assistance Program (CFAP):* CFAP was created in response to passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, which restricted federal eligibility for aid to immigrant populations entering the United States. California established CFAP to provide state-funded nutritional aid to legally present immigrant populations who had lost SNAP benefits due to PRWORA. Income and other eligibility requirements, as well as benefit amounts, for CFAP align with those for CalFresh. According to the Legislative Analyst Office, as of January 2022, SB 245 (Hurtado) Page 6 of 10 CFAP provides food assistance to approximately 35,000 legal permanent residents each month and they receive an average food benefit amount of \$131. California law identifies specific categories of lawfully present

*Refugee Cash Assistance (RCA):* The RCA program is a federally funded benefit, administered by states, that is extended to refugees who enter the United States and are not otherwise eligible for cash aid. In California, the RCA program is facilitated through CDSS, specifically the RPB as part of their Refugee Resettlement programs. The RCA program provides employment services and other social services designed to assist

refugees in becoming self-sufficient members of their communities. Specifically, the funds provided through RCA are meant to assist the refugee in meeting basic needs while allowing them time to resettle and obtain employment. Refugees may receive RCA for up to 8 months, beginning at their date of admission into the United States under the qualifying status, date of final grant of asylum, or date of certification of the ORR as a Victim of Trafficking.

#### *Office of Refugee Resettlement (ORR)*

At the federal level, refugee benefits and supports are overseen by the ORR. ORR was created through the Refugee Act of 1980 and provides benefits to the following groups: refugees, asylees, Cuban and Haitian entrants, Special Immigrant Visa holders, Amerasians, and Victims of Trafficking. ORR seeks to provide social services that help refugees become self-sufficient as quickly as possible, including programs focused on supporting mental health, navigating medical assistance, and addressing refugee specific health challenges.

ORR is not responsible for coordinating admissions of refugees, nor are they involved with allocating specific numbers of arrivals to specific cities and resettlement agencies, as this is the responsibility of the State Department's Bureau for Population, Refugees and Migration. ORR is responsible for this population from the date of the refugees' arrival, when they provide short-term cash and medical assistance, case management services, English as a Foreign Language Classes, job readiness and employment services, among other services.

#### *Refugee Programs Bureau (RPB)*

In California the RPB, within CDSS, provides state-level leadership and coordination of programs and services to help refugees successfully resettle within California and assist with the integration of other vulnerable populations, including but not limited to: certified human trafficking victims, Afghan and Iraqi Special Immigrant Visa holders, asylees, Cuban and Haitian entrants, and unaccompanied refugee minors. The RPB oversees culturally-sensitive and linguistically-appropriate services that helps clients attain the skills they need to achieve self-sufficiency and successfully integrate. The RPB works to meet their goals by partnering with counties, resettlement agencies, school districts, and community based organizations.

RPB also oversees the following programs: the California Newcomer Education and Well-Being Project; the Refugee Resettlement Program, including RCA, Refugee Medical Assistance, and Refugee Support Services; the Refugee School Impact Program; the Repatriation Program; the Services to Older Refugees Program; the Trafficking and Crime Victims Assistance Program; the Unaccompanied Refugee Minors Program; and the Youth Mentoring Project.

In addition to refugees, there are other noncitizen statuses an immigrant may have due to the circumstances that brought them to the United States or the circumstances that developed after they arrived in this country. Since the RPB oversees programs beyond refugee resettlement efforts, some of these other categories of noncitizens may also qualify for RPB programs or services. These other categories of noncitizen status include:

*Special Immigrant Juvenile Status (SIJS)*: SIJS is a classification used at the federal level to help undocumented youth remain in the county under specified protections. SIJS was

established in 1990 at the federal level, and several states have expanded the SIJS 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 classifications. SIJS may also apply to many unaccompanied minors, or those youth who arrived in the United States without law status, had not yet reached 18 years of age, and with respect to whom either there is no legal parent or guardian in the United States, or no parent or legal guardian in the United States is available to provide care and physical custody. However, many are unaware of the application process regulations and do not receive their right to service.

*Violence Against Woman Act (VAWA):* In 1994, Congress passed VAWA, which sought to improve legal and community-based responses to domestic violence. VAWA has since been reauthorized several times resulting in the provision of additional services and supports for survivors. Provisions of the Act dedicated resources to community coordinated responses, dictated federal protections and rights, and extended supports to women without citizenship status. These supports allow an abused spouse or child of a U.S. Citizen or lawful permanent resident or an abused parent of a U.S. Citizen to self-petition for lawful status in the United States, receive employment authorization, and access public benefits.

*U/T Visas Applicants:* Immigrant victims of certain crimes who have been helpful in a criminal investigation or prosecution may qualify for a visa that can lead to a permanent legal status. This option may be pursued for qualifying individuals through the U Visa process. T Visas apply to survivors of human trafficking, their status of victims of human trafficking allows for them to apply for this visa. Both U and T Visas provide the recipients with a potential path to permanent residency and provides eligible law status enabling access to employment authorization and certain public benefits, supports, and services.

*Asylum Seekers:* Asylum seekers are typically individuals who enter the United States fleeing persecution, violence, or threats of violence to them or their family, but have not been legally recognized as a refugee. Under existing law, a claim for asylum is typically made once an individual has entered the United States and their claim is processed and approved or denied while they reside in the United States. However ongoing policy changes at the federal level has resulted in some individuals having to claim asylum at an entry point to the United States and then remain outside of the United States while their claim is decided. An asylee is a person who has entered the county as an asylum seeker and has since had their asylum claim approved and been granted legal status. Asylees have similar resettlement needs to refugees but lacks access to the same resources.

### *Noncitizens and Social Services*

As discussed above, California has a variety of social safety net services to help low income Californian's meet their basic needs. Some of these programs have been developed through state legislation and policy efforts to specifically address the needs of noncitizen Californians. For

example, CFAP was specifically created to provide food assistance to noncitizen Californians who meet certain requirements, including having a legal immigration status, but are ineligible for CalFresh because their immigration status was not incorporated into the CFAP criteria. Other programs, such as Medi-Cal, are available to noncitizens who meet certain eligibility criteria.

Additionally, existing law provides some state and local benefits to individuals who are in the process of qualifying for a certain noncitizen status. For example, existing law provides access to certain public social services and health care services to survivors of trafficking for up to 12 months while they are waiting to be certified for benefits by ORR or are going through the T Visa application process. Immigrants who are survivors of serious crimes are also eligible for some state and local benefits while they are completing the U-Visa processing, meaning they have access to certain public social services and health care while awaiting the approval of their visa.

Under existing law, VAWA petitioners, Special Immigrant Juvenile Status petitioners, and asylum seekers must wait for a prima facie case determination to be eligible by the state to receive public social services. The processing times often have long delays, leaving people unable to access critical resources. This period in time for applicants is a dire time where all support is needed to prevent harm and to ensure financial stability. This bill works to bridge these gaps for petitioners in need of these services.

#### **Related/Prior Legislation:**

**AB 311 (Santiago, 2023)** expands eligibility for the California Food Assistance Program (CFAP) to any individual whose immigration status is the sole basis for their ineligibility for CalFresh by removing the 55 years and older age limit on eligibility. This bill is currently pending in this Committee.

**SB 245 (Hurtado, 2023)** removes the 55 years and older age limit for noncitizens eligible for the California Food Assistance Program (CFAP) if the noncitizens satisfy all eligibility criteria for participation in CalFresh except any requirements related to immigration status. SB 245 is currently pending in the Assembly Human Services Committee.

**SB 465 (Wahab, 2023)** requires the California Department of Social Services (CDSS) to post a list of resources available to refugees on its website. SB 465 is currently pending in the Assembly Human Services Committee.

**AB 1461 (Reyes, 2021)** was virtually identical to AB 325. This bill was vetoed by the Governor.

**SB 464 (Hurtado, 2021)** would make noncitizens eligible for the CFAP, regardless of immigration status. SB 464 was held in the Assembly Appropriations Committee.

**AB 3134 (Reyes, 2020)** would have required, upon appropriation by the Legislature in the Budget Act, eight months of RCA benefit payments, to be paid for with state funds. This bill was placed on the Senate Inactive File.

**AB 2027 (Quirk, Chapter 749, Statutes of 2016)** requires an agency to certify victim cooperation on the appropriate form upon request so that an individual may apply for a T-Visa to

live and work in the country temporarily. AB 2345 (Gonzalez of 2014) would have expanded eligibility for noncitizens who are lawfully in the United States for aid under the CalWORKs program and nutrition assistance under the California Food Assistance Program. AB 2345 was held on the Assembly Appropriations Committee suspense file.

*SB 1569 (Kuehl, Chapter 672, Statutes of 2006)* provides temporary and immediate access to social services, including CalWORKs and CFAP, for non-citizen survivors of human trafficking, domestic violence, and other serious crimes.

**COMMENTS**

**Double Referral:** This bill has been double-referred. Should this bill pass out of this Committee, it will be referred to the Senate Committee on the Judiciary.

This bill would make individuals eligible for benefits once they file an application with the appropriate federal agency for specific federal relief. This would expedite the process and provide relief for those critically in need.

**PRIOR VOTES**

Assembly Floor:	72 - 0
Assembly Appropriations Committee:	13 - 0
Assembly Human Services Committee:	7 - 0

**POSITIONS**

**Support:**

- Coalition for Humane Immigrant Rights (Sponsor)
- California Academy of Family Physicians
- California Academy of Preventive Medicine
- California Pan - Ethnic Health Network
- Disability Rights California
- Having Our Say Coalition
- National Association of Social Workers, California Chapter

**Oppose:**

None received

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