
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair

2023 - 2024 Regular Session

AB 325 (Reyes) - Human services: noncitizen victims

Version: January 30, 2023

Urgency: No

Hearing Date: August 14, 2023

Policy Vote: HUMAN S. 5 - 0, JUD. 11 - 0

Mandate: Yes

Consultant: Agnes Lee

Bill Summary: AB 325 would expand eligibility for public social services to certain noncitizen victims, as specified.

Fiscal Impact:

- The California Department of Social Services (CDSS) estimates ongoing General Fund costs for services between \$18.6 million and \$219.7 million, based on a range of take-up rates.
- The Department of Health Care Services (DHCS) estimates one-time automation system costs, including a cost of \$705,000 (\$634,500 federal funds and \$70,500 General Fund) for CalHEERS, and a cost of \$263,350 (\$197,512 federal funds and \$65,838 General Fund) for CalSAWS. Since current law provides that individuals are/will be eligible for the Medi-Cal program regardless of immigration status, the DHCS indicates no program benefits costs resulting from this bill.
- Cost to counties for administration would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

Background: Under current state law, noncitizen victims of trafficking, domestic violence, and other serious crimes, as defined, are eligible for certain public social services and health care services to the same extent as individuals who are admitted to the United States as refugees. Noncitizen victims who have applied for certain federal visas related to survivors of crimes are eligible for services. Existing law requires that these services be paid from state funds to the extent federal funding is unavailable, and that those services discontinue if there is a final administrative denial of a visa application, as specified.

These state law provisions do not specify that noncitizen victims applying for federal status of the following are eligible for state public social services:

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

- The federal Violence Against Woman Act (VAWA) provides certain supports to 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.
- 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.
- Family members of victims of severe trafficking.

Proposed Law: Specific provisions of the bill would:

- Prohibit the discontinuance of public social services due to the denial of an application for a visa or other immigration status, as specified, if the individual is eligible for those services on another basis.
- Expand eligibility for public social services to noncitizen victims of parental maltreatment, noncitizen children who have been abused, neglected, or abandoned, and noncitizens who fear persecution.
- Add to the categories of noncitizen victims eligible for services, individuals who have filed a formal application or petition with the appropriate federal agency for status or relief under the federal VAWA, for special immigrant juvenile status, for asylum status, or for parole as family members of victims of severe trafficking, as specified.
- Require CDSS to adopt regulations, which may include emergency regulations, to implement these provisions no later than July 1, 2024; and authorize CDSS to implement and administer these provisions through an all-county letter or similar instructions until regulations are adopted.

Related Legislation: AB 1461 (Reyes, 2021) was similar to this bill. The bill was vetoed by the Governor.

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