
SENATE COMMITTEE ON HUMAN SERVICES

Senator Alvarado-Gil, Chair

2023 - 2024 Regular

Bill No: SB 85

Author: Wiener

Version: April 17, 2023

Urgency: No

Consultant: Heather Hopkins

Hearing Date: April 24, 2023

Fiscal: Yes

Subject: Immigration: case management and social services

SUMMARY

This bill would allow state funds, if appropriated, to be used in addition to federal funds for the extension of social service programs to refugees and asylum seekers.

ABSTRACT

Existing Law:

- 1) Requires the California Department of Social Services (CDSS) to allocate federal funds for refugee social services programs to eligible counties, and, if CDSS exercises their discretion, to a qualified nonprofit organization, based on the number of refugees residing or receiving aid in the country. (*WIC 13276*)
- 2) Defines “eligible county” as a county or city designated as impacted through the use of a formula developed by CDSS based on refugee arrivals in the county during the preceding 60-month period for which CDSS has data. (*WIC 13275(a)*)
- 3) Defines “qualified nonprofit organization” as a nonprofit organization that is exempt from federal income taxation and that satisfies any additional eligibility criteria established by CDSS. (*WIC 13275(b)*)
- 4) Defines “refugee social services” as English language and employment training, as funded through federal appropriations, among others. (*WIC 13275(c)*)
- 5) Requires that CDSS notify each eligible county’s board of supervisors of the funds available for refugee social services programs. (*WIC 13277(a)*)
- 6) Requires that a county administering refugee social services designate an agency responsible for developing and implementing a plan for the provision of services financed by refugee social services funds. (*WIC 13277(b)(1)*)

- 7) Mandates that the plan developed for implanting the provision of services financed by the refugee social services funds meet, at a minimum, the following requirements:
 - a. A county planning process that is designed in such a way as to facilitate refugee participation and public input in that process, as ensured by the eligible county's board of supervisors;
 - b. A description of how the available funds will be used to provide services to refugees;
 - c. A description of how services will be delivered to refugees receiving aid in each county; and,
 - d. Priority consideration for funding refugee community-based organizations that demonstrate the capacity to implement the proposed programs, as provided. (*WIC 13277(d)*)
- 8) Establishes the federal Temporary Assistance for Needy Families (TANF) program that delivers cash aid and welfare-to-work (WTW) services to eligible families. (*42 United States Code (U.S.C.) 601 et seq.*)
- 9) Requires that in California, TANF funding for WTW services be administered through the California Work Opportunity and Responsibility to Kids (CalWORKs) program. (*WIC 11200 et seq.*)
- 10) Provides that the requirements established for the administration of refugee social service shall only be applicable as long as federal funds are available specifically for this purpose. (*WIC 13282*)
- 11) Requires that CDSS ensure refugee cash assistance (RCA) is available to noncitizen victims of trafficking, domestic violence, and other serious crimes, as specified. Recipients of RCA aid shall be subject to the same work requirements as other participants with an exemption available if physical or psychological trauma impedes their ability to comply. Further mandates that assistance provided to individuals under this section be paid from state funds if federal funding is unavailable. (*WIC 13283*)
- 12) Provides that, to the extent allowable by federal law, CDSS partner with a qualified nonprofit organization to administer the federally funded RCA within a county and also allows a county to continue the distribution of refugee aid while in contract with a qualified nonprofit organization to facilitate the benefit. (*WIC 13284(a)*)
- 13) Allows CDSS to contract with or issue grants to qualified nonprofit organizations to administer federal refugee cash assistance within a county and requires these qualified nonprofit organizations to report, monitor, or audit the services provided. (*WIC 13284(b)*)
- 14) Exempts a qualified nonprofit organization administering refugee cash assistance through a contract or grant from following the personal services contracting requirements and the Public Contract Code and the State Contracting Manual. (*WIC 13285(a)*)

- 15) Requires the federal funds for Refugee Social Services that are allocated to county welfare departments for Title XX social services be allocated to each county in the same proportion that refugees on aid in each county bear to the total refugees on aid in the state. Provides that the allocation be developed from the caseload statistics from the previous fiscal year of the following programs: time-eligible and time-expired refugees in the Aid to Families with Dependent Children (AFDC) program; General Assistance; the Refugee Cash Assistance Program; and, the Refugee Demonstration Program. (*WIC 13008 et seq.*)
- 16) 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 U.S.C. 1231(b)(3)*)
- 17) Provides for the protection of people who have fled persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. (*UN General Assembly, Universal Declaration of Human Rights, Dec. 10, 1948, 217A(III), Art. 14*)
- 18) Protects all asylum seekers by prohibiting the federal government from returning to their home countries people who have fled persecution on account of race, religion, nationality, political opinion, or membership in a particular social group. (*8 U.S.C. Sec. 1101(a)(42)(A)*)

This Bill:

- 1) Provides that, if appropriated, state funds may be used in addition to federal funds for refugee social services.
- 2) Provides that upon completion of 90 days of federal Reception and Placement Program refugee social services, recipients are eligible for an additional 90 days of services using state funds within the first 12 months of their arrival to the United States.
- 3) Provides that if after completing the 90 day extension of services the recipient seeks additional refugee social services, the case manager shall conduct a needs assessment, on a case-by-case basis, to determine whether to grant an extension using state funds including if the recipient has demonstrated extreme need, as specified.
- 4) Requires that the additional extension of services be a minimum of 90 days to a maximum of 180 days, totally no more than 270 days of state funded support services. These are in addition to the 90 day federally funded services, for a total of no more than 360 days of services.
- 5) Provides that the refugee social services may be provided by a qualified nonprofit organization, including a community-based organization, by an eligible county, or by any office or affiliate of the agencies authorized under the federal Reception and Placement Program, as applicable.

- 6) Provides for an extension from 90 to 180 days for culturally appropriate and responsive case management services for asylees and vulnerable noncitizens within the first year following the grant of asylum or after having been deemed eligible for services.
- 7) Provides that upon completion of 180 days of services, the recipient seeks an additional extension, the case manager shall do a needs assessment on a case-by-case basis.
- 8) Provides that the recipient can request an additional extension, for a total of no more than 360 days of services. The case manager shall determine the number of extension days based on a needs assessment.
- 9) Requires that case management services include housing assistance, education, and financial literacy.
- 10) Provides that these case management services can be provided by a qualified nonprofit organization, or any office or affiliate of the agencies authorized under the federal Reception and Placement Program.

FISCAL IMPACT

This bill has not yet been analyzed by a fiscal committee.

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, “We have a moral obligation to shelter those fleeing conflict in faraway places. The largest resettlement to America in decades has come with the recent wave of refugees from Afghanistan and Ukraine, and they are not getting the help they need to integrate smoothly into our communities. This bill will help them access the healthcare, jobs, and housing they need to build successful new lives here. The three months of case management currently available to refugees is simply not enough time for them to build the support and structures they need to succeed. Extending case management by 90 days, with a possible extension in the cases of the most extreme need, will ensure that California is meeting the long-term needs of those to whom we provide shelter.

Refugees and Asylees

A refugee is a person outside his or her country of nationality who is unable or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. An asylee is a person who meets the definition of refugee and is already present in the United States or is seeking admission at a port of entry. Refugees are required to apply for Lawful Permanent Resident (“green card”) status one year after being admitted, and asylees may apply for green card status one year after their grant of asylum.

According to information provided by the author's office, the Biden administration announced it would admit 125,000 refugees under the U.S. Refugee Admissions Program, a massive increase following historic lows under the Trump administration and Covid-19 pandemic. The federal government only provides funding for 90 days of case management. This means that refugees who are settled in California—17,500 annually based on historic trends that are expected to hold—will have only 90 days to build their lives all over again. They must navigate the American health care system, find housing, secure employment, and establish a community for themselves, all while living in a country that is foreign to them.

Office of Refugee Resettlement (ORR)

At the federal level, refugee benefits and supports are overseen by the Office of Refugee Resettlement (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. 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 refugee's 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 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.

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. The RCA program is available to refugees, asylees, Cuban/Haitian entrants, Special Immigrant Visa holders, Amerasians and certified victims of human trafficking.

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.

To apply for the benefit, a refugee may access the application online through the benefitscal.com website or in person through local county welfare department. Additionally, in localities designated as refugee-impacted, or those counties with large refugee populations, the county may utilize a County Refugee Coordination (CRCs) to develop strategies for overseeing the funding of their local refugee services. CRCs may also act as the point of contact for recipients of the RCA benefit and assist those who need assistance in regard to their aid.

This bill would allow an extension of refugee services, funded at the state level, upon an appropriation and meeting certain criteria. This would give asylees more of a safety net as they work to create a new life in a new country.

Related/Prior Legislation:

AB 1368 (Calderon, 2022) would have created the Enhanced Services Program for Asylees (ESPA) to provide resettlement services for persons granted political asylum to reside in California and further specifies program requirements, including culturally specific and responsive case management services for up to 90 days. This bill would also have allowed an agency that has been designated by a county to implement social services for refugees to also provide social services for persons granted asylum under the ESPA. This bill was held in the Senate Appropriations Committee.

AB 1461 (Reyes, 2021) would have provided 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), 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. This bill was vetoed.

AB 3134 (Reyes, 2020) would have required, upon appropriation in the Budget Act, eight months of RCA benefit payments, to be paid for with state funds. AB 3134 would have also required that the transition from federally funded RCA payments to state-funded RCA payments be seamless and prohibits a requirement that the refugee apply for state-funded RCA. AB 3134 was placed on the Senate's inactive file.

AB 3133 (Aguiar-Curry, Chapter 189, Statutes of 2020) prohibits local governments from withholding consent to refugee resettlement within their jurisdictions where such withholding will have the purpose or effect of discriminating on the basis of a protected characteristic.

COMMENTS

In recent years, California has seen waves of refugees and asylum seekers, including those fleeing from war torn Afghanistan and Ukraine. Given the often chaotic and extreme conditions these people are fleeing, they likely would not have had time nor opportunity to prepare for their life in a new country. Allowing, upon appropriation, the possibility for extended services, based on an asylee or refugee's needs, will likely help people assimilate to their new country.

POSITIONS

Support:

CA Welcomes Coalition (Co Sponsor)
Jewish Public Affairs Committee (Co Sponsor)
Afghan-American Foundation
Afghans for A Better Tomorrow
Aguilas
Aila Northern California Chapter
Anti-defamation League
Avan Immigrant Services
Bend the Arc: Jewish Action
Beth Shir Shalom
Cair California
California Immigrant Policy Center
California Young Democrats Jewish Caucus
Camp Nefesh
City of West Hollywood
Clue (clergy and Laity United for Economic Justice)
Coalition for Humane Immigrant Rights (CHIRLA)
Committee of Interns and Residents/seiu
Congregation Sha'ar Zahav
East Bay Refugee and Immigrant Forum
Equity California
Esperanza Immigrant Rights Project, Catholic Charities of Los Angeles INC.
Friends Committee on Legislation of California
Global Communication Education & Art (GCEA)
Governmental Advocates, INC.
Hadassah, the Women's Zionist of America, INC.
Hias
Home for Refugees
Ikar
Interfaith Refugee & Immigration Service (IRIS)
International Institute of Los Angeles
International Rescue Committee, Oakland
International Rescue Committee, Sacramento

International Rescue Committee, San Diego
International Rescue Committee, San Jose
International Rescue Committee, Turlock
International Rescue Committee- Los Angeles
Jcrc Bay Area
Jewish Center for Justice
Jewish Coalition Assisting Refugees and Immigrants - Los Angeles (JCARI-LA)
Jewish Community Federation and Endowment Fund
Jewish Community Relations Council of Sacramento
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma
Counties
National Association of Social Workers, California Chapter
Oasis Legal Services
Orange County Jewish Coalition for Refugees
Oxfam America
Peninsula Temple Shalom
Progressive Zionists of California
Project Anar
Refugee Forum of Los Angeles
Refugee Jumpstart Coaching
Santa Cruz Welcoming Network
Seiu Local 2015
Seiu United Service Workers West
The Five Pillars Organization
We are All America
Women's March Foundation

Oppose:

None received

-- END --