

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2218 (Santiago) – As Amended March 11, 2024

SUBJECT: Enhanced Services for Asylees and Vulnerable Noncitizens (ESAVN) program

SUMMARY: Extends eligibility for the Enhanced Services for Asylees and Vulnerable Noncitizens (ESAVN) program’s awards and contracts to nonprofit organizations with one year of experience providing case management services and linguistically and culturally appropriate services. Specifically, **this bill:**

- 1) Requires grants or contracts awarded to be executed only with nonprofit organizations that meet specified requirements and have at least one year of experience with both of the following:
 - a) Providing case management services, as defined; and,
 - b) Providing culturally and linguistically appropriate services.
- 2) Requires the California Department of Social Services (CDSS) to collect data from grantees related to specified outcome metrics, and to post the findings on its internet website.
- 3) Updates legislative findings and declarations with 2022 statistics on individuals granted asylum in the United States (U.S.), with California accounting for the highest percentage among all states at 24% – or 3,442 asylees residing in the state.

EXISTING LAW:

- 1) Makings legislative findings and declarations regarding California hosting a significant proportion of noncitizens, including refugees and asylees, who face integration challenges and lack of access to benefits due to limited case management services, highlighting the importance of state-funded programs like the Trafficking and Crime Victim Assistance Program (TCVAP) and the positive impact of case management support on their ability to access benefits, find employment, and contribute to the economy. (Welfare and Institutions Code [WIC] § 13650(a))
- 2) Establishes the ESAVN program to provide resettlement services for persons who are currently residing in California and who are granted asylum by the U.S. Attorney General or the U.S. Secretary of Homeland Security pursuant to 15) below or who are eligible for assistance and services, as specified in 9) below. (WIC § 13650(b))
- 3) Defines the following terms:
 - a) “Vulnerable noncitizen” to mean any individual who would be eligible for services, as defined in 9) below. (WIC § 13650(c))
 - b) “Victims of trafficking, domestic violence, and other serious crimes” to include both of the following:

- i) Noncitizen victims of a severe form of trafficking in persons, who have been subjected to an act or practice, as specified, and who have filed an I-914 application for T-nonimmigrant status (T-visa) with the appropriate federal agency, are preparing to file an application for status, as specified, or otherwise are taking steps to meet the conditions for federal benefits eligibility, as specified; and,
 - ii) Individuals who have filed a formal application with the appropriate federal agency for status, as specified. (WIC § 18945(b))
- 4) Requires grants or contracts awarded to be executed only with nonprofit organizations that meet the requirements, as specified, and have at least three years of experience with both of the following:
 - a) Providing case management services; and,
 - b) Providing culturally and linguistically appropriate services. (WIC § 13650(d))
- 5) Requires CDSS to require qualified nonprofit organizations awarded contracts or grants to report, monitor, or audit the services provided, as determined by CDSS. (WIC § 1650(e))
- 6) Requires the ESAVN program to provide culturally appropriate and responsive case management services for asylees and vulnerable noncitizens for up to 90 days within the first year following the grant of asylum or after having been deemed eligible for services. (WIC § 13651(a))
- 7) Requires case management services under the ESAVN program to include assistance in identifying and applying for all benefits to which the person is legally entitled, including cultural orientation and integration programs, support in accessing and navigating the public benefits and health care systems, community connection and relationship building, English language instruction, employment training, job placement assistance, and professional recertification and licensing application assistance. (WIC § 13651(b))
- 8) Makes legislative findings and declarations that ESAVN is a state law that may provide assistance and services for undocumented persons, as defined in 16) below. (WIC § 13653)
- 9) Requires CDSS to ensure that noncitizen victims of trafficking, domestic violence, and other serious crimes, as defined in b) of 3) above, have access to refugee cash assistance (RCA), and refugee social services, to the same extent as individuals who are admitted to the U.S. as refugees. (WIC § 13283)
- 10) Provides that “refugee social services” include, but are not limited to, English language and employment training, as funded through federal appropriations. (WIC § 13275(c))
- 11) Requires CDSS to allocate appropriated federal funds for refugee social services programs to each eligible county and, if CDSS 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)

- 12) 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 RCA Program. (WIC § 13278)
- 13) Requires that refugee social services programs be available to recipients of RCA 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 RCA and refugee recipients of general assistance based on federal requirements and service needs. (WIC § 13279)
- 14) Establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program within California to provide Temporary Assistance for Needy Families funds for welfare-to-work services to eligible families. (WIC § 11200 *et seq.*)
- 15) 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)
- 16) 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)

Federal law: *Note: For the purposes of referring to federal law accurately, this section uses the term “alien” which is not a term used in the Committee or California, per AB 1096 (Luz Rivas), Chapter 296, Statutes of 2021.*

- 17) Establishes the Immigration and Nationality Act (INA), covering aspects related to immigration, naturalization, deportation, and citizenship. (8 United States Code [U.S.C.] § 1101 *et seq.*)
- 18) Provides that any alien who is physically present in the U.S. or who arrives in the U.S. (whether or not at a designated port of arrival and including an alien who is brought to the U.S. after having been interdicted in international or U.S. waters), irrespective of such alien’s status, may apply for asylum. (8 U.S.C. § 1158(a)(1))
- 19) Defines “qualified alien” to mean an alien who, at the time the alien applies for, receives, or attempts to receive a federal public benefit, is:
 - a) An alien who is lawfully admitted for permanent residence under the INA;
 - b) An alien who is granted asylum, as defined;
 - c) A refugee who is admitted to the U.S., as defined;
 - d) An alien who is paroled into the U.S., as defined, for a period of at least one year;
 - e) An alien whose deportation is being withheld;
 - f) An alien who is granted conditional entry;

- g) An alien who is a Cuban and Haitian entrant; and,
- h) An individual who lawfully resides in the U.S. in accordance with a Compact of Free Association. (8 U.S.C. § 1641(b))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Noncitizens.* The landscape of vulnerable noncitizens in the U.S. is characterized by legal distinctions that shape their rights, entitlements, and access to support services. At the core of these distinctions lie the categories of refugees, asylees (also known as asylum seekers), and other noncitizens, such as parolees, conditional entrants, temporary protected status, legally permanent residents (LPRs), among others, each defined by distinct legal processes and circumstances.

Refugees are individuals who have fled their home countries due to fear of persecution based on factors such as race, religion, nationality, political opinion, or membership in a particular social group. They undergo a vetting process while still in their country of origin or in a refugee camp, with the United Nations High Commission for Refugees often playing a role in their identification and resettlement.

Asylees, on the other hand, are individuals who have already arrived in the U.S. and are seeking protection from persecution in their home countries. They apply for asylum upon arrival or within one year of arrival, due to fear of persecution based on the same criteria as refugees. Asylees' legal status is determined through a complex adjudication process, often involving interviews, hearings, and legal representation.

Beyond refugees and asylees, there exists a broader category of noncitizens who may also need protection and support. As defined in state law, these individuals include victims of human trafficking, domestic violence, or other serious crimes who are preparing to file or have filed petitions for the T-visa or have filed petitions for or received the U-visa non-immigrant status with appropriate federal agency. T-visas are available to individuals who are victims of human trafficking, including labor or sex trafficking, and can demonstrate that they are present in the U.S. as a result of trafficking. On the other hand, U-visas are available to individuals who have endured mental or physical abuse resulting from specific crimes, such as domestic violence, sexual assault, human trafficking, and other violent crimes. While their legal status may differ from refugees and asylees, they share similar vulnerabilities and challenges in navigating the complexities of the U.S. immigration system.

Demographic Trends and Statistics. According to the *2022 Refugees and Asylees Annual Flow Report* published by the Office of Homeland Security Statistics, a total of 25,519 persons were admitted to the U.S. as refugees in 2022, including 9,012 as principal refugees and 16,507 as derivative refugees, which includes family members and dependents and must meet the dependency criteria. The leading countries of nationality for refugees admitted during this period were the Democratic Republic of the Congo, Syria, and Burma. Under the INA, the federal government establishes an overall refugee admissions ceiling that is set before the beginning of each fiscal year and fluctuates over the years. For example, in 2020, it was set to 15,000, the lowest level since 1980, while in 2022, it was raised to 125,000. Of refugees admitted to the U.S. in 2022, 74% were under 35 years of age; 44% were children under 18 years of age; slightly

more male than female refugees; and, 54% were married. Of these individuals, California, Texas, and New York resettled the most refugees (8.6%, 8.3%, and 5.5%, respectively). Within California, the Counties of Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, Santa Clara, and Stanislaus are currently considered refugee-impacted counties.

Over recent years, there is a notable increase in the number of individuals seeking asylum in the U.S. According to a report by the Migration Policy Institute titled, *The Missing Link: Connecting Eligible Asylees and Asylum Seekers with Benefits and Services*, between 2016 and 2021, the number of asylum claims filed surged from 194,986 to 412,796, representing a 47% increase – a level not seen since the mid-1990s. At the end of 2021, asylum cases accounted for 40% of the total immigration court backlog of nearly 1.7 million cases. In 2022, only 36,615 asylees were granted asylum status. While the final adjudication on an asylum case should be completed within 180 days of when an application is filed – either affirmatively by U.S. Citizenship and Immigrant Services (USCIS) or defensively by the U.S. Department of Justice the Executive Office for Immigration Review per federal law – the average amount of time an immigration case (asylee or otherwise) is pending has increased, from 438 days in 2008 to nearly 700 days in 2017 and further to 934 days in 2021. This upward trend underscores the growing global displacement crisis and the increasing number of individuals seeking protection from persecution and violence in their home countries.

The top countries of origin for asylum seekers and individuals granted asylum in 2020 were Guatemala, Honduras, Venezuela, El Salvador, Mexico, China, Cuba, and India. For individuals granted asylum, 58% were younger than 35 years of age; 21% were under 18 years of age; 51% were male and 49% were female; 49% were single, 46% were married and the remainder 5% were reported as divorced, separated, widowed, or as having an unknown marital status. Of these individuals, every state had some residents granted asylum, but two-thirds lived in the following states: 31% in California (25,932); 16% in New York (13,193); 7% in Florida (5,428); 6% in New Jersey (4,899); 5% in Texas (4,414); and 4% in Illinois (3,475).

When it comes to vulnerable noncitizens seeking immigration relief, USCIS has seen the number of applications filed steadily increase over the years from 710 applications for a T-visa in 2018 to 4,940 in 2022 – the highest number of applications in a single year to date – which USCIS approved 3,020. Of these, 55% were female; 58% were under 18 years of age; and, 61% were not married. The top six countries of birth for all T-visas in 2022 were Mexico (21.2%), Philippines (20.9%), Honduras (7.9%), Guatemala (7.9%), and India (7.7%), which account for 70% of all T-visas. Similar to refugees and asylees, those with a T-visa typically reside in California (15%), New York (12%), Texas (10%) and Florida (6%). Federal law sets a maximum of 5,000 visas to be issued in a fiscal year.

These trends are similar for U-visas, in that 10,952 U-visas were petitioned in 2009 compared to 37,164 in 2021, including principal and derivative petitions, representing a 29% increase and only 16,731 being approved in 2021. U-visas allow a maximum of 10,000 visas to be issued in a fiscal year for principal U-visa; however, the total number of U-visas issued varies on the number derivative visas for certain families of the U-visa applicant.

Enhanced Services for Asylees and Vulnerable Noncitizens Program. Vulnerable noncitizens often face challenges when integrating into society and accessing essential services, including language barriers, cultural differences, and lack of familiarity with the U.S. legal system. As such, California established ESAVN to provide resettlement case management services for

persons currently residing in California who have been granted asylum and vulnerable noncitizens of human trafficking, domestic violence, and other serious crimes under the state-funded TCVP. ESAVN provides culturally appropriate and linguistically responsive case management services for asylees and vulnerable noncitizens for up to 90 days within the first year following the grant of asylum or after having been deemed vulnerable noncitizens eligible for services. ESAVN also assists in accessing public social benefits and health care services, including the following:

- RCA is a cash assistance program available up to 12 months from the date of admission to the U.S. date of final grant of asylum or date of certification by the Office of Refugee Resettlement as a victim of trafficking;
- Refugee Employment Services, such as job preparation, job placement, and English language classes;
- CalWORKs, which provides cash grants and supportive services, such as mental health counseling, substance use disorder, or domestic violence services, aimed at helping individuals secure education, training, and employment;
- CalFresh, which provides monthly food benefits to purchase eligible food items at authorized retailers, including grocery stores, supermarkets, and farmers' markets;
- Medi-Cal, which provides low-cost healthcare; and,
- Refugee Medical Assistance, which provides health assessments and physical examinations, interpreters and culturally sensitive staff, and immunizations that will assist in obtaining LPR status (e.g. green card).

In July 2021, the Refugee Programs Bureau awarded \$8 million in ESAVN funding to 13 nonprofit organizations operating across the four regions of Northern California, Bay Area, Central Valley, and Southern California through the Budget Act of 2021, 2022, and 2023. The ESAVAN program period runs until June 30, 2024, which was extended from June 30, 2023. The three counties where clients received services include San Diego (21%), Fresno (12%), and Merced (13%).

According to a February 2024 program report by the CDSS Refugee Programs Bureau Asylee & Trafficking Unit, from July 2022 to January 2024, 11 out of the 13 funded agencies reported a total of 1,828 unduplicated clients who received services through the ESAVN program, accounting for 49% of the total anticipated caseload (3,768). Asylees represented 43% of the total caseload (777 clients) and vulnerable noncitizens represented 57% of the total caseload (1,033). The top three nationalities among program participants include Mexico (37%), Afghanistan (20%), and Guatemala (7%). Sixty-five percent of all clients received case management services for accessing public benefits, followed by 51% for immigration services, 42% for health navigation, and 41% for education.

This bill aims to enhance support for refugees, asylees, and vulnerable noncitizens by extending eligibility for the ESAVN program to nonprofit organizations with one year of experience providing case management services and culturally and linguistically appropriate support to vulnerable noncitizens. Advocates have highlighted that during CDSS' initial call for proposals

from eligible nonprofits to offer case management services, it became evident that the demand for these services surpassed the capacity of qualified nonprofits. With the aim of expanding crucial access to services, this bill proposes to reduce the requirement for eligible nonprofits to have a minimum of three years of experience in providing culturally appropriate case management to just one year.

Author’s Statement: According to the Author, “The ESAVN program has greatly benefited recipients, offering essential support in navigating our complex immigration and social safety net systems. [This bill] will increase access and ensure reliable outcome metrics.”

Equity Implications: Refugees, asylees, and vulnerable noncitizens are among the most vulnerable populations, often fleeing persecution, violence, and exploitation in their home countries in search of safety and security. Given the global displacement crisis and California's pivotal role as a haven for those seeking safety and refuge, it is imperative to ensure that eligible nonprofits have the necessary experience and expertise to provide culturally appropriate case management services. This is vital for addressing the diverse needs of the communities they serve and facilitating their seamless integration into society. By doing so, we can alleviate disparities in access to support services and ensure that every individual has the chance to rebuild their lives with safety and dignity.

RELATED AND PRIOR LEGISLATION:

SB 85 (Weiner) of the current legislative session, allows state funds, if appropriated, to be used in addition to federal funds for the extension of social service programs to refugees and asylum seekers. *SB 85 is currently being held at the Assembly Desk.*

AB 1368 (Calderon) of 2022, would have established the Enhanced Services Program for Asylees to provide resettlement services for persons granted political asylum to live in this state by the U.S. Attorney General. *AB 1368 was held on the Senate Appropriates suspense file.*

AB 135 (Committee on Budget), Chapter 85, Statutes of 2021, established the ESAVN program to provide for persons granted asylum or who are eligible to receive refugee cash assistance and services as victims of crime.

AB 1096 (Luz Rivas), Chapter 296, Statutes of 2021, struck the offensive and dehumanizing term "alien" used to describe a person who is not a citizen or national of the U.S. where it appears in multiple California code sections, and replaced it with other terms that do not include the word "alien," and makes other nonsubstantive changes.

REGISTERED SUPPORT / OPPOSITION:

Support

Coalition for Humane Immigrant Rights (CHIRLA) (Sponsor)
Afghans for a Better Tomorrow
CA Welcomes Coalition
California Welcomes
Disability Rights California
HIAS
Home for Refugees

ICNA Relief USA
Interfaith Refugee & Immigration Service (IRIS)
International Institute of Los Angeles
International Rescue Committee
Oasis Legal Services
Opening Doors, INC.
Tiyya
We are All America

Opposition

None on file.

Analysis Prepared by: Bri-Ann Hernández / HUM. S. / (916) 319-2089