

Date of Hearing: June 11, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

SB 85 (Wiener) – As Amended April 17, 2023

**SENATE VOTE:** 29-0

**SUBJECT:** Immigration: case management and social services

**SUMMARY:** Allows state funds, if appropriated, to be used in addition to federal funds for the extension of refugee social services up to 360 days. Expands the Enhanced Services for Asylees and Vulnerable Noncitizens (ESAVN) program from 90 days up to 180 days, with additional opportunities for extensions up to 360 days of case management services. Specifically, **this bill:**

- 1) Strikes the definition of “service provider” and clarifies the definition of “refugee social services” to specify that these services be funded through state appropriations.
- 2) Requires, after setting aside the necessary state administrative funds, the California Department of Social Services (CDSS) to allocate appropriate state funds for refugee social services programs to each eligible county.
- 3) Strikes the use of “service providers” and instead uses “qualified nonprofit organizations.”
- 4) Strikes the requirement that CDSS prioritize funding qualified nonprofit organizations and counties over for-profit organizations, when practicable.
- 5) Strikes the requirement to track and document the funding provided to each type of service provider and the purposes for use of this funding, and report this information to the appropriate fiscal and policy staff of the Legislature on a semiannual basis.
- 6) Requires CDSS to notify each eligible county’s board of supervisors of the availability of appropriated state funds made in the annual Budget Act or another statute for refugee social services and refugee cash assistance (RCA).
- 7) Requires the requirements established for the administration of refugee social services and RCA to be applicable so long as state funds are available.
- 8) Requires the administration of refugee social services and RCA to be implemented only to the extent an appropriation of state funds is made in the annual Budget Act or another statute.
- 9) Requires, if a refugee recipient of refugee social services under the federal Reception and Placement Program by the United States (U.S.) Department of State completes 90 days of those services and exhausts the federal funds allocated for that recipient, the recipient to be eligible for a 90-day extension of refugee social services using state funds within the first 12 months of arrival to the U.S.
- 10) Requires, if a recipient completes the 90-day extension described in 2) above and seeks additional refugee social services, the designated case manager to conduct an assessment of the recipient’s needs and determine whether to grant the recipient an additional extension of those services using state funds.

- 11) Requires the case manager's determination in 3) above to be on a case-by-case basis and subject to a finding by a case manager that the recipient demonstrates extreme need pursuant to criteria set forth by CDSS. Requires a finding of extreme need to be based on the level of need for services as defined, or case management services, as described.
- 12) Requires an additional granted extension to be at a minimum 90 days and at a maximum 180 days, resulting in a combined duration of no more than 270 days for the extensions described in 2) and 5) above beyond the original 90 days under the federal Reception and Placement Program, for a total of no more than 360 days of those services. Requires, if the recipient is approved for the additional extension, the case manager to determine the number of extension days granted based on the assessment and on the level of the recipient's extreme need.
- 13) Requires the covered refugee social services to include services such as English language and employment training, and case management services such as assistance in identifying and applying for all benefits, support in accessing and navigating the public benefits and health care systems, and job placement assistance, among others.
- 14) Authorizes the covered refugee social services to be provided by a qualified nonprofit organization, as defined, including a community-based organization, or by an eligible county, as defined, or by any office or affiliate of the agencies authorized under the federal Reception and Placement Program, as applicable.
- 15) Requires the ESAVN program to provide culturally appropriate and responsive case management services for asylees and vulnerable noncitizens from 90 days up to 180 days, or as specified in 9) through 11) below, within the first year following the grant of asylum or after having been deemed eligible for services.
- 16) Requires, if a recipient of ESAVN completes 180 days of case management services pursuant to 8) above, the designated case manager to conduct an assessment of the recipient's needs and to determine whether to grant the recipient an extension.
- 17) Requires the case manager's determination in 9) above to be on a case-by-case basis and subject to a finding by a case manager that the recipient demonstrates extreme need pursuant to criteria set forth by CDSS. Requires a finding of extreme need to be based on the level of need for services as defined, or case management services, as described.
- 18) Requires an additional granted extension for the ESAVN program to be at a minimum 90 days and at a maximum 180 days, for a total of no more than 360 days of case management services. Requires the case manager to determine the number of extension days granted based on the assessment and on the level of the recipient's extreme need.
- 19) Expands case management services under the ESAVN program to include housing assistance, enrollment in an educational program or institution, and financial literacy education.
- 20) Authorizes case management services under the ESAVN program to be provided by a qualified nonprofit organization, as defined, including a community-based organization, or by any office or affiliate of the agencies authorized under the federal Reception and Placement Program by the U.S. Department of State, as applicable.

**EXISTING LAW:**

- 1) Makes 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) Defines the following terms for the purposes of administering refugee social services and RCA:
  - a) “Eligible county” means a county or city and county designated as impacted using a formula developed by the department based upon the refugee arrivals in the county during the preceding 60-month period for which CDSS has data;
  - b) “Qualified nonprofit organization” means a nonprofit organization that is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code and that satisfies any additional eligibility criteria established by CDSS;
  - c) “Refugee social services” include, but are not limited to, English language and employment training, as funded through federal appropriations; and,
  - d) “Service provider” means a qualified nonprofit organization or private for-profit organization selected by CDSS to administer refugee services. (WIC § 13275(a)-(d))
- 3) Requires 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 U.S. (WIC § 13276(a)(1))
- 4) Requires CDSS to notify each eligible county’s board of supervisors of the funds available for refugee social services programs. (WIC § 13277(a))
- 5) Requires a county administering refugee social services to designate an agency responsible for developing and implementing a plan for the provision of services funded by refugee social services funds. (WIC § 13277(b)(1))
- 6) Requires any plan developed for implementing the provision of services funded by the refugee social services funds to 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) Specify how services will be delivered to refugees receiving aid in each county; and,

- d) Priority consideration for funding refugee community-based organizations if they demonstrate the capacity to implement the proposed programs, as provided. (WIC § 13277(c)(3))
- 7) Requires refugee social services programs to be available to recipients of RCA and refugees receiving county general assistance in eligible counties. (WIC § 13279)
- 8) Provides that the requirements established for the administration of refugee social services shall only be applicable as long as federal funds are available specifically for this purpose. (WIC § 13282)
- 9) Requires CDSS to ensure that RCA and refugee social services are available to noncitizen victims of trafficking, domestic violence, and other serious crimes, as defined, to the same extent as individuals who are admitted to the U.S. as refugees. Requires recipients of RCA and refugee social services to 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 requires assistance and services provided to individuals under this section be paid from state funds if federal funding is unavailable. (WIC § 13283)
- 10) Authorizes, to the extent permitted by federal law, CDSS to contract with or issue grants to service providers to administer federal RCA within a county and also allows a county to continue administering RCA while a contractor or grantee is also providing RCA. (WIC § 13284(a))
- 11) Requires these services providers to report, monitor, or audit the services provided. (WIC § 13284(b))
- 12) 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. (WIC § 13650(b))
- 13) Requires grants or contracts awarded to be executed only with nonprofit organizations that meet specified requirements and have at least three years of experience with both of the following:
  - a) Providing case management services, as defined in 16) below; and,
  - b) Providing culturally and linguistically appropriate services. (WIC § 13650(d))
- 14) Requires CDSS to require qualified nonprofit organizations awarded contracts or grants to report, monitor, or audit the services provided, as determined by CDSS. (WIC § 13650(e))
- 15) 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))
- 16) 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))

17) Provides that the ESAVN program shall only be implemented to the extent that funds are appropriated for this purpose in the annual Budget Act. (WIC § 13654)

**FISCAL EFFECT:** According to the Senate Appropriations Committee on May 5, 2024, “The California Department of Social Services (CDSS) estimates ongoing costs, in the tens of millions (General Fund), for state-funded extension of refugee services.”

**COMMENTS:**

**Background:** *Vulnerable Noncitizens* in the U.S. are legally characterized as refugees, asylees, and other noncitizens, such as parolees, conditional entrants, temporary protected status, and legally permanent residents (LPRs), among others.

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 a refugee camp and have a right to international protection and access to state and international aid and assistance. Under the Immigration Nationality Act, the federal government establishes an overall refugee admissions ceiling that is set before the beginning of each federal fiscal year and fluctuates over the years. For example, in 2020 during the Trump Administration, it was set to 15,000, the lowest level since 1980, while in 2022 during the current Biden Administration it was raised to 125,000.

Asylees are individuals who have already arrived in the U.S. to seek protection from persecution in their home countries based on the same criteria as refugees and have been granted asylum. Asylum seekers apply for asylum upon arrival or within one year of arrival. Asylees’ legal status is determined through an adjudication process, often involving interviews, hearings, and legal representation. There is no limit to the number of asylum requests the U.S. grants each year. Between 2016 and 2021, the number of asylum claims filed surged from 194,986 to 412,796, with only 36,615 asylees being granted asylum status in 2022. On June 5, 2024, President Biden announced barring migrants who cross the U.S.-Mexico border without seeking an appointment to approach a legal port of entry from receiving asylum, and reduced the minimum time asylum-seekers have to find a lawyer from 24 hours to four hours.

Other noncitizens who may also need protection and support, as defined in state law, 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 the appropriate federal agency.

*Federal Reception and Placement Program* provides resettlement agencies, which are responsible for placing refugees with one of its 350 local affiliates throughout the U.S., a one-time payment per refugee to assist with expenses during a refugee’s first 90 days in the U.S. Each refugee approved for admission to the U.S. is sponsored by one of 10 nonprofit resettlement agencies participating in the program under an agreement with the U.S. Department of State that ultimately decides where each refugee will be initially resettled in the U.S.

*California Refugee Resettlement Program (RRP)* aids eligible refugees, Cuban-Haitian entrants, asylees, certified human trafficking victims and their family members, Special Immigrant Visa holders, and certain Amerasians from Vietnam to successfully resettle in California. The CDSS Refugee Programs Bureau oversees the RRP statewide and manages the following programs: RCA, Unaccompanied Refugee Minors Program, TCVAP, ESAVN, and the Repatriation Program. Based on the number of refugees residing in or receiving aid in the U.S., CDSS allocates federal funds from the Reception and Placement Program to eligible counties and qualified nonprofit organizations to deliver program benefits and services. Existing law requires refugee social services to be paid from state funds if federal funding is unavailable. Refugee social services may include, but not be limited to 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 the 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;
- Refugee Medical Assistance, which provides culturally and linguistically appropriate health assessments and physical examinations, immunizations that will assist in obtaining LPR status (e.g. green card), and other health services.
- California Work Opportunity and Responsibility to Kids (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; and,
- CalFresh, which provides monthly food benefits to purchase eligible food items at authorized retailers, including grocery stores, supermarkets, and farmers' markets.

Certain California counties where large populations of refugees reside are designated as refugee-impacted. These refugee-impacted counties offer additional employment and social services to refugees and may be eligible for special employment services. The Counties of Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, Santa Clara, and Stanislaus are current refugee-impacted counties. Existing law requires each county to develop a plan for implementing refugee social services with refugee participation and public input, which means that each county offers different benefits based on that county's needs. Other counties with refugee programs include Contra Costa, Merced, Riverside, San Joaquin, and Yolo.

*This bill* requires the administration of refugee social services and RCA to be contingent on the appropriation of state funds through the annual Budget Act or other statutes. *This bill* further requires refugees who complete 90 days of services upon arrival to the U.S. under the federal Reception and Placement Program and exhaust their federal funds to be eligible for a 90-day extension of state-funded services within their first year in the U.S., which is an already-established practice being codified into statute. If additional services are needed after these 90 days, *this bill* requires a case manager to assess the refugee's needs to determine eligibility for state-funded extensions based on criteria set by CDSS, which can range from 90 to 180 days, with a total possible duration of services up to 360 days.

*Enhanced Services for Asylees and Vulnerable Noncitizens Program.* AB 135 (Committee on Budget), Chapter 85, Statutes of 2021, established, subject to an appropriation, the ESAVN program to provide resettlement case management services for persons granted asylum and vulnerable noncitizens of human trafficking, domestic violence, and other serious crimes. Existing law requires the ESAVN program to provide 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 a vulnerable noncitizen eligible for services.

In July 2021, the Refugee Programs Bureau awarded \$8 million in ESAVN funding to 13 nonprofit organizations across Northern California, the Bay Area, Central Valley, and Southern California, as provided by the Budget Act of 2021, 2022, and 2023. The program was originally set to end on June 30, 2023, but was extended to June 30, 2024. Recipients in San Diego (21%), Fresno (12%), and Merced (13%) received these services. 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 served 1,828 clients, accounting for 49% of the total 3,768 anticipated caseload. Asylees made up 43% of clients and vulnerable noncitizens comprised 57%. Participants were primarily from Mexico (37%), Afghanistan (20%), and Guatemala (7%). Key services included case management services for public benefits (65%), immigration services (51%), health navigation (42%), and education (41%).

Unlike refugee social services which are partly funded by federal dollars, this bill requires the ESAVN program, which is fully state-funded, to provide culturally appropriate case management services for an additional 90 days, totaling up to 180 days of services within the first year after asylum is granted or eligibility is determined. If a recipient completes this period, *this bill* requires a case manager to assess their needs to decide on extending services based on extreme need criteria set by CDSS, allowing for extensions between 90 and 180 days, up to a total of 360 days. *This bill* also requires the program's case management services to include housing assistance, educational enrollment, and financial literacy education, which can be provided by qualified nonprofit organizations, community-based organizations, or agencies authorized under the federal Reception and Placement Program.

While the ESAVN program is set to end on June 30, 2024, existing law requires CDSS to ensure that RCA and refugee social services are available to noncitizen victims of trafficking, domestic violence, and other serious crimes, as defined, to the same extent as individuals who are admitted to the U.S. as refugees, thereby ensuring continuous service for this population.

**Author's Statement:** 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. The health of our state is incumbent on the success and stability of our residents. Taking care of refugees and asylees better enables them to contribute to our state and triumph in the long term. 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."

**Equity Implications:** By allowing state funds to supplement federal funds, this bill may provide continuity of support for refugees beyond the initial federal support period and promote stability and integration for up to 360 days. This extension aims to benefit individuals who have exhausted federal support within the first 90 days of their arrival, providing them an additional safety net and time to establish themselves in California.

Similarly, this bill increases the number of days asylees and vulnerable noncitizens can receive case management services through the ESAVN program from 90 days to 180 days, with possible extensions totaling up to 360 days. Overall, this bill likely will enhance equity by extending and expanding essential services for refugees, asylees and vulnerable noncitizens, by aiming to ensure they receive the comprehensive support needed to successfully integrate and thrive in California.

**Policy Considerations:** This bill extends the ESAVN program’s case management services for asylees and vulnerable noncitizens from 90 days to 180 days, with further extension opportunities for up to 360 days. However, after June 30, 2024, the ESAVN program is set to run out of funds unless additional funds are appropriated in the Budget, as specified in WIC § 13654. Additionally, there are provisions in the bill that do not conform to 2023 trailer bill language.

**Proposed Committee Amendments:** The Committee proposes amendments to address a conflict caused as a result of a budget trailer bill, AB 120, Chapter 43, Statutes of 2023, by reinstating the following provisions as chaptered by AB 120:

- Define “service provider” to mean a qualified nonprofit organization or private for-profit organization selected by CDSS to administer refugee services.
- Strike the use of “qualified nonprofit organizations” and instead use “service provider.”
- Require CDSS to prioritize funding qualified nonprofit organizations and counties over for-profit organizations, when practicable.
- Require CDSS to track and document the funding provided to each type of service provider and the purposes for use of this funding, and report this information to the appropriate fiscal and policy staff of the Legislature on a semiannual basis.

#### **RELATED AND PRIOR LEGISLATION:**

***AB 2218 (Santiago) of the current legislative session,*** would have extended eligibility for the ESAVN program’s awards and contracts to nonprofit organizations with one year of experience providing case management services and linguistically and culturally appropriate services. *AB 2218 was held on the Assembly Appropriations suspense file.*

***AB 120 (Committee on Budget), Chapter 43, Statutes of 2023,*** required CDSS to prioritize funding qualified nonprofit organizations and counties over for-profit organizations and required CDSS to track and document the funding provided to each type of service provider and the purposes for use of the funding, and to report this information to the appropriate fiscal and policy staff of the Legislature on a semiannual basis, among other things.



*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 Appropriations suspense file.*

*AB 135 (Committee on Budget), Chapter 85, Statutes of 2021*, see comments above.

*AB 1461 (Reyes) of 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, special immigrant juvenile status, 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. *AB 1461 was vetoed by Governor Newsom.*

*AB 3134 (Reyes) of 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 would have prohibited a requirement that the refugee apply for state-funded RCA. *AB 3134 was placed on the Senate 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.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

CA Welcomes Coalition (Co-Sponsor)  
Coalition for Humane Immigrant Rights (CHIRLA) (Co-Sponsor)  
HIAS (Co-Sponsor)  
Jewish Public Affairs Committee (Co-Sponsor)  
AJC San Francisco  
American Jewish Committee (AJC) San Diego  
California Immigrant Policy Center  
Democrats for Israel - CA  
Democrats for Israel Los Angeles  
ETTA  
Hadassah  
Hillel of San Diego  
Holocaust Museum LA  
IKAR  
International Rescue Committee  
JCRC Bay Area  
Jewish Center for Justice  
Jewish Community Federation and Endowment Fund  
Jewish Community Relations Council (SACRAMENTO)  
Jewish Community Relations Council of the Bay Area  
Jewish Community Relations Council, Santa Barbara  
Jewish Democratic Club of Marin  
Jewish Democratic Club of Solano County

Jewish Democratic Coalition of the Bay Area  
Jewish Democrats of San Diego County  
Jewish Family & Community Services East Bay  
Jewish Family and Children's Service of Long Beach and Orange County  
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties  
Jewish Family Service of Los Angeles  
Jewish Family Service of San Diego  
Jewish Family Services of Silicon Valley  
Jewish Federation of Greater Los Angeles  
Jewish Federation of Greater Santa Barbara  
Jewish Federation of the Greater San Gabriel and Pomona Valleys  
Jewish Federation of the Sacramento Region  
Jewish Free Loan Association  
Jewish Long Beach  
Jewish Silicon Valley  
JVS SoCal  
Progressive Zionists of California  
Raoul Wallenberg Jewish Democratic Club  
San Francisco Board of Supervisors

**Opposition**

None on file.

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