

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 1461 (Reyes) – As Amended April 14, 2021

**SUBJECT:** Human services: noncitizen victims

**SUMMARY:** 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 offered through current law to certain noncitizen victims. Specifically, **this bill:**

- 1) Includes individuals who have filed a formal application with the appropriate federal agency for status or relief under the federal VAWA, are 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, in those eligible for public social services, benefits, and health care under current provisions for noncitizen victims.
- 3) Includes individuals who have filed a formal application for asylum with the appropriate federal agency, in 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 petitioners, those applying for SIJS, and asylum seekers before July 1, 2022; further, provides that emergency regulations may be adopted by the department, as specified.
- 5) Makes technical and conforming changes.

**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. (Welfare and Institutions Code Section [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 the “California Work Opportunity and Responsibility to Kids” (CalWORKS) program within California to provide TANF funds for WTW services to eligible families. (WIC 11200 *et seq.*)

- 5) Requires all individuals over 16 years of age, unless they are otherwise exempt, to participate in WTW activities as a condition of eligibility for CalWORKs. (WIC 11320.3)
- 6) Establishes the “Electronic Benefits Transfer (EBT) Act” and defines the EBT system as the program designed to provide benefits to those eligible to receive public assistance benefits such as CalWORKs and CalFresh. (WIC 10065 *et seq.*)
- 7) Provides that "refugee social services" include, but are not limited to, English language and employment training, funded through federal appropriations. (WIC 13275(c))
- 8) 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)
- 9) 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)
- 10) 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)
- 11) 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)
- 12) 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)
- 13) 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)
- 14) 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 Section 204.11.)
- 15) Establishes the “Violence Against Women Act” and contains provisions including the protections and rights of petitioners. (42 USC 12131 *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 USC 1231(b)(3))
- 17) 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)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Noncitizen Status:***

Special Immigrant Juvenile Status: SIJS is a classification used by federal immigration to help undocumented youth remain in the country under specified protections. SIJS was established in 1990 at the federal level and has been expanded upon by several states 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 classification. Through current requirements, a large portion of undocumented unaccompanied minors within California would qualify for SIJS; however, many are unaware of the application process regulations and do not receive their right to service.

Violence Against Women Act: In 1994, Congress passed VAWA, which sought to improve legal and community-based responses to domestic violence, dating violence, sexual assault, and stalking throughout the country. Provisions of the Act dedicated resources to community-coordinated responses, dictated federal protections and rights, and extended supports to women without citizenship status. Since its original passage, Congress has reauthorized VAWA several times, and states continue to establish policies that go above the federal protections for those who petition for status under the provisions.

Asylum Seekers: Asylum seekers, who are in the United States but have not yet been legally recognized as a refugee, are immigrants who are fleeing persecution and threats of violence to them or their family. An asylee is a person who entered the country as an asylum seeker and has since had their asylum claim approved and been granted legal status. This population of immigrants lacks significant resources to support them as they settle into the United States.

***Refugee Resettlement Program:*** In California, the Refugee Resettlement Program assists refugees, Cuban and Haitian entrants, asylees, human trafficking victims, Special Immigrant Visa holders, and Amerasians establish themselves in the state after approval of eligibility. The Refugee Programs Bureau within CDSS has statewide administrative responsibility for the program. Program benefits and services are delivered at the local level by county welfare departments and refugee service providers. Certain counties where large populations of refugees reside are designated as refugee-impacted. These refugee-impacted counties offer additional employment and social services to refugees. Refugees who live in these counties may be eligible for special employment services and training. The Counties of Alameda, Los Angeles, Orange, Sacramento, San Diego, San Francisco, Santa Clara, and Stanislaus are currently considered refugee-impacted counties.

***CalFresh:*** In California, SNAP funds are administered through the CalFresh program. SNAP is the federal program that provides states funds 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% 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% 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. Formerly known as food stamps, the program provides specific eligibility requirements and funding to states, planning and implementing at the local level. In the state, CalFresh is under the purview of CDSS and facilitated through the county human services agencies. Federal, state, and local governments share in the financial obligation of the administration of the program. Individuals can complete the CalFresh application online, over the phone, in person at their county CalFresh office, or through the mail, as specified. Eligible individuals in the state receive benefits through electronic cards, known as EBT cards, that are used to purchase food items and seeds and plants that can be grown as food at home.

***California Food Assistance Program (CFAP):*** With the 1996 passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), immigrants who entered the country after August 22, 1996, lost eligibility for SNAP benefits. California responded to this change the following year by creating the CFAP to provide nutrition benefits to legally present immigrants who lost food assistance with the passing of the PRWORA. State dollars are used to provide aid to families not eligible for federal funding solely due to residency requirements. Income and other eligibility requirements for CFAP are aligned with CalFresh requirements, as are benefit amounts.

***California Work Opportunity and Responsibility to Kids:*** In California, the federal TANF, known as CalWORKs, provides eligible low-income families with cash grants to obtain education, training, and employment. CalWORKs is administered at the county level and is primarily funded through the federal block grant and maintained with state maintenance-of-effort contributions. Families participating in CalWORKs have access to various services aimed at helping the family achieve self-sufficiency; these services can include child care, homelessness assistance, and services aimed at addressing mental health needs, substance use disorders, experiences of domestic violence, and learning disabilities, among others. Unless deemed exempt or otherwise not required to participate under CalWORKs program rules, parents are required to develop and participate in a WTW plan. Approved WTW activities can include: public or private sector subsidized or unsubsidized employment; on-the-job training; community service; secondary school and adult basic education; and vocational education and training when needed for the recipient to become employed, among others.

***Need for this bill:*** This bill would include those pursuing federal relief under VAWA, seeking SIJS, or applying for asylum, given their status application is filed with the appropriate agency, the noncitizen victims made eligible by the state for public social services and specified health care. While current state law allows those who receive these statuses to be eligible for state-funded support after they have been approved, they are left without access to vital services to provide access to food and other basic needs during the determination period. By clarifying that these individuals are eligible for public benefits after applying for specified immigration status,

those in already vulnerable positions could have streamlined access to supports that could allow them to maintain their basic needs.

According to the author, "I introduced this bill to provide a bridge in services for those immigrants who are seeking humanitarian relief and to ensure that immigrants in vulnerable situations such as being in a victim of domestic violence or battered elder has the resources they need to get to safety in a timely manner and not depend on federal agencies who is overwhelmed. Furthermore, in recent years we have seen an increase to those seeking asylum and choosing California as the state that they will be settling into and calling their home. Asylum seekers are immigrants who come to the United States with little to nothing in their pocket fleeing persecution or threats of violence that have been made against them or members of their family, very similar to the situations of those who are admitted to the United States through refugee status. This bill ensures that Asylum seekers along with other immigrant status outlined in the bill are given the resources that will allow them to integrate into California society and strengthen our humanitarian efforts to welcome those who are in need."

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

*SB 464 (Hurtado) of 2021*, would make noncitizens eligible for the CFAP. SB 464 is currently pending in the Senate Appropriations Committee.

*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.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Western Center on Law & Poverty (Co-Sponsor)  
Kids in Need of Defense (KIND)

##### **Opposition**

None on file

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