

Date of Hearing: May 7, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 3134 (Reyes and Aguiar-Curry) – As Introduced February 21, 2020

SUBJECT: Refugee social services

SUMMARY: Requires that additional payments be made to refugees after the exhaustion of their federal Refugee Cash Assistance (RCA) benefit, to be paid using state funds. Specifically, **this bill:**

- 1) Requires an additional eight months of refugee cash assistance payments, funded by the state, be paid to an individual after their federally funded cash aid benefit has exhausted.
- 2) Requires that the transition from federally funded refugee cash assistance to state-funded cash assistance be seamless and that an individual receiving federal assistance need not reapply to begin receiving the state-funded cash benefit.

EXISTING LAW:

- 1) Requires that the California Department of Social Services (CDSS) allocate federal funds for refugee social services programs to eligible counties and, if the department exercises its discretion, to a qualified nonprofit organization, based on the number of refugees residing or receiving aid in the county. (Welfare and Institutions Code [WIC] Section 13276)
- 2) Defines “eligible county” as a county or city designated as impacted using a formula developed by CDSS based upon the refugee arrivals in the county during the preceding 60-month period for which the department has data. (WIC 13275 (a))
- 3) Defines “qualified nonprofit organization” as 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 the department. (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 to eligible counties. (WIC 13277 (a))
- 6) Requires that a county administering refugee social services designate an agency responsible for developing and implementing a plan for the provisions of services financed by refugee social services funds. (WIC 13277 (b)(1))
- 7) Mandates that the plan developed for implementing the provisions of services financed by the refugee social services funds must meet, at minimum, the following requirements:
 - a) Each eligible county’s board of supervisors shall ensure that the county planning process is designed in such a way as to facilitate refugee participation and public input in that process;

- b) The plan shall include a description of how available funds will be used to provide services to refugees;
 - c) The plan shall specifically address how services will be delivered to refugees receiving aid in each county; and,
 - d) The plan shall provide for the priority consideration for funding refugee community-based organizations if they demonstrate the capacity to implement the proposed programs, which capacity shall be comparable to that of other competitors who qualify for funding. (WIC 13277 (b)(3))
- 8) Establishes the federal Temporary Assistance for Needy Families (TANF) program that delivers aid and welfare-to-work (WTW) services to those families eligible. (42 U.S. Code 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) Allows a county to utilize federal refugee social service funds to pay for the cost of any services provided to, or activity performed on behalf of, any refugee participating in WTW activities as long as the cost is allowed within a county plan, as specified, and under the federal requirements for the refugee social services programs. (WIC 13278)
- 11) Establishes that refugee social services programs in the state be available to recipients of Refugee Cash Assistance and refugees receiving county general assistance in eligible counties. Requires that if a county does not provide services under WTW activities, a portion of the funds allocated to the county may be used to provide services to recipients of the refugee cash assistance and refugee recipients of general assistance based on federal requirements and service needs, as specified. (WIC Section 13279)
- 12) Requires that counties receiving federal refugee social services funding include a section in their CalWORKs plan to specifically address the provision of services for refugee applicants and the orderly transition of those applicants and recipients into the CalWORKs program. (WIC 13280 (a)(1))
- 13) Requires that county staff responsible for the administration of CalWORKs collaborate with county staff responsible for the refugee programs, as well as representatives of local mutual assistance associations, voluntary agencies, and other organizations involved in refugee resettlement. Mandates that these entities work in conjunction to ensure that:
- a) The section of the CalWORKs plan included to address the provisions of services for refugee applications and their transition into the program reflects the needs of the refugee applications for aid under the TANF program;
 - b) The services are delivered in accordance with the section of the county's CalWORKs plan, included to specifically address the provision of services for refugee applicants and the orderly transition of those applicants and recipients into the CalWORKs program; and,

- c) That the transition of refugee applicants and recipients into the CalWORKs program occurs as quickly as possible within resources available. (WIC 13280 (a)(2))
- 14) Requires that CDSS reevaluate the section of each eligible county's CalWORKs plan developed specifically to address the provision of services for refugee applicants and the orderly transition of those applicants and recipients into the CalWORKs program on an annual basis. Provides that this reevaluation be made in conjunction with the county's development of its annual overall CalWORKs plan update, subject to approval from CDSS. (WIC 13280 (b))
- 15) Provides that a county may maintain a supplemental services component for refugees within their CalWORKs program. These services may be available to refugees who would otherwise be temporarily excepted from the full CalWORKs services and are financed through federal refugee social services funds. Requires that the county boards of supervisors determine how county services are administered, within federal requirements. (WIC 13280 (c)(1))
- 16) Requires that any county electing to implement the supplemental services component for refugees fully describe the component within their CalWORKs plan and specify the types of services planned to meet the special needs of refugees. (WIC 13280 (c)(2))
- 17) Requires that the supplemental services provided under the CalWORKs component for refugee TANF applicants and recipients meet the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and is subject to the approval of CDSS. (WIC 13280 (c)(3))
- 18) Requires that refugee TANF applicants and recipients who are referred for participation in the supplemental services component as a condition of eligibility for CalWORKs shall be subject to specified sanctions if they meet the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and are determined by the county to prepare a refugee for self-sufficiency. (WIC 13280 (c)(4))
- 19) Establishes that refugee recipients already participating in a CalWORKs WTW component shall not be removed to participate in the county component specifically included for refugee self-sufficiency funded through federal refugee social services funds. (WIC 13280 (c)(5))
- 20) 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)
- 21) Requires that CDSS ensure the refugee cash assistance aid is available to noncitizen victims of trafficking, domestic violence, and other serious crimes, as specified. Recipients of the aid under this section 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. Mandates that assistance provided to individuals under this section be paid from state funds if federal funding is unavailable. (WIC 13283)
- 22) Provides that, to the extent allowed by federal law, CDSS partner with a qualified nonprofit organization to administer the federally funded refugee cash assistance within a county. Allows a county also to continue the distribution of refugee aid while in contract with a qualified nonprofit organization to facilitate the benefit. (WIC 13284 (a))

- 23) Allows CDSS to require a county where a qualified nonprofit organization is administering refugee cash assistance to monitor, or audit, the services provided. (WIC 13284 (b))
- 24) 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))
- 25) Requires that 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:
- a) Time-eligible and time-expired refugees in the Aid to Families with Dependent Children (AFDC) program;
 - b) General Assistance;
 - c) The Refugee Cash Assistance Program; and,
 - d) The Refugee Demonstration Program. (WIC 13008 *et seq.*)

FISCAL EFFECT: Unknown

COMMENTS:

Refugee Cash Assistance: The RCA program is a federally funded benefit, which is administered by states; the program is extended to refugees who enter the United States and are not otherwise eligible for cash aid. The program, facilitated through CDSS in California, provides employment and other social services designed to assist refugees in becoming self-sufficient members of their communities. Refugees can receive RCA for up to 8 months upon their date of admission to the United States under the qualifying status, date of final grant of asylum, or date of certification by the Office of Refugee Resettlement (ORR) as a Victim of Trafficking. The funds supplied through RCA to a refugee are meant to assist with basic needs while allowing the recipient time to resettle and secure a steady income.

To apply for the benefit, a refugee may access the online application through the CDSS website or apply in person through their local county social services agency. In addition to county social services, localities designated as refugee-impacted, or those with large refugee populations, utilize County Refugee Coordinators (CRCs) to develop strategies for overseeing the funding of their local refugee services. In addition to facilitating the operating procedures for a county's refugee programs, CRCs are the point of contact for recipients of the RCA benefit and serve as experts to those with questions or issues with their aid.

At the federal level, refugee benefits and supports are overseen by ORR. The government office, created under the standards of The Refugee Act of 1980, 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. State

refugee services are financed through ORR funds, and state law dictates the specifics of each program.

Need for this bill: This bill seeks to codify a state funding match to the federal RCA program, extending the benefit to refugees for an additional 8 months. By extending cash aid to refugees to a total of 16 months, recipients could have more time to resettle into their new community, allowing them to more easily navigate the complicated process of becoming fully self-sufficient in a new country.

According to the author, “Currently the federal Refugee Cash Assistance (RCA) program is limited to 8 months. This does not give refugees fleeing persecution, many who don’t speak English upon arrival, enough time to learn a new language, navigate a new job market, and secure a job to secure self-sufficiency – particularly with the economic downturn presented by the COVID-19 Pandemic. With California yet to put funding towards refugee assistance, even the most elderly persecuted refugees will not have enough time to establish and determine eligibility for federal disability benefits. This bill helps California do its part to help with the refugees that we’ve welcomed to our state by matching the federal RCA, therefore extending that time from 8 to 16 months.”

RELATED AND PRIOR LEGISLATION:

AB 3133 (Aguilar-Curry) of 2019 increases a lists of protections on the admittance and servicing of refugees in local governments and across the state. AB 3133 has been referred to the Assembly Judiciary Committee.

AB 842 (Arambula) of 2005 would have required the transfer of county refugee cash assistance funds from one county to another if an eligible individual moved to another eligible county. AB 842 was not heard in the Assembly Human Services Committee at the request of the author.

REGISTERED SUPPORT / OPPOSITION:

Support

California Immigrant Policy Center
Child Abuse Prevention Center
County Welfare Directors Association of California
National Association of Social Workers, California Chapter
Western Center on Law & Poverty

Opposition

None on file

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