

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7181 PCB HCC 07-14 immigrant victims of human trafficking and other serious crimes

SPONSOR(S): Healthcare Council and Galvano

TIED BILLS: **IDEN./SIM. BILLS:** SB 2032

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Healthcare Council	15 Y, 0 N	Preston	Gormley
1) Policy & Budget Council		Leznoff	Hansen
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The federal Victims of Trafficking and Violence Protection Act of 2000 makes victims of human trafficking who are non-United States citizens, eligible to receive specified benefits and services. These benefits are not available to those individuals before federal eligibility has been determined.

The bill requires the Department of Children and Family Services (DCF or department) to establish an interim state-funded benefit program for immigrant victims of human trafficking, domestic violence and other serious crimes for a specified period of time before becoming eligible to receive federally funded benefits. Specifically the bill:

- Defines “immigrant victims of human trafficking, domestic violence and other serious crimes” as an individual who has filed or is preparing to file specified federal applications.
- States that victims of human trafficking, domestic violence and other serious crimes are eligible to for state funded benefits to the same extent as individuals who are admitted to the United States as refugees under specified circumstances
- Provides a list of documents that in addition to a sworn statement, suffices as evidence that an applicant has been a victim of human trafficking.
- Permits the DCF to develop a public awareness campaign, subject to the availability of funds.

The fiscal impact is \$483,854 in recurring funds. The bill would take effect July 1, 2007, only if a specific appropriation is made in the Fiscal Year 2007-2009 General Appropriations Act to implement the provisions of the bill. The House of Representatives proposal for the General appropriations Act does not include any such appropriation.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill requires, subject to the availability of funds, the department to establish a program to provide state-funded benefits to immigrant victims of human trafficking, domestic violence and other serious crimes during specified interim periods of time.

B. EFFECT OF PROPOSED CHANGES:

Human Trafficking

Human trafficking is the 21st century version of slavery. Victims of human trafficking are young children, teenagers, men and women. Approximately 800,000 to 900,000 victims annually are trafficked across international borders world wide, and between 14,500 and 17,500 of those victims are trafficked into the United States, according to the U.S. Department of State. Victims of human trafficking are subjected to force, fraud, or coercion, for the purpose of sexual exploitation or forced labor.¹

After drug dealing, trafficking of humans is tied with arms dealing as the second largest criminal industry in the world, and it is the fastest growing. Many victims of human trafficking are forced to work in prostitution or the sex entertainment industry. But trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, sweatshop factory work and migrant agricultural work.

Traffickers use various measures to instill fear in victims and to keep them enslaved. Some traffickers keep their victims under lock and key. However, the more frequent practice is to use less obvious techniques including:

- The creation of financial obligations that victims are honor-bound to satisfy.
- The isolation of victims from the public by limiting contact with outsiders and making sure that any contact is monitored or superficial in nature.
- The isolation of victims from family members and members of their ethnic and religious community.
- The confiscation of passports, visas and/or other documents providing identification.
- The use or threat of violence toward victims and/or families of victims.
- The threat of shaming victims by exposing their circumstances to family members.
- Telling victims they will be imprisoned or deported for immigration violations if they contact authorities.
- Financial control of the victims' money including holding their money for "safe-keeping".²

Federal Law

In October 2000, the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA)³ made human trafficking a federal crime and made victims of a severe form of human trafficking eligible for federally-funded or administered benefits and services to the same extent as refugees. The TVPA was

¹ U.S. Department of Health and Human Services, Administration for Children and Families, available at <http://www.acf.hhs.gov/trafficking/about/index.html>.

² U.S. Department of Health and Human Services, Administration for Children and Families, available at <http://www.acf.hhs.gov/trafficking/about/index.html>.

³ Public Law No. 106-386.

reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA).⁴ Effective December 2003, the TVPRA extended the eligibility for federally-funded or administered benefits and services to certain family members of victims.

To be eligible for benefits and services, an individual must be certified as a victim of a severe form of human trafficking. The U.S. Department of Health and Human Services, Administration for Children & Families (ACF), Office of Refugee Resettlement (ORR) is the federal agency responsible for certifying trafficking victims. To receive certification, victims of trafficking must be willing to assist with the investigation and prosecution of traffickers. In addition, they must have completed a bona fide application for a T-Visa or they must have been granted continued presence status by U.S. Citizenship and Immigration Services for the purpose of contributing to the prosecution of the traffickers. Children under 18 years of age who have been subjected to a severe form of trafficking do not need to be certified to receive benefits; however, ORR will issue them a letter declaring them victims of a severe form of trafficking. The ORR provides information to state and local governments and service providers on the requirements for certification, the documents that victims of severe forms of trafficking are issued, and the procedures agencies should follow in confirming eligibility for benefits.

The TVPRA created two new nonimmigrant visas for noncitizen victims of crimes, the T-visa and the U-visa. Both visas are designed to provide immigration status to noncitizens that are assisting or are willing to assist authorities investigating crimes:

- The T-visa is for victims of severe forms of trafficking in persons who assist in the investigation or prosecution of trafficking and who would suffer extreme hardship involving unusual and severe harm if they were deported.
- The U visa is designed for noncitizen crime victims who have suffered substantial physical or mental abuse from criminal activity and who agree to cooperate with government officials investigating or prosecuting this criminal activity. Because the United States Citizenship and Immigration Services (CIS) has not yet published regulations governing these visas, it is not yet possible to obtain a U-visa. However, the CIS may grant temporary legal status, called U-visa interim relief, to those who are eligible until there is a process for applying for a U-visa.

The Bill

The bill requires, subject to the availability of funds, the department to establish a state funded benefit program for immigrant victims of human trafficking, domestic violence and other serious crimes during a specified period of time before becoming eligible to receive federally funded benefits.

C. SECTION DIRECTORY:

Section 1. Creates s. 414.156, F. S., relating to immigrant victims of human trafficking and other serious crimes.

Section 2. Provides an effective date of July 1, 2007, contingent on a specific appropriation.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁴ Public Law No. 108-193.

2. Expenditures:

The department estimates that the bill will create a recurring fiscal impact of \$483,854 beginning in FY 2007-2008. This amount is itemized as follows:

- Administration - \$30,254
- Cash Assistance (based on an estimated 300 cases) - \$162,000
- Food Stamps - \$139,500
- Medical Assistance - \$152,100

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 17, 2007, the Healthcare Council adopted 4 amendments to the bill that do the following:

- makes a conforming correction to the title;
- specifies that children under the age of 18 are eligible to receive benefits under the program;

- removes the specific reference to children since they were included by an earlier amendment; and
- allows DCF to develop a public-awareness program related to the benefit program.

The bill was reported favorable as amended and the analysis reflects the bill as amended.