

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 427 Refugee Assistance Programs  
**SPONSOR(S):** Children, Families & Seniors Subcommittee, Santiago  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	9 Y, 5 N, As CS	Tuszynski	Brazzell
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

### SUMMARY ANALYSIS

The admission and resettlement of refugees in the United States is governed by the federal Immigration and Nationality Act, as amended by the Refugee Act of 1980. The President is responsible for determining the total number of refugees admitted to the United States annually.

Refugees approved for U.S. entry receive assistance to help them adjust to life in the U.S. for the first 30-90 days through the U.S. Department of State Reception and Placement Program. Afterwards, the Office of Refugee Resettlement (ORR), within the U.S. Department of Health and Human Services, provides services to the newly-resettled refugees. ORR grants funds to state and non-profit refugee resettlement programs to provide cash and medical assistance to those refugees that do not qualify for Medicaid or Temporary Assistance for Needy Families through transitional assistance programs known as Refugee Medical Assistance and Refugee Cash Assistance for up to 8 months. ORR also provides funding for job training and preparation, assistance with job search and placement, English language classes, vocational training, transportation, interpreters, and case management.

In Florida, the Refugee Services program, within the Department of Children and Families (DCF), is the recipient of the federal refugee resettlement funds and administers the resettlement program. DCF contracts with non-profit organizations to provide services to refugees and other populations admitted to the U.S. and resettled in Florida.

State participation in the federal refugee resettlement program is voluntary. When a state withdraws from administering the refugee resettlement program, federal law allows ORR to select a replacement designee to do so. Multiple states have withdrawn from the program, and 4 states are currently in the process of withdrawal.

HB 427 directs the state refugee coordinator to provide notice, by June 30, 2017, to the Director of ORR of Florida's intent to withdraw from the federal refugee resettlement program. The bill sets the final date of the state's participation in the program as December 31, 2017. After that date the state will no longer administer the refugee program.

The bill also deletes language relating to rulemaking for the state administered refugee services program.

The bill has no fiscal impact on state or local governments. Please see Fiscal Comments.

The bill takes effect upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

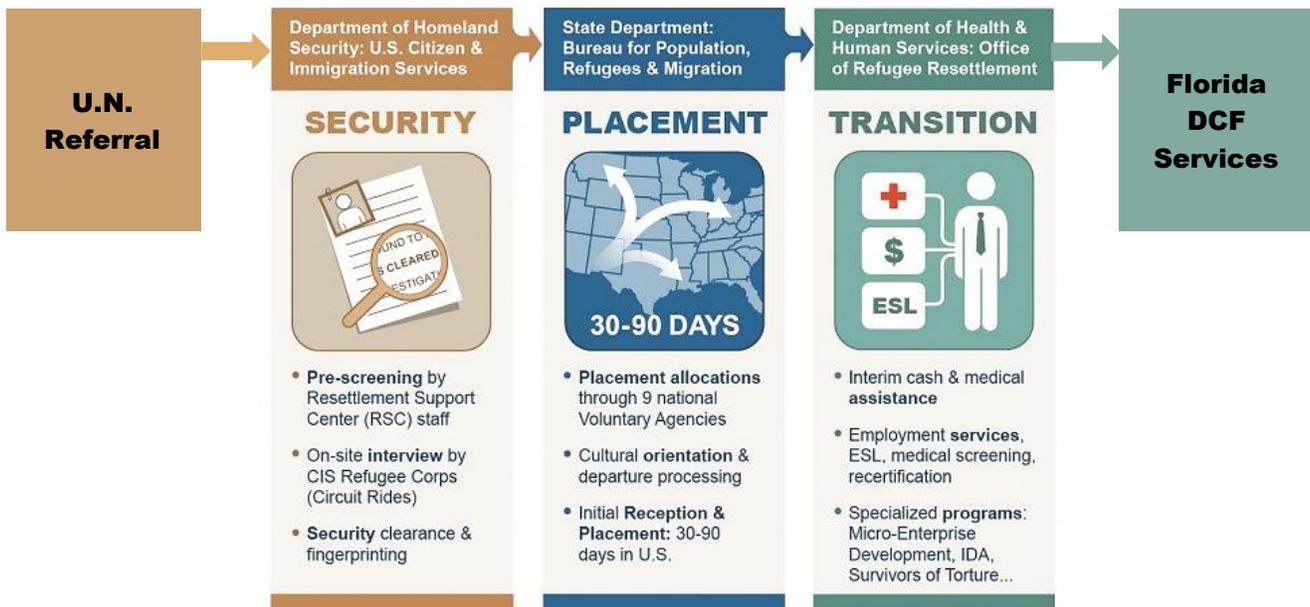
#### Present Situation

##### Refugee Admission Process

The federal government has “broad, undoubted power over the subject of immigration and the status of aliens.”<sup>1</sup> Federal law creates a number of immigrant classifications, such as family members of U.S. citizens, spouses and fiancés of U.S. citizens, employment-based immigrants, asylees, and refugees, and governs these individuals’ admission and removal.<sup>2</sup>

Federal law generally defines a refugee as a person who is outside his or her home country and is unable or unwilling to return to and avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.<sup>3</sup> The federal Immigration and Nationality Act, as amended by the Refugee Act of 1980, governs refugee admission and settlement.<sup>4</sup> The President determines the total number of refugees admitted to the United States annually,<sup>5</sup> and the Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS) processes applications for refugee status and decides whether to admit an individual to the United States as a refugee.<sup>6</sup>

##### Refugee Resettlement Process



<sup>1</sup> *Arizona v. United States*, 132 S. Ct. 2492, 2497 (2012).

<sup>2</sup> See Directory of Visa Categories, U.S. Department of State, Bureau of Consular Affairs, <https://travel.state.gov/content/visas/en/general/all-visa-categories.html> (last visited Dec. 14, 2016).

<sup>3</sup> 8 U.S.C. § 1101(a)(42)(A).

<sup>4</sup> 8 U.S.C. §§ 1157, 1521-1524.

<sup>5</sup> 8 U.S.C. § 1157(a)(2)-(3). The President may increase the number of refugees to be admitted in a given year if he determines that an “unforeseen refugee situation exists” and certain other conditions are met. 8 U.S.C. § 1157(b).

<sup>6</sup> *Id.* § 1157(c)(1); 8 C.F.R. 207.

## *Refugee Application and Screening*

The refugee application process typically begins when the United Nations High Council on Refugees refers a refugee applicant to the U.S.<sup>7</sup> The U.S. refugee admittance process involves seven steps over 18-24 months.<sup>8</sup>

### Step 1 – Registration and data collection

The case is first received and processed by one of nine Department of State-funded Resettlement Support Centers (RSCs) located outside the U.S. The RSC prepares the refugee application for U.S. resettlement consideration<sup>9</sup> by collecting biographic and other information from the applicant to prepare for an adjudication interview and security screening.<sup>10</sup> The RSC then conducts an interview with the applicant, enters the applicant's documentation into the Department of State's Worldwide Refugee Admission Processing System (WRAPS), cross-references and verifies the data, and sends the information necessary to conduct a background check to other U.S. agencies.<sup>11</sup>

### Step 2 – Security checks

Enhanced security screening is a joint responsibility of the Department of State and DHS and includes the participation of multiple U.S. government intelligence and security agencies, such as the Federal Bureau of Investigation (FBI) and the Department of Defense (DOD).<sup>12</sup> With the data submitted by the RSCs, these U.S. national security agencies begin screening for security threats, connections to known bad actors, and any past immigration or criminal violations.<sup>13</sup> DHS conducts an additional enhanced review for Syrian applicants.<sup>14</sup>

### Step 3 – DHS interview:

DHS reviews all of the information that the RSC has collected, conducts an in-person interview, and collects biometric data from each refugee applicant.<sup>15</sup> This interview confirms the information collected from the previous interviews conducted by the State Department's RSCs. Additional interviews are conducted as new information arises. With each interview, data is verified in person and in WRAPS. If new information emerges during the interview, the information is entered into WRAPS and additional security checks are conducted. If inconsistencies emerge at any point, the case is put on hold until the inconsistencies are resolved. Once all interviews and checks are complete, DHS adjudicates the case.<sup>16</sup> Syrian refugees have an additional individualized review by an adjudicator, including a fraud and national security review where warranted.<sup>17</sup>

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<sup>7</sup> Some refugees can start the application process with the RSC without a referral from UNHCR or other entity. This includes close relatives of asylees, refugees already in the United States, and refugees who belong to specific groups set forth in statute or identified by the Department of State as being eligible for direct access to the program.

<sup>8</sup> U.S. Refugee Admissions Program, Application and Case Processing, U.S. Department of State, <http://www.state.gov/j/prm/ra/admissions/index.htm> (last visited Dec. 1, 2016).

<sup>9</sup> *Supra* note 8.

<sup>10</sup> *Supra* note 8.

<sup>11</sup> U.S. Department of State, The Refugee Processing and Screening System, available at <http://www.state.gov/j/prm/releases/factsheets/2016/264501.htm> (last visited Dec. 2, 2016).

<sup>12</sup> Background Briefing on Refugee Screenings and Admissions, U.S. Department of State (Nov. 17, 2015), <http://www.state.gov/r/pa/prs/ps/2015/11/249613.htm> (last visited Dec. 2, 2016).

<sup>13</sup> *Id.*

<sup>14</sup> *Supra* note 11.

<sup>15</sup> *Supra* note 11.

<sup>16</sup> *Supra* note 11.

<sup>17</sup> Refugee Processing and Security Screening, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/refugeescreening> (last visited Dec. 9, 2016).

#### Step 4 – Biometric security checks

Fingerprints are screened against the FBI, DHS, and DOD databases.<sup>18</sup> DHS reviews results, denying cases with problems.<sup>19</sup>

#### Step 5 – Cultural orientation and medical check

Approved refugees complete a class on American culture, customs, and practices. Health practitioners also screen them to identify medical needs and contagions.<sup>20</sup>

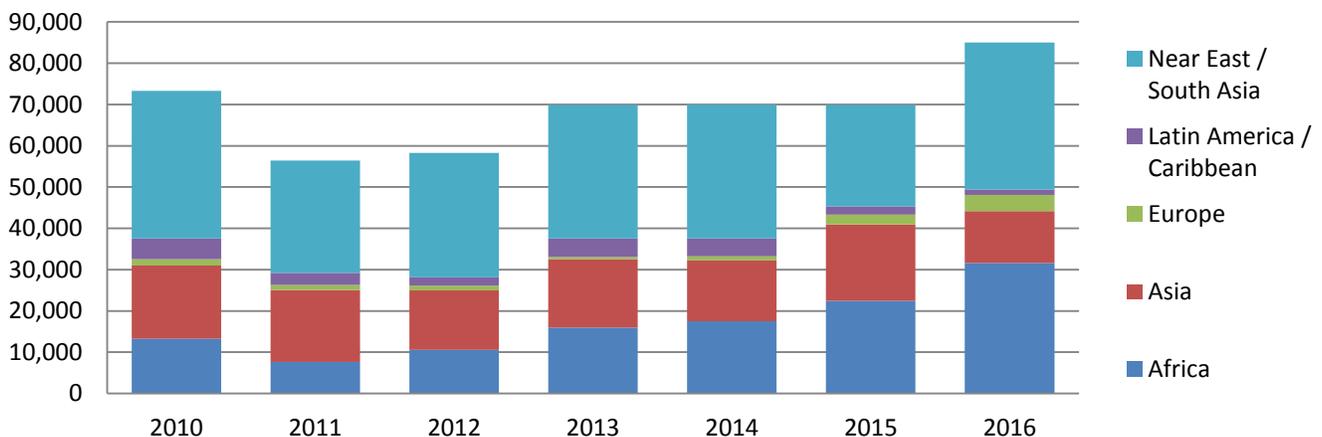
#### Step 6 – Assignment to a domestic resettlement location

The RSC requests a “sponsorship assurance” from one of nine U.S.-based resettlement agencies, which then decides the refugee’s specific U.S. placement, subject to final approval from the Department of State’s Bureau of Population, Refugees, and Migration.<sup>21</sup> U.S. Customs and Border Protection and the Transportation Security Administration’s Secure Flight Program also screen refugees prior to U.S. entry.<sup>22</sup>

#### Step 7 – Arrival in the U.S.

Applicants arrive in the U.S., welcomed by their domestic resettlement agency’s representatives. The representatives begin the process of settling refugees in their new communities.<sup>23</sup> After one year, refugees must apply for permanent residence (commonly referred to as a green card) and after five years, a refugee is eligible to apply for U.S. citizenship.<sup>24</sup>

**Refugee Admissions to U.S. by Region of Origin  
FFY 2010 - FFY 2016**



<sup>18</sup> *Supra* note 11.

<sup>19</sup> *Supra* note 11.

<sup>20</sup> *Supra* note 9.

<sup>21</sup> 8 U.S.C. § 1522(b)(1)(A); U.S. Gov’t Accountability Office, GAO-12-729, Refugee Resettlement: Greater Consultation with Community Stakeholders Could Strengthen Program, 4-5, 7 (2012); see U.S. Dep’t of State, The Reception and Placement Program, available at <http://www.state.gov/j/prm/ra/receptionplacement/index.htm> (last visited Dec. 9, 2016).

<sup>22</sup> U.S. Department of State, The Refugee Processing and Screening System, available at <http://www.state.gov/j/prm/releases/factsheets/2016/264501.htm> (last visited Dec. 2, 2016).

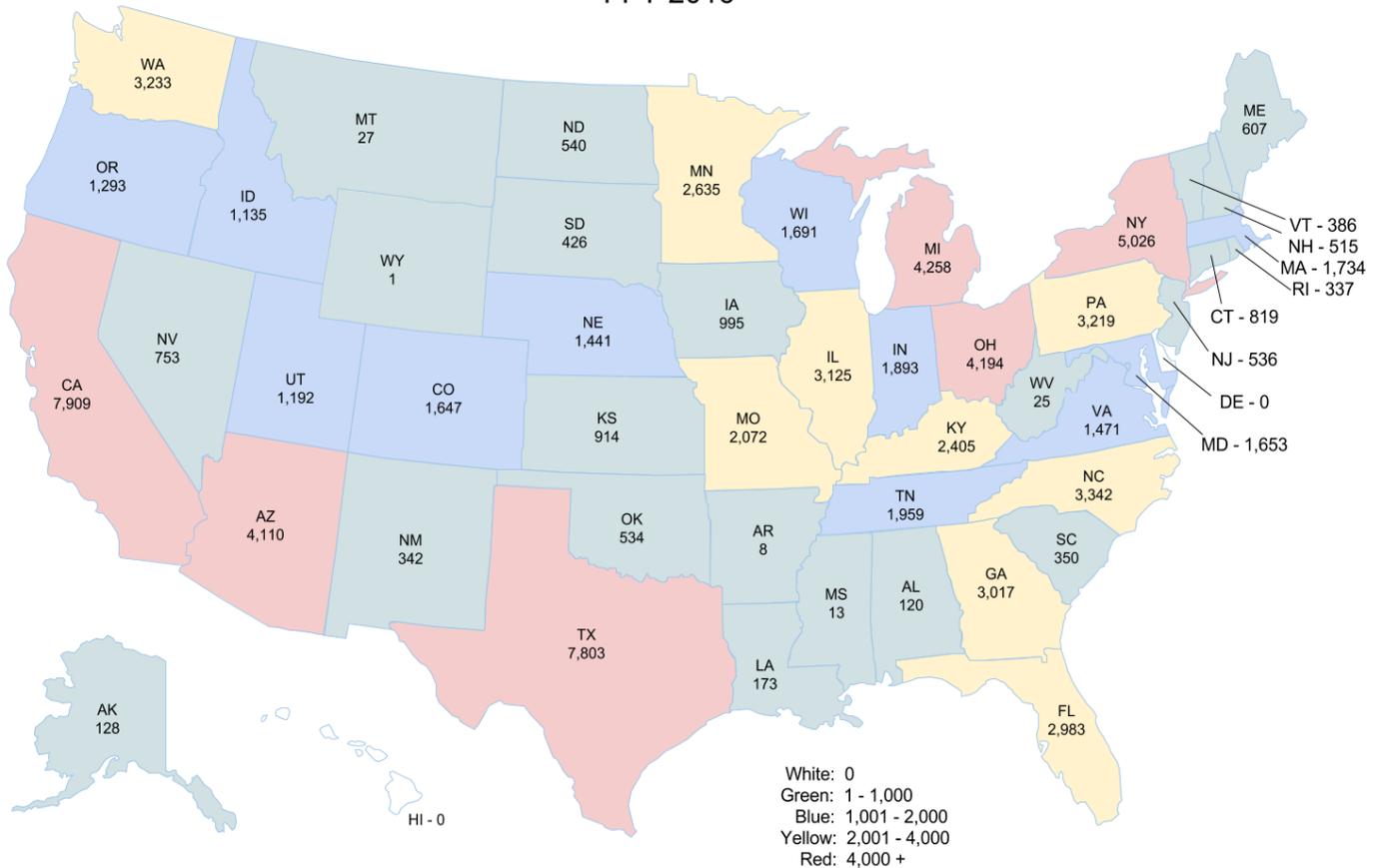
<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

The U.S. admitted 84,995 refugees in Federal Fiscal Year (FFY) 2016.<sup>25</sup>

Top 10 Refugee Countries of Origin FFY 2016	
Country of Origin	Number of Refugees
Democratic Republic of Congo	16,370
Syria	12,587
Burma	12,347
Iraq	9,880
Somalia	9,020
Bhutan	5,817
Iran	3,750
Afghanistan	2,737
Ukraine	2,543
Eritrea	1,949

Number of Refugees Resettled by State  
FFY 2016



<sup>25</sup> Refugee Processing Center, Interactive Reporting, Arrival Reports available at <http://ireports.wrapsnet.org/Interactive-Reporting/> (last visited Dec. 18, 2016).

## Coordination of Refugee Resettlement in Local Communities

While states have no role in refugee admissions, federal law requires the U.S. Department of Health and Human Service Office of Refugee Resettlement (ORR) and the U.S. Department of State Bureau of Population, Refugees, and Migration to consult regularly with state and local governments and private nonprofit agencies on sponsorship and placement of refugees in communities.<sup>26</sup> For instance, ORR must consult in developing and implementing policies and strategies for refugee resettlement that:

- Ensure resettlement agencies do not place refugees in an area “highly impacted by the presence of refugees or comparable populations” unless the refugees have family there;
- Provide for representatives of resettlement agencies to meet regularly with state and local government officials to plan and coordinate refugee placement; and
- Take into account:
  - the proportion of refugees and comparable entrants in the population in the area;
  - the availability of employment opportunities, affordable housing, and public and private resources for refugees in the area;
  - the likelihood of refugees placed in the area becoming self-sufficient and free from long-term dependence on public assistance; and
  - the secondary migration of refugees to and from the area that is likely to occur.<sup>28</sup>

Congress also required resettlement agencies to consider state recommendations for refugee placement.<sup>29</sup>

While federal regulations require coordination with state and local governments, this coordination does not seem to take state concerns into account.<sup>30</sup> In January of 2016, the state’s Refugee Services program wrote the federal government to refuse possible resettlement of 425 Syrian refugees to the state citing security concerns relating to the federal vetting processes as well as the lack of information being shared with Florida law enforcement by the State Department and other federal agencies.<sup>31</sup> Despite this, the State Department resettled 642 Syrian refugees in Florida during FFY 2016.<sup>32</sup>

### Admission of Cuban-Haitian Entrants, Unaccompanied Refugee Minors, and Others

There are also groups of entrants to the U.S. that do not meet the definition of “refugee” for the statistics listed above, but are still eligible for services through the federal Refugee Resettlement program.

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<sup>26</sup> 8 U.S.C. § 1522(a)(2)(A).

<sup>27</sup> *Id.* § 1522(a)(2)(B).

<sup>28</sup> *Id.* § 1522(a)(2)(C).

<sup>29</sup> *Id.* § 1522(a)(2)(D).

<sup>30</sup> Texas officially withdraws from refugee resettlement program, Washington Post, September 20, 2016, <https://www.washingtonpost.com/news/post-nation/wp/2016/09/30/texas-officially-withdraws-from-refugee-resettlement-program> (accessed online Jan. 2, 2017), Kansas Refuses to Help Refugees Settling in the State, Tribune News Service, Governing, April 27, 2016, <http://www.governing.com/topics/public-justice-safety/tns-kansas-refugee-brownback.html> (accessed online Dec. 3, 2016), NJ stops cooperating with program, but refugees will still settle in state, <http://nj1015.com/nj-stops-cooperating-with-refugee-program-but-refugees-will-still-settle-in-state/> (accessed online Dec. 3, 2016), LePage tells Obama that Maine won’t participate in refugee resettlement, Portland Press Herald, November 5, 2016, <http://www.pressherald.com/2016/11/04/lepage-to-obama-maine-wont-participate-in-refugee-resettlement/> (accessed online Dec. 15, 2016).

<sup>31</sup> Florida officials want to refuse settlement of 4,460 refugees, Bradenton Herald, January 20, 2016, <http://www.bradenton.com/news/politics-government/state-politics/article55615845.html> (accessed online January 12, 2017).

<sup>32</sup> *Supra* note 25.

## *Cuban-Haitian Entrant Program*

The Cuban-Haitian Entrant Program (CHEP) was established to provide eligible Cuban and Haitian entrants with benefits and services.<sup>33</sup> CHEP is administered by USCIS, and services are provided through the ORR.<sup>34</sup>

In order to be eligible for CHEP, an individual must meet the definition of a Cuban-Haitian entrant under Title V of the Refugee Education Assistance Act of 1980.<sup>35</sup>

## *Unaccompanied Refugee Minors Program*

The Unaccompanied Refugee Minors Program (URM) ensures that eligible unaccompanied minor refugees receive the full range of assistance, care and services available to all foster children in the state by establishing a legal authority to act in place of the child's unavailable parent(s).<sup>36</sup> The program encourages reunification of children with their parents or other appropriate adult relatives through family tracing and coordination with local refugee resettlement agencies.<sup>37</sup> However, if reunification is not possible, URM programs design a case-specific permanency plan for the minor or youth in care.<sup>38</sup>

The URM program is administered by ORR at 20 program locations around the country, including Miami.<sup>39</sup> State refugee offices in those states with URM programs provide placement and services for unaccompanied refugee children with ORR funds through service contracts with local providers.<sup>40</sup>

## *Other Admissions*

Other groups admitted to the U.S. include parolees, asylees, Afghan and Iraqi special immigrants, and certified victims of human trafficking.

- *Parolees* are Cuban nationals who are granted advance permission to enter the U.S. through the parole authority of the Department of Homeland Security as agreed in the U.S. - Cuba Accords.
- *Asylees* are persons already in the U.S. who, due to persecution or a well-founded fear of persecution in their home country, apply for and are granted asylum by asylum officers or immigration judges in the U.S.
- *Afghan and Iraqi Special Immigrants (SIV)* are Iraqi and Afghani nationals who worked with the U.S. military and who were granted special immigrant status.
- *Certified Victims of Human Trafficking (VOT)* are individuals from foreign countries who, through the use of force, fraud, or coercion, have been forced to perform a commercial sex act, or have been subjected to involuntary servitude, peonage, debt bondage, or slavery.

## Refugee Services

To assist refugees and other eligible individuals such as Cuban/Haitian entrants and unaccompanied refugee minors in integrating into American life, the federal government provides assistance to

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<sup>33</sup> U.S. Citizenship and Immigration Services, Cuban Haitian Entrant Program, available at <https://www.uscis.gov/humanitarian/humanitarian-parole/cuban-haitian-entrant-program-chep> (last visited Dec. 13, 2016).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> US Dep't of Health & Human Services, Office of Refugee Resettlement, About Unaccompanied Refugee Minors, available at <https://www.acf.hhs.gov/orr/programs/urm/about> (last visited Dec. 6, 2016).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

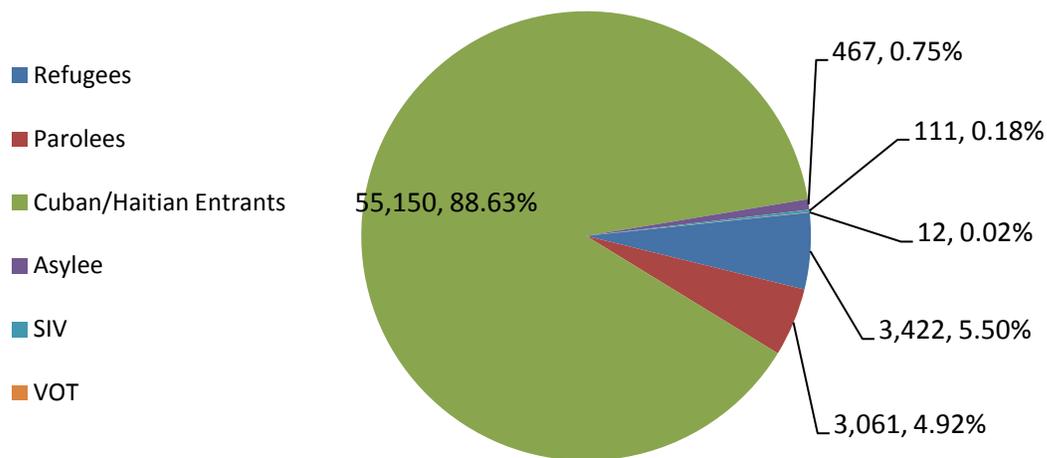
refugees for up to five years. The Department of State Reception and Placement Program provides assistance for the first 30-90 days.<sup>41</sup> Afterwards, ORR provides services.<sup>42</sup>

Through state or non-profit partners, ORR provides cash and medical assistance to those refugees who do not qualify for Medicaid or Temporary Assistance for Needy Families (TANF) through transitional assistance programs known as Refugee Medical Assistance (RMA) and Refugee Cash Assistance (RCA) for up to 8 months.<sup>43</sup> ORR also provides funding for job training and preparation, assistance with job search and placement, English language classes, vocational training, transportation, interpreters, and case management.<sup>44</sup>

### Refugee Services Program in Florida

Florida is a mid-level refugee recipient, with 2,983<sup>45</sup> refugees placed here during FFY 2016.<sup>46</sup> However, due to the Cuban/Haitian entrant program, Florida's total arrivals are much larger: 62,223 arrivals in FFY 2016 including asylees, Cuban/Haitian entrants, parolees, and refugees.<sup>47</sup> This makes Florida's Refugee Services program the largest in the U.S.<sup>48</sup> Most of Florida's 2016 arrivals settled in Miami-Dade County (66.19%), with the second highest percentage settling in Hillsborough County (8.17%).<sup>49</sup> Cubans comprise nearly 90% of the arrivals to the state each year.<sup>50</sup>

**Florida's Arrival Population, FFY 2016**<sup>51</sup>



<sup>41</sup> U.S. Dep't of State, The Reception and Placement Program, available at <http://www.state.gov/j/prm/ra/receptionplacement/index.htm> (last visited Dec. 9, 2016).

<sup>42</sup> 8 U.S.C. §1522; 45 C.F.R. pt. 400.

<sup>43</sup> U.S. Dep't of Health & Human Services, Office of Refugee Resettlement, About Cash & Medical Assistance, available at <https://www.acf.hhs.gov/orr/programs/cma/about> (last visited Dec. 9, 2016).

<sup>44</sup> *Id.*

<sup>45</sup> Including secondary migration, this number is 3,422.

<sup>46</sup> *Supra* note 25.

<sup>47</sup> Florida Department of Children and Families, Refugee Services, Statistics for Florida 2016, available at <http://www.myflfamilies.com/service-programs/refugee-services/statistics-florida> (last visited Dec. 5, 2016).

<sup>48</sup> Florida Department of Children and Families, Refugee Services Program, General Information, available at: <http://www.dcf.state.fl.us/programs/refugee/generalinfo.shtml> (last visited Jan. 14, 2017).

<sup>49</sup> *Id.*

<sup>50</sup> Refugee Services Program, Department of Children and Families, *General Program Overview*, <http://www.myflfamilies.com/service-programs/refugee-services/overview> (last visited Nov. 20, 2016).

<sup>51</sup> *Supra* note 47.

In Florida, the Refugee Services Program, within the Department of Children and Families (DCF) receives ORR refugee resettlement funds and administers the resettlement program.<sup>52</sup> The Refugee Services program works with other state agencies, which carry out specific duties:

- DCF's Economic Self Sufficiency program determines eligibility for the RCA<sup>53</sup> and RMA<sup>54</sup> program using the same process it uses to determine eligibility for state TANF and Medicaid,<sup>55</sup>
- The Agency for Health Care Administration administers the RMA program, including arranging payment for services to healthcare providers,<sup>56</sup> and
- The Department of Health administers the refugee medical screening program.<sup>57</sup>

DCF contracts with local providers (often affiliates of the nonprofit agencies which resettled refugees in Florida) to coordinate and provide RMA and RCA program services and to provide social services, including:<sup>58</sup>

- Employment Services, to assist refugees in obtaining self-sufficiency and effective resettlement through gainful employment. Employment services include pre-employment counseling and orientation, direct job preparation and placement, 90-day and 180-day follow up, certification, and career laddering services for refugees with professional backgrounds.
- Adult and Vocational Education, such as English language classes for speakers of other languages, vocational training, vocational English for speakers of other languages, adult basic education, and general education diploma preparation classes.
- Employability Status Assistance Services, assisting with obtaining employment authorization documents, permanent residency applications, and other employment-related immigration issues.
- Child Care, for refugees who are enrolled in refugee services-funded employment and adult education services. This service is limited to 12 months.
- Integrative Assistance, to identify and address risk factors that prevent effective resettlement, provide extended orientation, and make appropriate referrals to community resources.
- Youth Services, to promote academic success and prevent school dropouts and delinquency among refugee youth. These services include tutoring, academic enrichment, and orientation services.
- Interpreter Services, such as telephonic interpreter services and vital document translation services provided to increase service access to refugees.

Florida's refugee services program also administers and coordinates the Cuban/Haitian entrant and URM programs, which offer enhanced services in specific locations to serve these populations. Cuban/Haitian entrants may also access services available generally to refugees.<sup>59</sup> DCF contracts with a licensed child-placing agency for placement and services to URM, including petitioning the circuit court to establish custody.<sup>60</sup> Florida currently provides services to 18 children in the URM program.<sup>61</sup>

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<sup>52</sup> Refugee Services Program, Department of Children and Families, *General Program Overview*, <http://www.myflfamilies.com/service-programs/refugee-services/overview> (last visited Nov. 20, 2016).

<sup>53</sup> 45 CFR ss. 400.48, 400.51, and 400.53. Requires ineligibility under TANF to receive RCA.

<sup>54</sup> 45 CFR s. 400.100. Requires ineligibility under Medicaid and SCHIP to receive RMA.

<sup>55</sup> *Supra* note 52.

<sup>56</sup> Refugee Services Program, Department of Children and Families, *General Program Overview*, <http://www.myflfamilies.com/service-programs/refugee-services/overview> (last visited Nov. 20, 2016).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

## Withdrawal from the Refugee Resettlement Program

Administering a refugee services program is optional for states. Pursuant to federal rule, a state may withdraw from federal refugee resettlement program participation by providing 120 days' advance notice to the Director of ORR.<sup>62</sup>

If the federal government still wishes to assist refugees in resettling in the state, it may choose to establish a refugee services program under the Wilson-Fish alternative program.<sup>63</sup> The Wilson-Fish alternative program was established in 1984 as an amendment to the Refugee Act of 1980 to allow alternatives to traditional state-administered refugee assistance programs in order to provide assistance and services to refugees in every state where refugees are resettled.<sup>64</sup> When a state withdraws from the traditional refugee resettlement program, the Wilson-Fish alternative allows ORR to authorize a replacement designee to administer the refugee assistance program.<sup>65</sup> The replacement designee carries out all of the programs and duties administered and performed by the state and must adhere to the same regulations as the state, except for certain provisions, such as the requirement that a state employee must be named as State Coordinator and a state plan must be submitted to, and signed by, the Governor.<sup>66</sup> Furthermore, the state must still determine Medicaid and TANF eligibility and provide that assistance to those who qualify.<sup>67</sup>

Currently 9 states have withdrawn completely from the federal program but have refugee resettlement under Wilson-Fish alternative plans:<sup>68</sup>

- Alabama
- Alaska
- Idaho
- Kentucky
- Louisiana
- Nevada
- North Dakota
- South Dakota
- Tennessee

Four states have partially withdrawn and created public-private partnerships under Wilson-Fish authority:<sup>69</sup>

- California (San Diego County);<sup>70</sup>
- Colorado;<sup>71</sup>
- Massachusetts;<sup>72</sup> and
- Vermont.<sup>73</sup>

Currently, Texas,<sup>74</sup> Kansas,<sup>75</sup> New Jersey<sup>76</sup>, and Maine<sup>77</sup> are in the process of withdrawing from state administration of the refugee program.

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<sup>61</sup> Email from Michael Wickersheim, Legislative Affairs Director, Department of Children and Families, Re: URM Numbers (Jan. 4, 2017).

<sup>62</sup> 45 CFR 400.301.

<sup>63</sup> *Id.*

<sup>64</sup> 8 U.S.C. 1522(e)(7).

<sup>65</sup> 45 CFR s. 400.301(c).

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> US Department of Health and Human Services, Office of Refugee Resettlement, Wilson-Fish Chart, Jan. 25, 2013, available at <http://www.acf.hhs.gov/orr/resource/wilson-fish-chart> (last visited Nov. 30, 2016).

<sup>69</sup> *Id.*

<sup>70</sup> The State of California continues to administer Refugee Medical Assistance.

<sup>71</sup> The State of Colorado continues to administer Refugee Medical Assistance.

<sup>72</sup> The Commonwealth of Massachusetts continues to administer Refugee Medical Assistance.

<sup>73</sup> The State of Vermont continues to administer Refugee Medical Assistance.

Wyoming is the only state that does not have a state administered refugee services program or a Wilson-Fish alternative program to administer RCA or RMA. However, the state of Wyoming is still responsible for Medicaid and TANF services provided to refugees who are eligible under those programs.

### Recent State Responses to Federal Refugee Resettlement Program

After the November 2015 terror attacks in Paris by individuals alleged to have entered France posing as refugees, states expressed concerns about the adequacy of the federal process for vetting refugees entering the U.S. To ensure refugees do not pose a public safety risk once resettled in the U.S., some states unsuccessfully tried to influence the process of refugee resettlement in those states.

In Florida, Governor Scott wrote a letter to Congress asking to defund Syrian refugee placements without more extensive security checks.<sup>78</sup> In Indiana, Governor Pence issued an executive order banning Indiana refugee resettlement contractors from providing services to Syrian refugees; the order was enjoined in federal court.<sup>79</sup> Both Texas and Alabama sued the federal government for not consulting with them on refugee placements; federal courts dismissed both cases, and Alabama is appealing.<sup>80</sup> During the process of submitting its state plan to ORR in 2016, Texas threatened withdrawal from the federal refugee resettlement program unless the federal government approved a state plan that required increased vetting of refugees and certain security assurances.<sup>81</sup> The federal government responded stating that refugees are only resettled after stringent security screenings and that they would not approve a state plan with those conditions.<sup>82</sup> Texas has since officially withdrawn from the federal refugee resettlement program.<sup>83</sup>

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<sup>74</sup> Texas officially withdraws from refugee resettlement program, Washington Post, September 20, 2016, <https://www.washingtonpost.com/news/post-nation/wp/2016/09/30/texas-officially-withdraws-from-refugee-resettlement-program> (accessed online Jan. 2, 2017).

<sup>75</sup> Kansas Refuses to Help Refugees Settling in the State, Tribune News Service, Governing, April 27, 2016, <http://www.governing.com/topics/public-justice-safety/tns-kansas-refugee-brownback.html> (accessed online Dec. 3, 2016).

<sup>76</sup> NJ stops cooperating with program, but refugees will still settle in state, <http://nj1015.com/nj-stops-cooperating-with-refugee-program-but-refugees-will-still-settle-in-state/> (accessed online Dec. 3, 2016).

<sup>77</sup> LePage tells Obama that Maine won't participate in refugee resettlement, Portland Press Herald, November 5, 2016, <http://www.pressherald.com/2016/11/04/lepage-to-obama-maine-wont-participate-in-refugee-resettlement/> (accessed online Dec. 15, 2016).

<sup>78</sup> Gov. Rick Scott calls on Congress to oppose Syrian Refugees, Tampa Bay Times, November 16, 2015, <http://www.tampabay.com/blogs/the-buzz-florida-politics/gov-rick-scott-calls-on-congress-to-oppose-syrian-refugees/2254194> (accessed online January 21, 2017).

<sup>79</sup> Federal Court Blocks Gov. Pence's Attempt to Bar Syrian Refugees From Indiana, NPR Politics, October 3, 2016, <http://www.npr.org/2016/10/03/496466007/federal-court-blocks-gov-pences-attempt-to-block-syrian-refugees-from-indiana> (accessed online January 21, 2017).

<sup>80</sup> Federal Judge Tosses Texas' Lawsuit to Bar Syrian Refugees, The New York Times, June 16, 2016, <https://www.nytimes.com/2016/06/17/us/federal-judge-tosses-texas-lawsuit-to-bar-syrian-refugees.html> (accessed online January 21, 2017); Judge dismisses Alabama lawsuit over refugee placement, Tuscaloosa News, July 29, 2016, <http://www.tuscaloosaneews.com/news/20160729/judge-dismisses-alabama-lawsuit-over-refugee-placement> (accessed online January 21, 2017); Appellant brief filed January 3, 2017 (per PACER) in 16-15778 - State of Alabama, et al v. USA, et al., United States Court of Appeals for the Eleventh Circuit.

<sup>81</sup> Texas Threatens to Withdraw from Refugee Resettlement Program, The Texas Tribune, September 21, 2016, <https://www.texastribune.org/2016/09/21/texas-threatens-withdraw-refugee-resettlement-prog/> (accessed online January 23, 2017).

<sup>82</sup> *Id.*

<sup>83</sup> *Supra* note 74.

## Recent Federal Actions on Immigration and Refugees

On January 27, 2017, President Trump signed an executive order titled, "PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES."<sup>84</sup> In addition to addressing other immigration related topics, the executive order:<sup>85</sup>

- Temporarily restricts all immigration from the seven countries exempt from the Department of State's visa waiver program<sup>86</sup> for 90 days;
- Suspends the U.S. Refugee Admissions program (USRAP) for 120 days so that the process can be reviewed and additional procedures to ensure the security and welfare of the U.S. can be determined and implemented;
- Deems Syrian refugees detrimental to the interests of the U.S. and suspends their entry until such time as President Trump determines sufficient changes have been made to the USRAP such that admission of Syrian refugees is consistent with the national interest;
- Prioritizes admission of refugees that have been victims of religious-based persecution;
- Caps annual refugee admissions at 50,000; and
- Requires DHS to examine existing law to determine the extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions.

The executive order was challenged in multiple venues; federal courts in New York, Massachusetts, and Washington State temporarily enjoined implementation, with national effect.<sup>87</sup> The Trump administration appealed this ruling in Washington State, and the 9<sup>th</sup> Circuit Court of Appeals ruled against the administration, maintaining the stay on the travel ban.<sup>88</sup>

### **Effect of the Bill**

HB 427 creates an unnumbered section of law that directs the state refugee coordinator to provide notice, by June 30, 2017, to the Director of ORR of Florida's intent to withdraw from the federal refugee resettlement program. The bill sets the final date of the state's participation in the program as December 31, 2017, to provide the 120-day advance notice required by federal regulation.

This withdrawal would require that DCF's Refugee Services program cease to administer ORR-funded programs such as the refugee services program, the Cuban/Haitian entrant program, and the unaccompanied refugee minor program.

The bill repeals s. 402.86, F.S., removing rulemaking authority for DCF to create the refugee assistance program.

The bill also removes a reference to the refugee cash assistance program from s. 402.82, F.S. This section establishes an electronic benefits transfer program to disseminate food assistance benefits, temporary cash assistance, and refugee cash assistance.

It is unknown whether the federal government will choose to establish a replacement designee to administer refugee assistance through a Wilson-Fish alternative program in Florida. However, the federal government has started the process of creating a Wilson-Fish alternative program in states that have recently withdrawn by naming a transitional alternate designee.

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<sup>84</sup> Exec.Order No. 13,769, 82 Fed. Reg. 8977 (Jan 27th, 2017); <https://www.gpo.gov/fdsys/pkg/FR-2017-02-01/pdf/2017-02281.pdf>.

<sup>85</sup> *Id.*

<sup>86</sup> Iraq, Syria, Iran, Libya, Somalia, Sudan, and Yemen. See U.S. Department of State, Visa Waiver Program, <https://travel.state.gov/content/visas/en/visit/visa-waiver-program.html> (last visited 1/30/17).

<sup>87</sup> *Darweesh v. Trump*, 17 Civ. 480 (AMD), 2017 U.S. Dist. LEXIS 13243 (E.D. N.Y. 2017); *Washington v. Trump*, C17-0141JLR, 2017 U.S. Dist. LEXIS 16012 (W.D. Wash. 2017); *Tootkaboni v. Trump*, 17-cv-10154, 2017 U.S. Dist. LEXIS 14241 (D. Mass. 2017).

<sup>88</sup> *Washington v. Trump*, 17-35105, 2017 U.S. App. LEXIS 2369 (9th Cir. 2017).

**B. SECTION DIRECTORY:**

- Section 1:** Creates an unnumbered section of law relating to withdrawal from the federal refugee resettlement program.
- Section 2:** Amends s. 402.82, F.S., relating to the electronic benefits transfer program.
- Section 3:** Repeals s. 402.86, F.S., relating to rulemaking authority for the refugee assistance program.
- Section 4:** Provides an effective date of upon becoming law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The state will no longer receive federal grant money for the provision of refugee resettlement program services. For state Fiscal Year 2016-2017, \$257.4 million in federal funds are budgeted for refugee services:

<u>Agency</u>	<u>Program</u>	<u>Amount</u>
DCF	Refugee Cash Assistance	\$49.6 million
DCF	Refugee Employment and Training Services	\$64.0 million
AHCA	Refugee Medical Assistance	\$115.8 million
DOH	Refugee Health Assessments and Vaccinations	\$28.0 million
	<b>Total</b>	<b>\$257.4 million</b>

2. Expenditures:

The state will no longer expend the federal grant money, listed above, for refugee services.

The withdrawal will also eliminate 41 federally funded FTE positions within DCF.<sup>89</sup>

DCF also estimates an impact of \$569,088 to complete the necessary system programming modifications required by withdrawal from administering the Refugee Services program.<sup>90</sup>

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

While it is unclear whether the federal government will establish a Wilson-Fish alternative program, they have started the process to establish a Wilson-Fish programs in each state that has recently withdrawn. If the federal government does establish an alternative program, the federal funds for refugee services currently passing through the state will be given directly to the alternate designee. If these funds are the same as received and expended by the state, there should be no fiscal impact.

<sup>89</sup> Department of Children and Families, Agency Analysis of 2017 House Bill 427, p. 7 (January 31, 2017).

<sup>90</sup> *Id* at pg. 8.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not Applicable. This bill does not appear to affect county or municipal governments.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On February 16, 2017, the Children, Families, and Seniors Subcommittee adopted an amendment that removes the section of the bill that repeals the Refugee Assistance Trust Fund. Maintaining the fund will not delay the state's withdrawal but will allow federal accounting requirements to be met.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute.