

HOUSE BILL REPORT

HB 2573

As Reported by House Committee On:
Human Services & Early Learning

Title: An act relating to providing public assistance to victims of certain crimes including human trafficking.

Brief Description: Providing public assistance to victims of certain crimes including human trafficking.

Sponsors: Representatives Pellicciotti, Leavitt, Valdez, Irwin, Davis, J. Johnson and Ormsby.

Brief History:

Committee Activity:

Human Services & Early Learning: 1/29/20, 2/5/20 [DPS].

Brief Summary of Substitute Bill

- Expands eligibility for the state Food Assistance Program, the State Family Assistance program, and the Medical Care Services program to victims of human trafficking and other crimes.
- Defines a "victim of human trafficking" to include noncitizens and qualifying family members for purposes of certain public assistance programs.

HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Senn, Chair; Callan, Vice Chair; Frame, Vice Chair; Goodman, Kilduff, Lovick and Ortiz-Self.

Minority Report: Do not pass. Signed by 5 members: Representatives Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Corry and Klippert.

Minority Report: Without recommendation. Signed by 1 member: Representative Griffey.

Staff: Dawn Eychaner (786-7135).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Depending on their immigration status, noncitizens may be eligible for major federal means-tested benefits programs including Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP), and Medicaid. Unauthorized aliens are ineligible for most federal benefits.

T and U Nonimmigrant Status.

The federal Trafficking Victims Protection Act of 2000 (TVPA) created the T Nonimmigrant Status (T visa) and the U Nonimmigrant Status (U visa) for victims of human trafficking and other crimes.

The T visa is available to victims of severe forms of human trafficking in order to allow victims to remain in the United States (U.S.) for up to four years if they have assisted law enforcement in an investigation or prosecution of human trafficking. Under federal law, a severe form of trafficking is defined as sex trafficking or labor trafficking. Qualifying immediate family members may also receive T visas. A T nonimmigrant may be eligible for certain federal benefits, including Refugee Cash Assistance (RCA), the SNAP, and other programs.

The U visa is available to victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Qualifying criminal activities for purposes of a U visa include abduction, false imprisonment, extortion, involuntary servitude, sexual assault, torture, trafficking, and other crimes. A U visa is valid for four years. Qualifying immediate family members may receive a derivative U visa based on their relationship to the victim.

Refugees and Asylees.

A person may be granted legal status in the U.S. due to persecution or a fear of persecution in his or her home country. Refugee status is granted prior to entry into the U.S. Asylees generally arrive in the U.S. without authorization or overstay a valid visa, claim asylum, and may be granted asylum if their application is approved. Refugees and asylees are eligible to apply for permanent residency after one year.

Refugee Cash and Medical Assistance.

The RCA is federally funded cash support for adults without children who are refugees or eligible immigrants. Refugee medical assistance (RMA) is federally funded medical assistance available for eligible individuals who do not qualify for Medicaid. Immigration statuses eligible for RCA and RMA include refugees, asylees, and certified victims of human trafficking, among others. Individuals eligible for RCA and RMA may receive up to eight months of assistance.

Food Assistance Program for Legal Immigrants.

The Food Assistance Program (FAP) is a state-funded program that provides food assistance to legal immigrants who are ineligible for federal SNAP benefits solely because of their alien status. Applicants must otherwise meet the eligibility requirements of the SNAP, including income and asset limits.

State Family Assistance Program.

The State Family Assistance (SFA) program provides state-funded cash assistance for legal immigrant families, dependent students ages 19 to 20, and pregnant woman in need who are ineligible to receive TANF benefits. The family unit must include a child, or a pregnant woman with no other children. Applicants must otherwise meet the eligibility requirements of the TANF program, including income and asset limits.

Medical Care Services.

To the extent that funds are available, Medical Care Services (MCS) may be provided to persons who are not eligible for Medicaid and are eligible for the state Aged, Blind, or Disabled program or the Housing and Essential Needs program. Enrollment in MCS may not result in expenditures that exceed the amount that has been appropriated. The Health Care Authority (HCA) establishes the standard of assistance and income exemptions.

Summary of Substitute Bill:

For the purposes of public assistance eligibility, a victim of human trafficking is defined as a noncitizen who has:

- filed or is preparing to file an application for a T visa or a U visa; or
- been harmed by certain crimes including kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, or coercion of an involuntary servitude, the sexual exploitation of children, among others, and:
 - the person is taking steps to meet conditions for federal benefits for victims of trafficking; or
 - the person is is preparing to file an application for asylum.

The definition of "victim of human trafficking" includes a victim's qualifying family members. When the victim is under age 21, a qualifying family member includes a victim's spouse, children, parents, and unmarried siblings under age 18. When the victim is age 21 or older, qualifying family members include a victim's spouse and children.

Victims of human trafficking and their qualifying family members are eligible for:

- the FAP for legal immigrants, if they are not eligible for the SNAP;
- the SFA program, if they otherwise meet program eligibility requirements; and
- MCS, if they are not eligible for other federal or state health insurance programs.

The HCA must, to the extent possible, coordinate with the Department of Social and Health Services (DSHS), the FAP for legal immigrants, the SFA program, and the RCA program.

Substitute Bill Compared to Original Bill:

The substitute bill adds an "or" to the list of factors in the definition of human trafficking to clarify that the factors are disjunctive rather than conjunctive. The substitute bill adds an effective date of February 1, 2022, for the act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: This bill takes effect February 1, 2022.

Staff Summary of Public Testimony:

(In support) A victim of trafficking going through the lawful process of obtaining a U visa or a T visa needs to have access to benefits and opportunities to transition out of being trafficked. This bill is particularly important for trafficking victims and passed unanimously out of the Senate last year. An amendment has been requested by the DSHS to allow for a delayed implementation date. This bill offers an essential bridge of support for survivors escaping trafficking and domestic violence. A victim who is undocumented does not qualify for many critical services. Undocumented survivors of crime and trafficking may be reluctant to come forward to law enforcement or leave an abusive partner who provides income to them. By coming forward to report these serious crimes, survivors are very vulnerable and may have no means to support their families while they wait for their visas. California passed similar legislation allowing foreign nationals experiencing trafficking to receive benefits. Victims receiving benefits can contribute to the investigation and prosecution of the crimes perpetuated against them.

(Opposed) None.

Persons Testifying: Representative Pellicciotti, prime sponsor; Tim Warden-Hertz, Northwest Immigrant Rights Project; Leigh Hofheimer, Washington State Coalition Against Domestic Violence; and Suamhirs Piraino-Guzman, Washington Anti-Trafficking Response Network.

Persons Signed In To Testify But Not Testifying: None.