

# HOUSE BILL REPORT

## 3SSB 5164

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### As Passed House - Amended:

March 5, 2020

**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:** Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Hasegawa, Frockt, Palumbo, Keiser, Nguyen, Wilson, C. and Darneille).

### Brief History:

#### Committee Activity:

Human Services & Early Learning: 2/21/20, 2/26/20 [DPA];

Appropriations: 3/18/19, 3/2/20 [DPA(APP w/o HSEL)].

#### Floor Activity:

Passed House - Amended: 3/5/20, 89-8.

### Brief Summary of Third Substitute Bill (As Amended by House)

- Expands eligibility for the state Food Assistance Program, the State Family Assistance Program, and the Medical Care Services Program to certain 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.

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## HOUSE COMMITTEE ON HUMAN SERVICES & EARLY LEARNING

**Majority Report:** Do pass as amended. 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 4 members: Representatives Dent, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Klippert.

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*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.*

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Corry and Griffey.

**Staff:** Dawn Eychaner (786-7135).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Appropriations and without amendment by Committee on Human Services & Early Learning. Signed by 33 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Corry, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

**Staff:** Linda Merelle (786-7092).

### **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 Visa and U Visa Nonimmigrant Status.

The federal Trafficking Victims Protection Act of 2000 (Act) 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.

#### **Summary of Amended 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 preparing to file or has filed 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. A qualifying family

member does not include a family member who has been charged with or convicted of attempt, conspiracy, solicitation, or commission of any crime referenced by the Act when the crime is against a spouse who is a victim of human trafficking or against the child of a victim of human trafficking.

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

- the FAP, 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 and if they otherwise qualify for the SFA program.

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

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 27, 2020.

**Effective Date of Amended Bill:** The bill takes effect on February 1, 2022.

**Staff Summary of Public Testimony (Human Services & Early Learning):**

(In support) This bill updates laws to ensure people who are brave enough to leave a violent situation and are eligible for U and T visas can receive assistance to help them leave difficult situations. A victim who is trafficked or experiencing domestic violence often depends on their perpetrator for housing and food. With this bill, a caseworker would have one more resource in their toolbox to help victims. The moments when someone has escaped trafficking is when they are at their most vulnerable, and that is when support is most important.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) Many survivors of trafficking and other crimes are immigrants, and they fear reporting crimes. For the few who will access it, the public assistance available under this bill will be lifesaving. The assistance will offer a bridge for survivors until federal benefits for which they may be eligible become available.

(Opposed) None.

**Persons Testifying (Human Services & Early Learning):** Senator Saldaña, prime sponsor; Tim Warden-Hertz, Northwest Immigrant Rights Project; and Leigh Hofheimer, Washington State Coalition Against Domestic Violence.

**Persons Testifying (Appropriations):** Carey Morris, Washington State Coalition Against Domestic Violence; and Tim Warden-Hertz, Northwest Immigrant Rights Project.

**Persons Signed In To Testify But Not Testifying** (Human Services & Early Learning):  
None.

**Persons Signed In To Testify But Not Testifying** (Appropriations): None.