

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2073

By Delegates Butler and Mazzocchi

[Introduced February 12, 2025; referred
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §15-17-1, §15-17-2, §15-17-3, §15-17-4, §15-17-5, §15-17-6, §15-17-7, and
3 §15-17-8, relating to enacting the Refugee and Immigrant Absorptive Capacity Act;
4 providing a short title; defining terms; setting forth the duties of the state office within the
5 Department of Human Services that deals with refugees and/or immigrants; permitting
6 moratorium applications and cessations; requiring a fiscal impact assessment; requiring
7 reports; requiring the Department of Human Services to administer the West Virginia
8 Refugee Resettlement Program Plan; and providing a severability provision.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. REFUGEE AND IMMIGRANT ABSORPTIVE CAPACITY ACT.

§15-17-1. Short title.

1 This article shall be known and may be cited as the "The West Virginia Refugee and
2 Immigrant Absorptive Capacity Act".

§15-17-2. Definitions.

1 As used in this article:

2 "Absorptive capacity" is a determination made by the Governor or by a local government
3 evaluating:

4 (A) The capacity of the social service agencies, child welfare agencies, child care facilities,
5 educational facilities, healthcare facilities, translation and interpreter services, and law-
6 enforcement agencies of the state or in the jurisdiction of the local government to meet the existing
7 needs of the community's current residents considering budgetary and other restraints;

8 (B) The capacity to provide medical care to refugees and/or immigrants who at the time of
9 resettlement in the state or in the jurisdiction of the local government are determined to have
10 medical conditions requiring, or medical histories indicating a need for treatment or observation, or
11 affecting the public health, both with or without expenditures by this state, including expenditures
12 under this state's approved Medicaid state plan in accordance with Section 1902(a)(10)(C) of the

Social Security Act, State Children's Health Insurance Program (CHIP), or other public assistance programs;

(C) The capacity to provide affordable housing, low-cost housing, or both, considering existing waiting lists for such housing in the state or in the jurisdiction of the local government;

(D) The capacity of the local school district in the jurisdiction of the local government to meet the needs of the existing or anticipated refugee or immigrant population, including education of unaccompanied refugee or immigrant minors and provision of English language training;

(E) The capacity of the economy of the state or in the jurisdiction of the local government to absorb new workers, including the likelihood of refugees or immigrants placed in the jurisdiction of the local government becoming employed, self-sufficient, and free from long-term dependence on public assistance, without causing competition with local residents for job opportunities, displacing existing local workers, or adversely affecting the wages or working conditions of the local workforce;

(F) The capacity of state and local law enforcement in the jurisdiction of the local government to assure that law and order can be maintained and ensure that the refugee and/or immigrant population and the general public can be protected from crime, including child abuse, domestic abuse and sex trafficking, as well as threats to national security; and

(G) The capacity of the state and local government to provide services considering whether the jurisdiction of the local government has been highly impacted by the presence of refugees or comparable populations, including the proportion of refugees and comparable entrants in the population in the state or in the jurisdiction of the local government, the amount of secondary migration of refugees or immigrants to the state or to the jurisdiction of the local government, and the proportion of refugees or immigrants in the state or in the jurisdiction of the local government receiving cash or medical assistance through public assistance.

"Local educational agency" means:

(A) A public board of education or other public authority legally constituted within a state for

either administrative control of or direction of, or to perform service functions for, public elementary or secondary schools in:

(i) A county; or

(ii) A combination of school districts or counties the state recognizes as an administrative agency for its public elementary or secondary schools; or

(B) Any other public institution or agency that has administrative control and direction of a public elementary or secondary school.

"Local government" or "local governments" refers to either the city council or county commission that regulates any host community being considered for refugee resettlement activity.

"Refugee or immigrant resettlement organization" means any organization that receives federal funding for refugee or immigrant resettlement, including any replacement designee.

"State office dealing with refugees or immigrants" means the state office within the Department of Human Services that administers the refugee program for this state, or the entity or agency to whom the state has delegated such function and that has been designated and recognized by the federal government to administer such program.

"State refugee coordinator" or "state immigrant coordinator" means the official designated by the state office dealing with refugees and/or immigrants.

§15-17-3. State office within the Department of Human Services dealing with refugees and/or immigrants.

The state office within the Department of Human Services which deals with refugees and/or immigrants shall:

(1) Meet at least quarterly with representatives of local governments to plan and coordinate the appropriate placement of refugees in advance of the refugees' and/or immigrants arrival; at least 30 days public notice shall be provided, and specific notice shall be provided to all persons who make a request to receive direct notice through the means of the person's choosing, including, but not limited to, certified mail, regular United States mail, or electronic mail;

8 (2) Ensure that representatives of local resettlement agencies, local community service
9 agencies, and other publicly-funded or tax-exempt agencies that serve refugees and/or
10 immigrants in this state shall meet at least quarterly with representatives of local governments,
11 including representatives of law-enforcement and local educational agencies, to plan and
12 coordinate the appropriate placement of refugees or immigrants in the host community in advance
13 of the refugees' or immigrants arrival;

14 (3) Execute a letter of agreement with each agency providing refugee and/or immigrant
15 resettlement services in this state. The letter of agreement shall require the parties to mutually
16 consult and prepare a plan for the initial placement of refugees or immigrants in a host community
17 and set forth the continuing process of consultation between the parties. The provisions of the
18 letter agreement shall be consistent with federal law regulating the resettlement of refugees and/or
19 immigrants;

20 (4) Provide a certification that the refugees and/or immigrants settled in the state do not
21 pose a security or health risk to the citizens of the state; and

22 (5) At least quarterly transmit copies of the letters of agreement and any initial refugee
23 and/or immigrant placement plans prepared thereunder to the chairman of the House and Senate
24 committees on Veterans Affairs and Homeland Security and the Judiciary of the Legislature,
25 respectively, to the chairman of the budget committee of the local government hosting the host
26 refugee and/or immigrant community, to the Secretary of the Department of Military Affairs and
27 Public Safety, to the Attorney General of the state, to the head of all local law-enforcement
28 agencies in the state, to the Superintendent of the West Virginia State Police, to the sheriff of every
29 county in this state, to the West Virginia Superintendent of Schools, and to the superintendent of
30 schools for all counties in the state.

31 (6) On or before July 1, 2025, the state refugee and/or immigrant coordinator shall provide
32 to the chairman of the House and Senate committees on Veterans Affairs and Homeland Security
33 and the Judiciary of the Legislature, respectively, to the chairman of the appropriate committee or

subcommittee of the local government hosting the host refugee or immigrant community, to the Secretary of the Department of Military Affairs and Public Safety, to the Attorney General of the state, to the head of all local law-enforcement agencies in the state, to the Superintendent of the West Virginia State Police, to the sheriff of every county in this state, to the West Virginia Superintendent of Schools, and to the superintendent of schools for all counties in the state, the fiscal impact refugees and/or immigrants have had on the state and the economic impact refugees and/or immigrants have had on the state from July 1, 2016, through July 1, 2024.

(7) Within 30 days of the close of the calendar year, transmit to the chairman of the House and Senate committees and appropriate subcommittees on Veterans Affairs and Homeland Security and the Judiciary of the Legislature, respectively, to the chairman of the budget committee of the local government hosting the host refugee and/or immigrant community, to the Secretary of the Department of Military Affairs and Public Safety, to the Attorney General of the state, to the head of all local law-enforcement agencies in the state, to the Superintendent of the West Virginia State Police, to the sheriff of every county in this state, to the West Virginia Superintendent of Schools, and to the superintendent of schools for all counties in the state, the following data for the prior fiscal or calendar year:

(A) Copies of statistical and programmatic information provided to the federal government, including any Reception and Placement Program Proposal or resettlement abstract, but this information shall be provided prior to being provided to the federal government:

(B) Copies of the written policies of the Refugee Cash Assistance program, or any other program related to immigration, including agency policies regarding eligibility standards, the duration and amount of cash assistance payments, the requirements for participation in services, the penalties for noncooperation, and client rights and responsibilities to ensure that refugees or immigrants understand what they are eligible for, what is expected of them, and what protections are available to them;

(C) Copies of any written public/private Refugee Cash Assistance program, or immigration

60 program, operating at any time in the calendar year;

61 (D) A report documenting the number of refugees sanctioned for failure to comply with the
62 requirements of the Refugee Cash Assistance Program, and the number of determinations
63 concerning employability, or failure or refusal to carry out job search or to accept an appropriate
64 offer of employability services or employment, resulting in denial or termination of assistance; as
65 well as similar reporting of any immigrants to comply with agreements made as a condition of their
66 settlement;

67 (E) A certification that women have the same opportunities as men to participate in all
68 services provided, including job placement services;

69 (F) Any reports, either submitted or received, of crime committed by a refugee and/or
70 immigrant who has been resettled in the state, or crime committed against a refugee and/or
71 immigrant who has been resettled in the state, including incidents of child abuse, female genital
72 mutilation, domestic abuse, sex trafficking, human trafficking, or terrorism, whether prosecuted or
73 not; and

74 (G) A report delineating:

75 (i) The total number of refugees and/or immigrants resettled;

76 (ii) The total number of refugees and/or immigrants under the age of 18 resettled;

77 (iii) The total number of refugees and/or immigrants between the ages of 18 and 39
78 resettled;

79 (iv) The total number of refugees and/or immigrants between the ages of 40 and 65
80 resettled;

81 (v) The total number of refugees and/or immigrants over the age of 65;

82 (vi) The total number of refugees and/or immigrants who are women and men,
83 respectively;

84 (vii) The public assistance benefit programs that the refugees and/or immigrants have
85 applied for or enrolled into;

(viii) The total number of refugee and/or immigrant minors enrolled in a public school;

(ix) The total of refugee and/or immigrant minors accessing English language learner services;

(x) The education levels of the refugees and/or immigrants resettled by gender;

(xi) The locations by zip code of initial resettlement for refugees and/or immigrants resettled that year;

(xii) The locations by zip code of refugees and/or immigrants who have migrated from the zip code at which they were initially resettled;

(xiii) The numbers of refugees and/or immigrants resettled with and without family already residing in the United States;

(xiv) The number of refugees and/or immigrants for which the President of the United States, the Secretary of State, the Attorney General, or the Secretary of Homeland Security exercised discretionary authority granted by Section 212(d)(3)(B)(i) of the Immigration and Nationality Act, 79 Fed. Reg. 6913 not to apply the material support inadmissibility provisions of Section 212(a)(3)(B) of the Immigration and Nationality Act to admit the refugee and/or immigrant into the United States;

(xv) The fiscal impact refugees and/or immigrants have on the state;

(xvi) The economic impact refugees and/or immigrants have on the state;

(xvii) The process by which the refugees and/or immigrants entering the state were determined to not pose a security risk to the citizens of the state;

(xviii) For each and every refugee and/or immigrant a description as to what vaccinations the refugee and/or immigrant has received and the diseases for which the refugee and/or immigrant has been screened;

(xix) For each and every refugee and/or immigrant their five previous employers and incomes;

(xx) The total number of refugees and/or immigrants needing translation services

112 throughout the year; and

113 (xxi) A certification that all of the requirements found in this section have been met.

§15-17-4. Moratorium.

1 (a) The State Office for Refugees or the Governor shall accept an application from a local
2 government to a moratorium on new refugee and/or immigrant resettlement activities in a host
3 community that lacks sufficient absorptive capacity.

4 (b) A host community lacks sufficient absorptive capacity where the local government,
5 after consultation with the state refugee and/or immigrant coordinator, holds a public hearing and
6 issues findings based on the factors in §15-15-2(a) that further resettlement of refugees and/or
7 immigrants in the host community would result in an adverse impact to existing residents.

8 (c) Upon notice of a determination made pursuant to subsection (b) of this section, the
9 State Office for Refugees or the Governor, or the appropriate agency shall thereafter suspend
10 additional resettlement of refugees or immigrants in that community until the state refugee and/or
11 immigrant coordinator and the local government have jointly determined that sufficient absorptive
12 capacity for refugee and/or immigrant resettlement exists to implement the initial refugee and/or
13 immigrant placement plan prepared for the host refugee and/or immigrant community.

14 (d) The period of validity of a moratorium described in subsection (c) of this section or any
15 extension thereof may not exceed one year.

§15-17-5. Fiscal impacts.

1 (a) The state office in the Department of Human Services which deals with refugees and/or
2 immigrants may collect fees stated in this section and each year shall assess the fiscal impact
3 refugees and/or immigrants have on the state.

4 (b) On or before July 1 of each year, the state refugee and/or immigrant coordinator shall
5 make a determination regarding the total fiscal impact on the state that is not reimbursable through
6 the federal government or otherwise.

7 (c) The amount each refugee and/or immigrant resettlement organization must reimburse

8 to the state shall be proportional to the number of refugees the refugee and/or immigrant
9 resettlement organization has facilitated bringing into the state.

10 (d) The amount each refugee and/or immigrant resettlement organization must reimburse
11 to the state will be transmitted to every refugee and/or immigrant resettlement organization each
12 and every year before July 1 of each year.

13 (e) Payment pursuant to this section shall be made on or before August 1 of each year.

§15-17-6. Executive order.

1 The Governor may issue findings based on the factors in §15-15-2 that further resettlement
2 of refugees and/or immigrants in the state would result in an adverse impact to existing residents
3 of the state and issue an executive order declaring that the state, through any entity or designee,
4 will not, until revocation of the executive order, participate in the resettlement of refugees and/or
5 immigrants.

§15-17-7. Administration of article.

1 Nothing in this article creates a new agency for administering the implementation of this
2 article. The Department of Human Services, as referenced in the West Virginia Refugee and/or
3 Immigrant Resettlement Program Plan (the Plan) along with persons and programs referenced in
4 the Plan shall enforce this article. This is the same plan signed by the Governor on July 28, 2016.
5 This is the same plan that was created pursuant to the provisions of the United States Code of
6 Federal Regulations 45CFR 400.5.

§15-17-8. Severability.

1 If any section, subsection, subdivision, paragraph, sentence clause or phrase of this article
2 is for any reason held to be invalid, unlawful or unconstitutional, that decision does not affect the
3 validity of the remaining portions of this article or any part thereof.

NOTE: The purpose of this bill is to enact the Refugee and Immigrant Absorptive Capacity Act. The bill provides a short title. The bill defines terms. The bill sets forth the duties of the state office within the Department of Human Services that deals with refugees and/or

immigrants. The bill permits moratorium applications and cessations. The bill requires a fiscal impact assessment. The bill requires reports. The bill requires the Department of Human Services to administer the West Virginia Refugee and Immigrant Resettlement Program Plan. The bill provides a severability provision.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.