

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4863

By Delegates Butler, Ridenour, Pinson, Mazzocchi,

Chiarelli, Heckert, Sheedy, and Dean

[Introduced January 28, 2026; referred to the

Committee on the Judiciary]

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 (1) "Absorptive capacity" is a determination made by the Governor or by a local
3 government 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

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

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

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

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

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

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

37 (2) "Local educational agency" means:

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

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

41 (i) A county; or
42 (ii) A combination of school districts or counties the state recognizes as an administrative
43 agency for its public elementary or secondary schools; or
44 (B) Any other public institution or agency that has administrative control and direction of a
45 public elementary or secondary school.

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

48 (4) "Refugee or immigrant resettlement organization" means any organization that
49 receives federal funding for refugee or immigrant resettlement, including any replacement
50 designee.

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

55 (6) "State refugee coordinator" or "state immigrant coordinator" means the official
56 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.

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

3 (1) Meet at least quarterly with representatives of local governments to plan and coordinate
4 the appropriate placement of refugees in advance of the refugees' and/or immigrants arrival; at
5 least 30 days public notice shall be provided, and specific notice shall be provided to all persons
6 who make a request to receive direct notice through the means of the person's choosing.

7 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, 2026, 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
34 subcommittee of the local government hosting the host refugee or immigrant community, to the
35 Secretary of the Department of Military Affairs and Public Safety, to the Attorney General of the
36 state, to the head of all local law-enforcement agencies in the state, to the Superintendent of the
37 West Virginia State Police, to the sheriff of every county in this state, to the West Virginia
38 Superintendent of Schools, and to the superintendent of schools for all counties in the state, the
39 fiscal impact refugees and/or immigrants have had on the state and the economic impact refugees
40 and/or immigrants have had on the state from July 1, 2016, through July 1, 2024.

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

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

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

59 (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;

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

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

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

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

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

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

96 (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;

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

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

104 (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;

106 (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;

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

111 (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) of this code that further resettlement of
7 refugees and/or immigrants in the host community would result in an adverse impact to existing
8 residents.

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

15 (d) The period of validity of a moratorium described in subsection (c) of this section or any
16 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.