

HOUSE BILL No. 2612

By Committee on Federal and State Affairs

2-3

1 AN ACT concerning refugees; enacting the refugee absorptive capacity
2 act.

3
4 WHEREAS, It is the policy of the United States, as enacted in the
5 immigration and nationality act, title IV, chapter 2, section 412, 8 U.S.C. §
6 1522, 45 C.F.R. 400.5(h):

7 (1) Recommendations of the state regarding placement of refugees
8 should be taken into account;

9 (2) refugees should not be placed or resettled in an area highly
10 impacted by the presence of refugees or comparable populations;

11 (3) that close cooperation and advance consultation should exist
12 between the refugee resettlement agency of the state, local governments
13 and local voluntary refugee resettlement agencies to plan and coordinate in
14 advance the placement of refugees; and

15 WHEREAS, This state commits publicly funded resources to support
16 refugee resettlement in this state; and

17 WHEREAS, The legislature deems it expedient to codify in state law
18 certain federal requirements which relate to agencies involved in resettling
19 refugees in this state requiring quarterly meetings with the state refugee
20 coordinator and representatives of the respective local governments to plan
21 and coordinate the appropriate placement of refugees in advance of the
22 refugees' arrival and to report the information to the local governments and
23 the legislature.

24 Now, therefore:

25 *Be it enacted by the Legislature of the State of Kansas:*

26 Section 1. This act shall be known and may be cited as the refugee
27 absorptive capacity act.

28 Sec. 2. As used in this act:

29 (a) "Absorptive capacity" is a determination made by the governor in
30 consultation with the affected local governments evaluating:

31 (1) The capacity of the social service agencies, child welfare
32 agencies, child care facilities, educational facilities, healthcare facilities,
33 translation and interpreter services and law enforcement agencies of the
34 state and local governments to meet the existing needs of the community's
35 current residents considering budgetary and other restraints;

36 (2) the capacity to provide medical care to refugees, who at the time

1 of resettlement in the state and the affected local governments, are
2 determined to have medical conditions requiring, or medical histories
3 indicating a need for, treatment or observation, or affecting the public
4 health, both with or without expenditures by this state, including
5 expenditures under this state's approved medicaid state plan in accordance
6 with section 1902(a)(10)(C) of the social security act (42 U.S.C. § 1396a),
7 state children's health insurance program (SCHIP), or other public
8 assistance programs;

9 (3) the capacity to provide affordable housing, low-cost housing, or
10 both, considering existing waiting lists for such housing in the state or in
11 the jurisdiction of the affected local governments;

12 (4) the capacity of local school districts to meet the needs of the
13 existing or anticipated refugee population, including education of
14 unaccompanied refugee minors and provision of English language
15 training;

16 (5) the capacity of the economy of the state and the affected local
17 governments to absorb new workers, including the likelihood of refugees
18 becoming employed, self-sufficient and free from long-term dependence
19 on public assistance, without causing competition with local residents for
20 job opportunities, displacing existing local workers or adversely affecting
21 the wages or working conditions of the local workforce;

22 (6) the capacity of state and local law enforcement in the jurisdiction
23 of the affected local governments to assure that law and order can be
24 maintained and ensure that the refugee population and the general public
25 can be protected from crime, including child abuse, domestic abuse and
26 sex trafficking, as well as threats to national security; and

27 (7) the capacity of the state and local governments to provide services
28 considering whether the jurisdiction of the affected local governments
29 have been highly impacted by the presence of refugees or comparable
30 populations, including the proportion of refugees and comparable entrants
31 in the population in the state and the affected local governments, the
32 amount of secondary migration of refugees to the state or to the affected
33 local governments, and the proportion of refugees in the state or in the
34 affected local governments receiving cash or medical assistance through
35 public assistance.

36 (b) "Local government" means any city, county or school district.

37 (c) "Refugee resettlement organization" means any organization that
38 receives federal funding for refugee resettlement, including any
39 replacement designee.

40 (d) "State office for refugees" means the state office that administers
41 the refugee program for this state and is recognized by the federal
42 government to administer such program.

43 (e) "State refugee coordinator" means the official designated by the

1 governor to administer the state office for refugees.

2 Sec. 3. (a) The state office for refugees is hereby created within the
3 department for children and families, the head of which shall be the state
4 refugee coordinator. The state refugee coordinator shall be appointed by
5 the governor in consultation with the secretary of the department for
6 children and families.

7 (b) The state refugee coordinator and any refugee resettlement
8 organization shall:

9 (1) Meet at least quarterly with representatives of local governments
10 to plan and coordinate the appropriate placement of refugees in advance of
11 the refugees' arrival;

12 (2) ensure that representatives of local resettlement agencies, local
13 community service agencies and other publicly-funded or tax-exempt
14 agencies that serve refugees in this state shall meet at least quarterly with
15 representatives of local governments, including representatives of law
16 enforcement and local educational agencies, to plan and coordinate the
17 appropriate placement of refugees in the host community in advance of the
18 refugees' arrival;

19 (3) execute a letter of agreement with each agency providing refugee
20 resettlement services in this state. The letter of agreement shall require the
21 parties to mutually consult and prepare a plan for the initial placement of
22 refugees in a host community and set forth the continuing process of
23 consultation between the parties. The provisions of the letter of agreement
24 shall be consistent with federal law regulating the resettlement of refugees;
25 and

26 (4) at least quarterly transmit:

27 (A) Copies of the letters of agreement and any initial refugee
28 placement plans prepared thereunder to the chairpersons of the house and
29 senate committees on federal and state affairs and judiciary of the
30 legislature respectively, to the adjutant general, to the attorney general and
31 to the governing bodies of the local governments hosting the refugees and
32 to the head of all local law enforcement agencies affected; and

33 (B) within 30 days of the close of the calendar year, transmit the
34 following data for the prior fiscal or calendar year to the chairpersons of
35 the house and senate committees on federal and state affairs and judiciary
36 of the legislature respectively, to the adjutant general, to the attorney
37 general and to the governing bodies of the local governments hosting the
38 refugees and to the head of all local law enforcement agencies affected:

39 (i) Copies of statistical and program information provided to the
40 federal government, including any reception and placement program
41 proposal or resettlement abstract;

42 (ii) copies of the written policies of the refugee cash assistance
43 program, including agency policies regarding eligibility standards, the

- 1 duration and amount of cash assistance payments, the requirements for
2 participation in services, the penalties for non-cooperation and client rights
3 and responsibilities to ensure that refugees understand what they are
4 eligible for, what is expected of them and what protections are available to
5 them;
- 6 (iii) copies of any written public or private refugee cash assistance
7 program operating at any time in the calendar year;
- 8 (iv) a report documenting the number of refugees sanctioned for
9 failure to comply with the requirements of the refugee cash assistance
10 program and the number of determinations concerning employability or
11 failure or refusal to carry out a job search or to accept an appropriate offer
12 of employability services or employment, resulting in denial or
13 termination of assistance;
- 14 (v) a certification that women have the same opportunities as men to
15 participate in all services provided, including job placement services;
- 16 (vi) any reports, either submitted or received, of crime committed by
17 a refugee who has been resettled in the state, or crime committed against a
18 refugee who has been resettled in the state, including incidents of child
19 abuse, female genital mutilation, domestic abuse, sex trafficking, human
20 trafficking or terrorism, whether prosecuted or not; and
- 21 (vii) a report delineating:
- 22 (a) The total number of refugees resettled;
- 23 (b) the total number of refugees under the age of 18 resettled;
- 24 (c) the total number of refugees between the ages of 18 and 40
25 resettled;
- 26 (d) the total number of refugees between the ages of 40 and 65
27 resettled;
- 28 (e) the total number of refugees over the age of 65;
- 29 (f) the total number of refugees who are women and men,
30 respectively;
- 31 (g) the public assistance benefit programs that the refugees have
32 applied for or enrolled in;
- 33 (h) the total number of refugee minors enrolled in a public school;
- 34 (i) the total number of refugee minors accessing English language
35 learner services;
- 36 (j) the education levels of the refugees, by gender, resettled;
- 37 (k) the locations by zip code of initial resettlement for refugees
38 resettled;
- 39 (l) the locations by zip code of refugees who have migrated from the
40 zip code at which they were initially resettled;
- 41 (m) the numbers of refugees resettled with and without family already
42 residing in the United States; and
- 43 (n) the number of refugees for which the president of the United

1 States, the secretary of state, the attorney general or the secretary of
2 homeland security exercised discretionary authority granted by section
3 212(d)(3)(B)(i) of the immigration and nationality act, 79 Fed. Reg. 6913
4 not to apply the material support inadmissibility provisions of section
5 212(a)(3)(B) of the immigration and nationality act to admit the refugee
6 into the United States.

7 Sec. 4. (a) The state office for refugees and the governor shall accept
8 an application from a local government for a moratorium on new refugee
9 resettlement activities in a host community that lacks sufficient absorptive
10 capacity.

11 (b) A host community lacks sufficient absorptive capacity where the
12 local government, after consultation with the state refugee coordinator,
13 holds a public hearing and issues findings based on the factors in section
14 2(a), and amendments thereto, that further resettlement of refugees in the
15 host community would result in an adverse impact to existing residents.

16 (c) Upon notice of a determination made pursuant to subsection (b),
17 the governor in consultation with the state refugee coordinator shall
18 thereafter suspend additional resettlement of refugees in that community
19 until such time as the governor is informed by the state refugee
20 coordinator, and the local governments affected have jointly determined
21 that sufficient absorptive capacity for refugee resettlement exists to
22 implement the initial refugee placement plan prepared for the host refugee
23 community.

24 (d) The period of validity of a moratorium described in subsection (c)
25 or any extension thereof, shall not exceed one year.

26 Sec. 5. The governor may direct the Kansas bureau of investigation to
27 investigate any crime committed by a refugee or any crime committed
28 against a refugee including incidents of child abuse, female genital
29 mutilation, domestic abuse, sex trafficking, terrorism or any other crime.

30 Sec. 6. The governor may issue findings based on the factors in
31 section 2(a), and amendments thereto, that further resettlement of refugees
32 in the state would result in an adverse impact to existing residents of the
33 state, and issue an executive order declaring that the state, through any
34 entity or designee, will not, until revocation of the executive order,
35 participate in the resettlement of refugees.

36 Sec. 7. This act shall take effect and be in force from and after its
37 publication in the statute book.