

REFERENCE TITLE: refugee resettlement program; withdrawal

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1468

Introduced by
Senators Burges: Borrelli; Representatives Finchem, Kern, Leach, Shooter

AN ACT

AMENDING TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 1-272; RELATING TO REFUGEE RESETTLEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 1, chapter 2, article 4, Arizona Revised Statutes,
3 is amended by adding section 1-272, to read:

4 1-272. Sovereign authority; refugee resettlement program;
5 suspension; withdrawal; civil penalties; definitions

6 A. PURSUANT TO THE SOVEREIGN AUTHORITY OF THIS STATE AND ARTICLE
7 II, SECTION 3, CONSTITUTION OF ARIZONA, THIS STATE AND ALL POLITICAL
8 SUBDIVISIONS OF THIS STATE ARE PROHIBITED FROM USING ANY PERSONNEL OR
9 FINANCIAL RESOURCES TO ENFORCE, ADMINISTER OR COOPERATE WITH THE REFUGEE
10 RESETTLEMENT PROGRAM, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

11 B. NOT LATER THAN THE SECOND BUSINESS DAY AFTER THE EFFECTIVE DATE
12 OF THIS SECTION, THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY SHALL
13 NOTIFY THE DIRECTOR OF THE OFFICE OF REFUGEE RESETTLEMENT OF THE UNITED
14 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT, PURSUANT TO 45 CODE
15 OF FEDERAL REGULATIONS SECTION 400.301, THIS STATE SUSPENDS ITS
16 PARTICIPATION IN THE REFUGEE RESETTLEMENT PROGRAM. THE SUSPENSION REMAINS
17 IN EFFECT UNTIL THIS STATE REVIEWS AND EVALUATES THE COSTS AND SECURITY
18 IMPLICATIONS OF THE REFUGEE RESETTLEMENT PROGRAM AND PASSES A BILL
19 PURSUANT TO ARTICLE IV, PART 2 AND ARTICLE V, SECTION 7, CONSTITUTION OF
20 ARIZONA, THAT EITHER:

21 1. AUTHORIZES THIS STATE TO RESUME PARTICIPATION IN THE REFUGEE
22 RESETTLEMENT PROGRAM.

23 2. REQUIRES THIS STATE TO PERMANENTLY WITHDRAW FROM PARTICIPATION
24 IN THE REFUGEE RESETTLEMENT PROGRAM.

25 C. DURING THE PERIOD OF SUSPENSION OR WITHDRAWAL FROM THE REFUGEE
26 RESETTLEMENT PROGRAM PURSUANT TO SUBSECTION B OF THIS SECTION, EACH
27 CHARITY OR OTHER ENTITY THAT PARTICIPATES IN THE REFUGEE RESETTLEMENT
28 PROGRAM IN THIS STATE FOR COMPENSATION SHALL:

29 1. IMMEDIATELY CEASE ALL REFUGEE RESETTLEMENT ACTIVITIES INTO OR
30 AFFECTING THIS STATE.

31 2. FILE A REPORT WITH THE DEPARTMENT OF ECONOMIC SECURITY NOT LATER
32 THAN FIFTEEN BUSINESS DAYS AFTER THE SUSPENSION OR WITHDRAWAL THAT
33 CONTAINS A STATEMENT DESCRIBING THE EFFORTS MADE BY THE CHARITY OR OTHER
34 ENTITY TO COMPLY WITH THIS SECTION AND THE NUMBER OF REFUGEES AFFECTED BY
35 THE SUSPENSION OR WITHDRAWAL.

36 D. IF A CHARITY OR OTHER ENTITY DOES NOT CEASE ALL REFUGEE
37 RESETTLEMENT ACTIVITIES INTO OR AFFECTING THIS STATE PURSUANT TO
38 SUBSECTION C OF THIS SECTION, THE DEPARTMENT OF HEALTH SERVICES SHALL
39 IMPOSE A CIVIL PENALTY OF ONE THOUSAND DOLLARS PER DAY PER REFUGEE FOR
40 EACH REFUGEE PLACED IN THIS STATE BY THE CHARITY OR OTHER ENTITY. THE
41 CHARITY OR OTHER ENTITY SHALL REIMBURSE THIS STATE OR ITS POLITICAL
42 SUBDIVISIONS FOR ANY COSTS OF ARREST, PROSECUTION OR INCARCERATION FOR ANY
43 REFUGEE WHO IS PLACED IN THIS STATE BY THE CHARITY OR OTHER ENTITY IN
44 VIOLATION OF SUBSECTION C OF THIS SECTION AND WHO COMMITS A CRIME IN THIS
45 STATE. THIS STATE, ITS POLITICAL SUBDIVISIONS AND THE VICTIM OF A
46 CRIMINAL ACT COMMITTED BY A REFUGEE PLACED IN THIS STATE IN VIOLATION OF

1 SUBSECTION C OF THIS SECTION MAY BRING AN ACTION AGAINST THE CHARITY OR
2 OTHER ENTITY TO RECOVER DAMAGES PROXIMATELY CAUSED BY THE CRIMINAL ACT.

3 E. IF THIS STATE PERMANENTLY WITHDRAWS FROM PARTICIPATION IN THE
4 REFUGEE RESETTLEMENT PROGRAM PURSUANT TO THIS SECTION, THIS STATE MAY
5 ENACT A STATE-ADMINISTERED PROGRAM THAT ADEQUATELY ADDRESSES THE COSTS AND
6 SECURITY CONCERNS IDENTIFIED PURSUANT TO THE REVIEW AND EVALUATION
7 REQUIRED BY SUBSECTION B OF THIS SECTION.

8 F. FOR THE PURPOSES OF THIS SECTION:

9 1. "REFUGEE" MEANS A PERSON WHO IS ADMITTED INTO THIS STATE
10 PURSUANT TO THE REFUGEE RESETTLEMENT PROGRAM.

11 2. "REFUGEE RESETTLEMENT PROGRAM" MEANS THE PROGRAM ESTABLISHED
12 PURSUANT TO 45 CODE OF FEDERAL REGULATIONS PART 400.

13 Sec. 2. Refugee resettlement program; auditor general;
14 report; delayed repeal; definitions

15 A. On or before October 27, 2017, the auditor general shall prepare
16 and submit a report to the president of the senate and the speaker of the
17 house of representatives that contains the following information for the
18 ten immediately preceding calendar years:

19 1. The total number of refugees who entered this state, categorized
20 by country of origin and the specific category of persecution claim that
21 served as the legal basis in support of the refugee status. The report
22 shall identify the nature and source of any claim of religious persecution
23 that served as the legal basis in support of the refugee status. The
24 report shall identify whether the refugee entered this state after
25 previously participating in the refugee resettlement program in another
26 state.

27 2. The percentage of refugees who received program benefits and the
28 average duration of time the refugees received the program benefits.

29 3. The annual cost to this state and its political subdivisions for
30 program benefits and other publicly funded services or assistance received
31 by the refugees.

32 4. The number and percentage of refugees who received program
33 benefits one, three, five and ten years after being admitted to this
34 state.

35 5. The number of refugees who paid Arizona income tax or Arizona
36 employment tax during the first year after being admitted to this state.

37 6. The annual total and per refugee amounts paid by the federal
38 government to charities in this state participating in the refugee
39 resettlement program in this state.

40 7. The annual total and per refugee amounts paid directly and
41 indirectly by charities in this state to refugees participating in the
42 refugee resettlement program in this state, including the actual number of
43 months or years the refugees receive the amounts.

44 8. For each year, the number and percentage of refugees identified
45 pursuant to paragraph 1 of this subsection who remain in this state.

46 9. The general role of this state in conducting or otherwise
47 participating in the background check and vetting process of refugee

1 prospects seeking admission into this state to ensure that terrorists or
2 potential terrorists do not enter this state.

3 10. The general level of coordination between the office of refugee
4 resettlement of the United States department of health and human services
5 and this state, including:

6 (a) The notification process of available refugee prospects.

7 (b) The number of refugee prospects that this state chooses to
8 accept based on available resources and budgetary considerations.

9 (c) The vetting of proposed refugees for state homeland security
10 purposes.

11 (d) The nature and extent of background information provided to
12 this state.

13 (e) This state's ability to reject any refugee prospect for any
14 reason and the finality of that rejection.

15 (f) The allocation of refugees approved by this state to the cities
16 or towns identified by this state for resettlement purposes to ensure that
17 cities and towns can accommodate additional refugees.

18 B. This section is repealed from and after December 31, 2019.

19 C. For the purposes of this section:

20 1. "Program benefit" means any of the following provided pursuant
21 to the refugee resettlement program:

22 (a) Refugee cash assistance.

23 (b) Refugee medical assistance.

24 (c) Preventive health care services.

25 (d) Refugee behavioral health services.

26 (e) Case management and employment services.

27 (f) Services pursuant to the unaccompanied refugee minors program.

28 (g) Services pursuant to the program to serve Cuban and Haitian
29 refugees and entrants.

30 (h) Services to older refugees.

31 (i) Refugee school impact services.

32 (j) Services pursuant to the AmeriCorps VISTA program.

33 (k) Temporary medical, dental or vision insurance coverage.

34 (l) Assistance to victims of torture.

35 (m) Assistance to victims of human trafficking.

36 2. "Refugee" means a person who is admitted into this state
37 pursuant to the refugee resettlement program.

38 3. "Refugee resettlement program" means the program established
39 pursuant to 45 Code of Federal Regulations part 400.

40 Sec. 3. Intent; short title

41 A. The legislature intends, at a minimum, to suspend the placement
42 of all incoming refugees to this state through the refugee resettlement
43 program to protect the sovereignty of this state.

44 B. This act may be cited as the "Arizona Resettlement
45 Accountability National Security Act of 2017".