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**STATUS INFORMATION**

General Bill

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Summary: Refugee Absorptive Capacity Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

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12/3/2015 House Referred to Committee on **Judiciary**

1/12/2016 House Introduced and read first time ([House Journal‑page 53](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 53](file:///h:\HJ%20Archive\2016\01-12-16.docx))

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**VERSIONS OF THIS BILL**

[12/3/2015](file:///p:\pprever\2015-16\4396_20151203.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 49 TO TITLE 43 SO AS TO CREATE THE “REFUGEE ABSORPTIVE CAPACITY ACT”, TO PROVIDE DEFINITIONS, TO PROVIDE THE STATE OFFICE FOR REFUGEES UNDER THE DEPARTMENT OF SOCIAL SERVICES WITH CERTAIN REQUIREMENTS, AND TO ALLOW FOR A MORATORIUM ON NEW REFUGEE SETTLEMENT ACTIVITIES IN CERTAIN INSTANCES.

Whereas, it is the policy of the United States, as enacted in the Immigration and Nationality Act, Title IV, Chapter 2, Section 412, 8 U.S.C. Section 1522, 45 C.F.R. 400.5(h):

(1) recommendations of the State regarding placement of refugees should be taken into account;

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

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

Whereas, this State commits publicly funded resources to support refugee resettlement in this State; and

Whereas, the General Assembly deems it expedient to codify in state law certain federal requirements which relate to agencies involved in resettling refugees in this State requiring quarterly meetings with the State Refugee Coordinator and representatives of the respective local governments to plan and coordinate the appropriate placement of refugees in advance of the refugees’ arrival and to report the information to the local governments and the General Assembly. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 43 of the 1976 Code is amended by adding:

“CHAPTER 49

Refugee Absorptive Capacity Act

Section 43‑49‑100. This chapter may be cited as the ‘Refugee Absorptive Capacity Act’.

Section 43‑49‑110. As used in this article:

(1) ‘Absorptive capacity’ means a determination made by a local government evaluating:

(a) the capacity of the social service agencies, child welfare agencies, child care facilities, educational facilities, health care facilities, translation and interpreter services, and law enforcement agencies in the jurisdiction of the local government to meet the existing needs of the community’s current residents considering budgetary and other restraints;

(b) the capacity to provide medical care to refugees who at the time of resettlement in the jurisdiction of the local government are determined to have medical conditions requiring, or medical histories indicating a need for, treatment or observation, or affecting the public health, both with or without expenditures 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, 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 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 population, including education of unaccompanied refugee children and provision of English language training;

(e) the capacity of the economy in the jurisdiction of the local government to absorb new workers, including the likelihood of refugees 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 population and the general public can be protected from crime including, but not limited to, child abuse, domestic abuse, sex trafficking, and 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 jurisdiction of the local government, the amount of secondary migration of refugees to the jurisdiction of the local government, and the proportion of refugees in the jurisdiction of the local government receiving cash or medical assistance through public assistance.

(2) ‘Local government’ means the governing body of any county or municipality.

(3) ‘Local educational agency’ means a public authority legally constituted by the State as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

(4) ‘State office for refugees’ means the state office that administers the refugee program for the State administered and supervised by the Department of Social Services.

(5) ‘State refugee coordinator’ means the official designated by director of the Department of Social Services.

Section 43-49‑120. The State office for refugees 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’ arrival;

(2) ensure that representatives of local resettlement agencies, local community service agencies, and other publicly funded or tax‑exempt agencies that serve refugees in this State shall meet at least quarterly with representatives of local governments, including representatives of law enforcement and local educational agencies, to plan and coordinate the appropriate placement of refugees in the host community in advance of the refugees’ arrival;

(3) execute a letter of agreement with each agency providing refugee resettlement services in this State. The letter of agreement must require the parties to mutually consult and prepare a plan for the initial placement of refugees in a host community and set forth the continuing process of consultation between the parties. The provisions of the letter agreement must be consistent with

federal law regulating the resettlement of refugees;

(4) at least quarterly, transmit copies of the letters of agreement and any initial refugee placement plans prepared to the Chairman of the Senate Judiciary Committee, the Chairman of the House Judiciary Committee, the chairman of the local government hosting the refugee community, the head of the Office of Homeland Security, the Chief of the South Carolina Law Enforcement Division, the Attorney General of the State, the head of all local law enforcement agencies in the State, and the head of all local educational agencies in the State; and

(5) at least annually, transmit to the Chairman of the Senate Judiciary Committee, the Chairman of the House Judiciary Committee, the chairman of the local government hosting the refugee community, the head of the Office of Homeland Security, the Chief of the South Carolina Law Enforcement Division, the Attorney General of the State, the head of all local law enforcement agencies in the State, and the head of all local educational agencies in the State:

(a) copies of statistical and programmatic information provided to the federal government;

(b) copies of the written policies of the Refugee Cash Assistance program, 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 understand what they are eligible for, what is expected of them, and what protections are available to them;

(c) copies of any written policies public or private Refugee Cash Assistance program operating at any time in the calendar year;

(d) a report documenting the number of refugees sanctioned for failure to comply with the requirements of the Refugee Cash Assistance program, and the number of determinations concerning employability, or failure or refusal to carry out job search or to accept an appropriate offer of employability services or employment, resulting in denial or termination of assistance;

(e) a certification that women have the same opportunities as men to participate in all services provided, including job placement services; and

(f) any reports of crime committed by a refugee who has been resettled in the State, or crime committed against a refugee who has been resettled in the State including, but not limited to, incidents of child abuse, female genital mutilation, domestic abuse, sex trafficking, human trafficking, or terrorism whether prosecuted or not.

Section 43-49‑130. (A) The State office for refugees shall accept an application from a local government for a moratorium on new refugee resettlement activities in a host community that lacks sufficient absorptive capacity.

(B) A host community lacks sufficient absorptive capacity where the local government, after consultation with the state refugee coordinator, holds a public hearing and issues findings based on the factors in Section 43-49‑110(1) that further resettlement of refugees in the host community would result in an adverse impact to existing residents.

(C) Upon notice of a determination made pursuant to subsection (B), the State office for refugees shall suspend additional resettlement of refugees in that community until the state refugee coordinator and the local government have jointly determined that sufficient absorptive capacity for refugee resettlement exists to implement the initial refugee placement plan prepared for the host refugee community.

(D) The period of validity of a moratorium described in subsection (C) or any extension thereof, shall not exceed one year.”

SECTION 2. This act takes effect upon approval by the Governor.

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