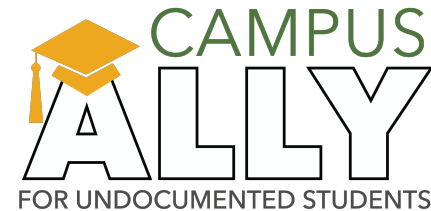




**Office of University Diversity & Inclusivity**

# Selected CA Laws that Impact Undocumented Students and Immigrants



**UNDOCUALLY WORKING GROUP**

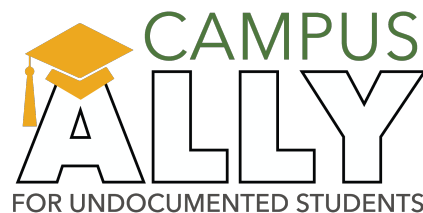
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This is a summary of select California laws, and is not meant to replace legal advice.

The following content was first provided by Dr. Elena Macias in 2015, with updates provided in 2017. This document was formatted by Casey McCullough in January 2018.

For the original legal text, please visit [leginfo.legislature.ca.gov](http://leginfo.legislature.ca.gov)



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## Passed in 2017 (cont)

**AB 699 (O'Donnell)** prohibits school districts and offices of education, except required by state or federal law or federally sponsored programs, from collecting information regarding the immigration statuses of students and families

**SB 29 (Lara)** prohibits cities, counties, and law enforcement from entering into contracts with federal immigration enforcement and agents to detain noncitizens and enforce civil immigration custody; and prohibits the use of new or existing buildings on public land for the detention of immigrants

**SB 54 (de Leon)** establishes California as a Sanctuary State; prohibits state and local law enforcement from using resources to detain, arrest, or interrogate someone for immigration enforcement purposes; limits ability for public schools, libraries, health care facilities, and courthouses from assisting in immigration enforcement

**SB 156 (Anderson)** requires programs that support veterans' transition out of military service to include assistance for undocumented veterans to attain U.S. citizenship for those eligible, including access to legal resources

**SB 257 (Lara)** allows pupils 6-18 years old who comply with residential requirements for their school district to attend that district if parents, who are residents of the state, depart California "against their will"

## Review of Legal Basics

### In-State Tuition

**AB 540 (Firebaugh)** allows students who have attended at least three years of high school in the state to qualify for in-state tuition, fee waivers, and financial aid, regardless of their immigration status (passed in 2001, effective Jan 1<sup>st</sup> 2002)

**AB 2000 (Gomez)** allows students who have attended at least three years of elementary or secondary education in the state to qualify for in-state tuition, fee waivers, and financial aid, regardless of their immigration status (passed 2014, effective Jan 1<sup>st</sup> 2015)

**AB 2364 (Holden)** exempts undocumented students, from paying nonresident tuition at the California State University and the California Community Colleges if that student is currently a California high school student enrolled in a concurrent enrollment or dual enrollment program (passed 2016, effective 2017)

**SB 68 (Lara)** expands access to in-state tuition to include up to two years in California Community Colleges or fulfillment of minimum requirements to transfer to a California State University or a University of California (passed 2017, effective Jan 1<sup>st</sup> 2018)

**AB 343 (McCarty)** allows people with "special immigration status" due to war and displacement in their home country who are living in California access to in-state tuition at California Community Colleges (passed 2017, effective Jan 1<sup>st</sup> 2018)

## Financial Aid

**AB 130 & 131 (Cedillo)** allows eligible AB540 students access to scholarships and state financial aid (passed 2011, effective Jan 1<sup>st</sup> 2012)

**AB 844 (Lara)** allows all students, regardless of immigration access, the opportunity to serve “in any capacity” on student government of CSUs and CCCs and receive the benefits of their service (passed 2011, effective Jan 1<sup>st</sup> 2012)

**SB 1210 (Lara)** establishes a California Dream Loan Program, which provides loans to AB 540 students who are ineligible for federal financial aid. Students who attend a participating campus of the University of California, or the California State University system would be able to secure a State Education Access Loan of up to \$4000 per year, or up to \$20,000 total from any one participating institution (passed 2014, effective Jan 1<sup>st</sup> 2015)

## Driver's License and Identification

**AB 60 (Alejo)** provides access to a driver's license for all California residents regardless of immigration status (passed 2013, effective Jan 1<sup>st</sup> 2015)

**AB 1660 (Alejo)** makes it unlawful to discriminate against a person because they present a driver's license issued under AB 60 (passed 2014, effective Jan 1<sup>st</sup> 2015)



## Passed in 2017 | Effective Jan 1<sup>st</sup> 2018

**AB 21 (Kalra)** requires that public institutions of higher education do not release student information regarding immigration status; restrict ICE access to campus without advance notice; and support students impacted by federal immigration policies, including access to legal advice

**AB 130** allocates \$20,000,000 to the Department of Social Services for the 2017-2018 year as payment to entities and organizations that work with and for DACA clients

**AB 134** amends the Budget Act of 2017 and approves allocating \$7,000,000 to California Community Colleges to provide emergency aid to students, AB 540 and AB 2000 students, with identified needs

**AB 291 (Chiu)** prohibits landlords from disclosing tenants' known or assumed immigration status to enforcement agencies and from threatening tenants with their status

**AB 299 (Calderon)** revises existing law that prohibits cities and counties from encouraging landlords to take action against tenants based on actual or perceived immigration status to include the state and other public entities; landlords must still comply with federal law, warrants, and orders

**AB 450 (Chiu)** prohibits employers from voluntarily providing consent for immigration enforcement to access non-public spaces in a place of labor unless required by federal law, and from providing access to employee records without court order or subpoena

## Passed in 2016 | Effective Jan 1<sup>st</sup> 2017

**AB 2159 (Gonzalez)** ensures an injured person in California receives fair and just compensation for future income loss and future medical cost regardless of their immigration status

**AB 2792 (Bonta)** creates a transparent process, including community engagement, before local law enforcement can participate in ICE deportation programs. Local law enforcement must then reach an agreement with their city council or county supervisors that sets the terms and conditions of any participation in such programs and ensures compliance with *California's TRUST Act*

**SB 10 (Lara)** directs the state to apply for a waiver under Section 1332 of the Affordable Care Act, to allow undocumented immigrants and Deferred Action for Childhood Arrivals recipients to purchase a health plan through the state marketplace, Covered California, with their own money. **(Lara withdraws request after the 2016 Presidential Election)**

**SB 1015 (Leyva)** continues the success from AB 241(2013), which granted overtime protections to California's privately hired domestic workers. This bill would remove the sunset provision and make the law's provisions permanent

**SB 1063 (Hall)** prohibits employers from paying employees a wage rate less than the rate paid to employees of a different race or ethnicity for substantially similar work

**SB 1139 (Lara)** addresses the chronic shortage of medical professionals in underserved communities by ensuring that all people, regardless of their immigration status, have access to the state's scholarship and loan forgiveness programs for health professionals

## Passed in 2013 | Effective Jan 1<sup>st</sup> 2014

**AB 4 (Ammiano)** prohibits the detention of a person on the basis of immigration status after that person becomes eligible for release from criminal custody

**AB 35 (Hernández)** codifies that DACA approved individuals are eligible for unemployment insurance benefits

**AB 524 (Mullin)** explicitly defines extortion to include threats to report a person's immigration status

**AB 1024 (Gonzalez)** authorizes the California Supreme Court to admit to the practice of law an applicant who is not lawfully present in the USA

## Passed in 2014 | Effective Jan 1<sup>st</sup> 2015

**AB 1897 (Hernández)** expands protections for workers hired through a labor contractor or staffing agency, Employers who hire five or more workers are liable for payment of wages and workers' compensation insurance for these **workers**

**SB 477 (Steinberg)** requires any entity engaged in foreign labor contracting to register starting on July 1, 2016, with the Labor Commission. Requires written disclosure to any worker recruited with a signed copy of the work contract, information of the worker's visa, an itemized list of any costs to be charged to the worker, and a description of the worker's rights under state and federal laws

**SB 1087 (Monning)** prohibits anyone who has committed sexual harassment of a worker within the past three years from obtaining or renewing a license to operate as a farm labor contractor. Significantly increases penalties for a person who engages in farm labor contracting after his or her licenses has been suspended, revoked, or denied renewal

## Passed in 2014 (cont)

**SB 1159 (Lara)** expands immigrants' access to **professional and occupational licenses** by prohibiting state licensing boards within the Department of Consumer Affairs from denying licensure to an otherwise qualified applicant because of his or her citizenship or immigration status. Allows applicants for a professional or occupational license to provide an Individual Taxpayer Identification Number (ITIN) in lieu of a Social Security number (effective no later than January 1, 2016)

## Passed in 2015 | Effective Jan 1<sup>st</sup> 2016

**AB 60 (Gonzalez)** will protect Californians from immigration attorneys and consultants demanding an advanced payment for services exclusively related to a pending immigration reform act such as President Obama's announcement on November 20<sup>th</sup>, 2014. Furthermore, this consumer protection bill revises the definition of an immigration reform act under SB 1159. It will close the loophole that leaves vulnerable families exposed to predatory practice in the wake of the President's announcement (effective immediately)

**AB 265 (Holden)** enhances automobile buyer protections by requiring buy-here-pay-here dealerships to provide California car buyers with a 5 day written notice before a starter interrupter device can be used to disable a car for failure to pay timely loan payments

**AB 560 (Gomez)** will ensure a child's immigration status is irrelevant when seeking recovery under any applicable law, such as intentional or negligent acts that harm them. This bill will also protect minor children from having their immigration status exposed or used when seeking civil recourse

## Passed in 2015 (cont)

**AB 622 (Hernández, Roger)** will strengthen the California Labor Code's protections for all workers by limiting misuse of E-Verify. It codifies and clarifies existing federal standards, and creates civil penalties for abuse

**SB 4 (Lara)** The 2015-2016 State Budget includes investments to expand eligibility to Medi-Cal to all children and youth ages 0-19, regardless of immigration status

**SB 405 (Hertzberg)** would reduce the number of persons having their driver's license suspended for violations that don't affect public safety. It would provide a method for persons with a current suspension due to a nonviolent offence to get their driving privileges restored

**SB 600 (Pan)** would amend the Unruh Civil Rights Act (1959) to outlaw discrimination on the basis of "citizenship," "immigration status," and "primary language." In doing so, our immigrants, who are key to California's success and might but who are among our most vulnerable, will share the same civil rights protections as all Californians

**SB 623 (Lara)** specifies that an injured worker shall not be excluded from receiving workers' compensation benefits from the Uninsured Employers Benefits Trust Fund or the Subsequent Injuries Benefits Trust Fund based on their immigration status

**SB 674 (De León)** encourages immigrant victims of crime in California to report crimes and collaborate with local law enforcement to attain justice for all Californians