

Immigration Legislation Impacting UC

State Legislation Signed into Law

AB 21 (Kalra, D-San Jose) Access to Higher Education for Every Student

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB21

AB 21 focusses on protecting students, faculty and staff from federal immigration enforcement activities – to the fullest extent consistent with federal law. The bill, effective January 1st, requires the California State University (CSU) and the California Community Colleges (CCC), each independent institution of higher education, and requests that the University of California (UC): refrain from releasing the immigration status of students, faculty and staff; require faculty and staff to notify the Chancellor if ICE is on campus; notify a student, faculty or staff member's emergency contact if there is reason to believe they are in custody as a result of an immigration enforcement action; comply with a request from an immigration officer for access to nonpublic areas of the campus only upon presentation of a valid warrant; designate a staff person to serve as a point of contact for any student, faculty, or staff person who may or could be subject to an immigration order or inquiry on campus; and maintain a contact list of pro bono legal resources.

The University had a support position on AB 21 and it was signed by the Governor on October 5, 2017.

SB 31 (Lara) Disclosure of Religious Affiliation Information

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB31

This bill prohibits a state or local agency, or a public employee acting under color of law, from providing or disclosing to the federal government personally identifiable information regarding a person's religious beliefs, practices, or affiliation when the information is sought for compiling a database of individuals based on religious belief, practice or affiliation, national origin, or ethnicity for law enforcement or immigration purposes. The bill also prohibits a state agency from using agency resources to assist with any government program compiling such a database, or from making state databases available in connection with an investigation or enforcement under such a program. The bill prohibits state and local law enforcement agencies from collecting personally identifiable information on the religious beliefs, practices, or affiliation of any individual, except as part of a targeted investigation, or where necessary to provide religious accommodations.

The bill also prohibits law enforcement agencies from using agency or department money, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, or any requirement that individuals register with the federal government or any federal agency based on religion, national origin, or ethnicity.

The bill was signed by the Governor on October 15, 2017 and is effective immediately.

SB 54 (De Leon) Law Enforcement – Sharing Data

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB54

This bill prohibits state and local law enforcement agencies, including school police and security departments, from using resources to investigate, detain, detect, report, or arrest persons for immigration enforcement purposes. The bill also requires the Attorney General to publish model policies limiting assistance with immigration enforcement to the fullest extent possible, and requires all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policies or an equivalent policy. The bill also states that all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including UC, are encouraged to adopt the model policy.

Additionally, the bill requires that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations and the transfers of persons to immigration authorities to the Department of Justice. The bill requires the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement.

The Governor signed SB 54 on October 5, 2017 and it is effective January 1, 2018.

SB 68 (Lara) Exemption from Non-resident Tuition

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB68

This bill seeks to broaden the path for AB 540 eligibility by allowing two years of attendance at a California Community College (CCC) or adult school to factor into AB 540's California attendance requirement. The bill provides that a student who has satisfied a total of three or more years of attendance at California elementary schools, California secondary schools, a California adult school, a CCC, or a combination of those schools, and the student graduates from a California high school or attains the equivalent degree, attains an associate degree from a CCC, or fulfills minimum transfer requirements established for UC or CSU for students transferring from the CCC's, qualifies for the exemption from paying nonresident tuition.

The University supported SB 68 and it was signed by the Governor on October 5, 2017.