

Assembly Bill 21

Access to Higher Education for Every Student

Assembly Member Ash Kalra

SUMMARY

AB 21 seeks to mitigate the impacts of potential federal changes to immigration enforcement policies, including the Deferred Action for Childhood Arrivals (DACA) program, to ensure these students have access to their financial aid, legal representation and their constitutional right to due process.

Specifically, AB 21 requires the California State University, California Community Colleges, any private college or university in receipt of state funds and requests the University of California to do all of the following to the fullest extent consistent with federal law:

- Refrain from releasing information regarding the immigration status of students, faculty, and staff of, or other members of the communities served by their respective campuses and programs.
- Requires each member of the faculty and staff to immediately notify the campus chancellor or president if he or she suspects, or becomes aware that, federal Immigration and Customs Enforcement (ICE), or other public or law enforcement entities working in coordination with federal ICE, are expected to enter, will enter, or have entered the campus.
- Immediately notify any and all students who may or could be subject to an immigration enforcement order or inquiry in a discrete and confidential manner that federal ICE is suspected to have entered, may enter, or has entered the campus.
- Require all faculty and staff responding to or having contact with a representative of federal ICE, or any other public or law enforcement entity working in coordination with federal ICE, to verify the legality of any warrant or subpoena

prior to complying or cooperating with any enforcement of an immigration order or inquiry.

- Assign a staff person, or multiple staff persons as necessary, 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. Prohibits staff from discussing the immigration status of any student, faculty, or staff with anyone, or revealing that immigration status to anyone, except the student, faculty, or staff in question.
- Solicit and maintain a contact list of known attorneys or legal services providers who provide pro bono legal immigration representation, and provide it free of charge to any and all students who request it. The list shall include, but not necessarily be limited to, the attorney's name, photograph if available, telephone and cellular telephone numbers, email address, and office address.

Further, in the event that the federal Deferred Action for Childhood Arrivals (DACA) policy is amended in any way from how it existed on January 19, 2017, or is reversed, ensure that both of the following occur:

- That students to whom the DACA policy was applicable may continue to receive financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, or other benefits they have been awarded or received.
- That staff is available to assist, on a strictly confidential basis, former DACA students, other students, faculty, and staff who may be subject to a federal immigration order or inquiry, or who may face similar issues, and whose

education or employment is at risk because of federal ICE actions.

BACKGROUND

Colleges and universities are beacons of free thought that challenge students in a peaceful and safe environment. Our institutions of higher learning have been a source of great pride for California.

But with great risks of changes to immigration policies and enforcement at the federal level, it is more important than ever to protect students attending California's colleges and universities from scrupulous and unfair immigration actions.

In order to ensure that all students, regardless of their immigration status, may continue to take advantage of the education to which they are entitled, free from intimidation or risk of a loss of access to resources and programs that other students enjoy, legislative action is needed.

According to the American Civil Liberties Union, in 2013 83% of people deported from the United States were not given a hearing before a judge. This exacerbates the fundamental problem facing many communities that the right to due process, afforded by the Fourth Amendment to the Constitution is being abated.

Some of the fundamental principles upon which the United States was founded are inclusion and equality, not exclusion and prejudice. This is exemplified in the sonnet "The New Colossus" by American Poet Emma Lazarus, which is immortalized by a bronze plaque located inside the Statue of Liberty:

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Glows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.

The air-bridged harbor that twin cities frame.
"Keep, ancient lands, your storied pomp!" cries she
With silent lips. "*Give me your tired, your poor,
Your huddled masses yearning to breathe free,*

*The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!"*

Unfortunately, actions taken by the President and some states to harass and bully undocumented students are not reflective of the values and principles that make up the fabric of our national identity. As such, it has fallen to states like California to take all necessary action to protect its people from unlawful or otherwise predatory actions against those who are simply looking for a better life.

SOLUTION

At a time when all that California has worked for could be cast aside by the new federal administration, it must take all necessary steps to protect our most vulnerable populations. This includes the students, faculty and staff of California's colleges and universities who are undocumented and under threat of harassment and unjust prosecution and deportation.

In doing so, California reaffirms the principles that the attainment of education for the betterment of the individual and the community is paramount, regardless of one's immigration status. It is in the country's best interests, as a nation of immigrants, which has benefited greatly from immigrants of all walks and backgrounds, to ensure that those who pursue educational and academic growth may further contribute to the productivity of this great state and nation.

SPONSOR

California Faculty Association

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