

Rights, Protections, Benefits, and Resources for Undocumented Immigrants

(Summary as of October 14, 2019)

The state of California provides certain rights and protections for undocumented immigrants living in California, in addition to enabling them access to some government-funded benefits and resources. Below are some of these key measures in the areas of health care access, human services and legal assistance, workers' rights and employment, K–12 education, higher education, law enforcement, transportation, and utility assistance.

Health Care Access

Access to health care for undocumented immigrants in California varies based on an individual's age, income, and the county they reside in; additionally, one effort to expand health care access to undocumented individuals through the Covered California marketplace cannot go forward without a federal Section 1332 waiver

Full Scope Medi-Cal

Eligibility: Undocumented individuals ages 0–18 who meet income standards; starting January 1, 2020, access will be expanded to 19- to 25-year-olds

Covered Services: Outpatient and emergency services, hospitalization, maternity and newborn care, mental health and substance use disorder services, prescription drugs, physical and occupational therapy (rehabilitative and habilitative services) and devices, laboratory services, preventive and wellness services, and chronic disease management, pediatric services including oral and vision care, dental, vision, transportation for covered appointments and services, and long-term services and support (https://www.dhcs.ca.gov/services/medi-cal/Pages/Benefits_services.aspx#top)

Restricted Scope Medi-Cal

Eligibility: Undocumented individuals who meet income standards, but are not eligible for full-scope Medi-Cal (age 19+ currently; age 26+ starting January 1, 2020)

Covered Services: Emergency services and pregnancy-related services

Safety-Net Services

Eligibility: Under California law, the state's 58 counties are tasked with providing services to indigent individuals "when such persons are not supported and relieved by their relatives or friends, by their own means, or by . . . state or private institutions" (Welfare and Institutions Code Section 17000). Eleven counties had no non-emergency care safety-net services available for undocumented immigrants in 2015 (<https://health-access.org/reform-coverage/county-community-safety-net/>).

Types of Coverage:

- County Medical Services Program operates in 35 small or rural counties and “provides health coverage for uninsured low-income, indigent adults that are not otherwise eligible for other publicly funded health care programs” (<https://www.cmspcounties.org/>).
 - The Path to Health Pilot from the County Medical Services Program will cover office visits, minor procedures, preventive screenings, routine lab tests, adult immunizations, and prescription medications for undocumented adults. The pilot is in the process of enrolling up to 25,000 undocumented residents with restricted scope Medi-Cal with plans to operate from 2019–21 (<https://mypathtohealth.org/about/>).
- Medically Indigent Service Program operates in the remaining 13 counties, and each program differs in the services it covers

Other Services

Medi-Cal Access Program: Provides full-scope services to pregnant individuals with incomes at or below 322 percent of the federal poverty level (FPL) regardless of immigration status (<http://mcap.dhcs.ca.gov/Home/default.aspx>)

Women, Infants, Children (WIC): Provides federal grants to states for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women and to infants and children up to age 5 who are found to be at nutritional risk (<https://www.fns.usda.gov/wic>)

Family Planning, Access, Care, and Treatment (PACT): California’s effort to provide comprehensive family planning services to eligible low-income (under 200 percent FPL) men and women (<https://familypact.org/>)

AIDS Drug Assistance Program (ADAP): Provides access to medication for HIV and AIDS for those who are uninsured or underinsured (<https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OAadap.aspx>)

State-Funded Breast and Cervical Cancer Treatment Program: Provides needed cancer treatment to eligible individuals diagnosed with breast and/or cervical cancer and who require treatment but lack adequate insurance coverage (<https://www.dhcs.ca.gov/services/medi-cal/Pages/BCCTP.aspx>)

Private Insurance: According to a 2019 brief by the Kaiser Family Foundation, “some undocumented immigrants may get coverage through their employer or as a spouse or dependent of an employee. Undocumented immigrants can also purchase private coverage on the individual market outside of the Affordable Care Act (ACA) Marketplaces” (<https://www.kff.org/disparities-policy/issue-brief/health-coverage-and-care-of-undocumented-immigrants/>)

Covered California: The marketplace could become open to undocumented individuals if California receives a federal Section 1332 waiver under the ACA (see: SB 10 (Lara), Chapter 22, Statutes of 2016, at <https://caimmigrant.org/health-for-all/>). Coverage would not include subsidies.

Human Services and Legal Assistance

Immigration Services

The California Department of Social Services (CDSS) awards Immigration Services Funding (ISF) to qualified nonprofit organizations to provide one or more of the following six service categories to expand services by augmenting existing funding resources of other providers and will focus on services to immigrants in California. Services include assisting applicants with:

- Seeking Deferred Action for Childhood Arrivals
- Seeking naturalization
- Seeking other immigration remedies
- Legal training and technical assistance services
- Education and outreach activities
- Removal defense

The 2019–20 state budget includes \$65 million General Fund (GF) (ongoing funding) to support nonprofit organizations that provide an array of legal services and remedies related to immigration status for individuals and families. The budget also includes \$885,000 to fund six state positions for technical support of the legal services.

For ISF awarded to organizations in fiscal year (FY) 2018–19, see:

https://www.cdss.ca.gov/Portals/9/Immigration/Accessible%20FY18-19%20ISF%20Award%20Announcement_JG%20edits.pdf?ver=2019-04-29-130310-310.

Legal Services to Unaccompanied Undocumented Minors (UUMs)

CDSS awards funding to qualified nonprofit organizations to provide legal services to eligible UUMs, as defined in Section 279(g)(2) of Title 6 of the U.S. Code. The services began on December 19, 2014. For organizations awarded in FY 2018–19, see: https://www.cdss.ca.gov/Portals/9/Immigration/083118%20UUM%20FY_2018_19_Funding_Award_Announcement_Final.pdf?ver=2018-08-31-164742-740. To be eligible, nonprofit organizations must have:

- At least three years of experience in providing legal representation for at least 25 unaccompanied, undocumented minors in asylum; T visa; U visa; and/or Special Immigrant Juvenile Status applications and administrative or judicial proceedings
- Experience conducting trainings on immigration removal proceedings for asylum, T visa, U visa, and/or Special Immigrant Juvenile Status to practitioners who are not their staff

- Experience guiding and supervising the work of attorneys who do not regularly provide legal representation for unaccompanied, undocumented minors in asylum; T visa; U visa; and/or Special Immigrant Juvenile Status processes and administrative or judicial proceedings
- The organization also must be accredited under the U.S. Office of Legal Access Programs under the U.S. Department of Justice Executive Office of Immigration Review or meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.

The 2019–20 state budget includes up to \$5 million GF (one-time funding within the \$65 million noted above) to be available to entities providing legal services to UUM and temporary protected status beneficiaries.

Additionally, \$25 million GF (one-time funding) was budgeted for the Rapid Response Program to support those who provide assistance and services to immigrants during “emergent situations when federal funding is not available.”

Trafficking and Crime Victims Assistance Program (TCVAP)

TCVAP—SB 1569 (Kuehl), Chapter 672, Statutes of 2006—provides benefits and services to certain eligible noncitizen victims of human trafficking, domestic violence, and other serious crimes. Benefits and services provided may include cash assistance, CalWORKs services, medical assistance, employment services, social services food assistance through the California Food Assistance Program, In-Home Supportive Services, and Cash Assistance Program for Immigrants (for eligibility requirements, see: https://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acin/2015/I-07_15.pdf). The 2019–20 state budget includes \$17.7 million (mostly state GF) for TCVAP.

Supplemental Security Income/State Supplemental Payment (SSI/SSP)

An undocumented immigrant would be eligible to receive SSI/SSP benefits only if:

- The immigrant was receiving SSI (or had an application pending) on or before August 22, 1996, or
- The immigrant was a victim of trafficking, but only during the first seven years after the status was granted, or
- The immigrant is an American Indian born in Canada or other Native American tribal member born outside of the United States

Cash Assistance Program for Immigrants

- Cash Assistance Program for Immigrants (CAPI) provides benefits to individuals who are noncitizens and are over 65, blind, or disabled who would otherwise be eligible for SSI/SSP¹ but are denied benefits due to their immigration status. Initially, CAPI benefits were reduced by \$10 per person or \$20 per couple since they were not subject to the SSI cash-out policy; however, as of June 1, 2019, and as authorized by AB 1811 (Committee on Budget), Chapter 35, Statutes of 2018, benefits will be equivalent to SSI/SSP payment standards (for CAPI eligibility requirements, see: <https://www.cdss.ca.gov/inforesources/Cash-Assistance-for-Immigrants>).

California Food Assistance Program

- The California Food Assistance Program (CFAP) provides state-funded food benefits for qualified noncitizens who do not qualify, based on their immigration status, for the federal Supplemental Nutritional Assistance Program (SNAP) or CalFresh, as it is referred to in California. Issuance of CFAP benefits are in the same manner as CalFresh benefits (for more information about eligibility requirements, see: <https://www.cdss.ca.gov/inforesources/CalFresh/California-Food-Assistance-Program>)

Workers' Rights and Employment

In California, all workers are protected by labor laws, such as laws prohibiting retaliation, discrimination, and wage theft. Additional legal protections for undocumented immigrant workers include:

AB 263 (Hernandez), Chapter 732, Statutes of 2013; SB 666 (Steinberg), Chapter 577, Statutes of 2013; and AB 2751 (Hernandez), Chapter 79, Statutes of 2014

- Employers are prohibited from engaging in unfair immigration-related practices against any person for the purpose of, or with the intent of, retaliation against someone for exercising their rights under the Labor Code or local ordinance applicable to employees. "Unfair immigration-related practice" means any of the following practices:
 - Requesting more or different employment verification documents than are required under law or a refusal to honor documents tendered that on their face reasonably appear to be genuine
 - Using the federal E-Verify system to check the employment authorization status of a person at a time or in a manner not required by federal law, or not authorized under any memorandum of understanding governing the use of the federal E-Verify system

¹ This means a CAPI applicant must apply for SSI/SSP, or submit other proof of ineligibility from the Social Security Administration to the county welfare office. The applicant also must meet the immigration status criteria in effect for SSI/SSP as of August 21, 1996.

- Threatening to file or the filing of a false police report, or a false report or complaint with any state or federal agency
- Threatening to contact or contacting immigration authorities

AB 622 (Hernandez), Chapter 696, Statutes of 2015

- Employers are prohibited from using the federal electronic employment verification system known as E-Verify in ways that are not required under federal law. Employers also must notify job applicants promptly if E-Verify does not confirm that they are authorized to be employed.

AB 1236 (Fong), Chapter 691, Statutes of 2011

- State and local jurisdictions cannot require an employer to use E-Verify.

AB 450 (Chiu), Chapter 492, Statutes of 2017

- Employers are required to notify employees when the Immigration and Customs Enforcement (ICE) will review immigration paperwork, i.e., I-9 forms, within 72 hours of receiving a notice of inspection. Other portions of AB 450 related to immigration inspections for private employers and reverification of employment eligibility are involved in a federal court case, and the state has been enjoined from enforcing them.

SB 1001 (Mitchell), Chapter 782, Statutes of 2016

- It is unlawful for an employer, in the course of satisfying specified work authorization requirements of federal law, to:
 - Request more or different work authorization documents than are required under specified federal law
 - Refuse to honor documents tendered that on their face reasonably appear to be genuine
 - Refuse to honor documents or work authorization based upon the specific status or term of status that accompanies the authorization to work
 - Attempt to reinvestigate or reverify an incumbent employee's authorization to work using an unfair immigration-related practice

Enforcement

Several state and federal agencies and departments enforce labor laws, and in certain circumstances workers may file private lawsuits to enforce their rights. California state departments that enforce labor laws include:

The California Labor Commissioner at the Division of Labor Standards Enforcement enforces numerous labor laws, including laws involving wage theft, overtime violations, rest break/meal period violations, and retaliation. There is no need for a Social Security number (SSN) or photo identification to file a report of labor law violation with the Labor

Commissioner's Office, and the office will not question immigration status nor report it to other government agencies. More information on how to file a claim can be found online at <https://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm> or at the labor commissioner's district offices throughout the state: <https://www.dir.ca.gov/dlse/DistrictOffices.htm>.

The California Department of Fair Employment and Housing (DFEH) enforces laws that prohibit discrimination or harassment based on a protected characteristic such as race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and military and/or veteran status. DFEH does not inquire about a complainant's citizenship or immigration status. DFEH can be contacted in the following ways:

- Call the Communication Center at (800) 884-1684 (voice), (800) 700-2320 (TTY), or California's Relay Service at 711. The caller may request that an interpreter get on the phone.
- E-mail: contact.center@dfeh.ca.gov
- Write to: 2218 Kausen Drive, Suite 100, Elk Grove CA 95758
- Visit one of DFEH's offices throughout the state: <https://www.dfeh.ca.gov/contact-us/office-locations/>.

The Division of Occupational Safety and Health, better known as Cal/OSHA, enforces workplace safety violations. Workers may file a complaint about workplace safety and health hazards. The name of any person who submits a complaint to Cal/OSHA must be kept confidential by law unless the person requests otherwise. More information on how to file a complaint with Cal/OSHA can be found online at <https://www.dir.ca.gov/dosh/Complaint.htm>.

Farmworkers seeking to enforce their rights under the Agricultural Labor Relations Act (ALRA) may contact the Agricultural Labor Relations Board. Information about what the ALRA covers and how to file a complaint is available by contacting one of the board's regional offices at <https://www.alrb.ca.gov/contact-us/>.

Professions

Admission to Practice Law, AB 1024 (Gonzalez), Chapter 573, Statutes of 2013

- Allows individuals to practice law who meet state law qualifications for the practice of law regardless of citizenship or immigration status

Professional Licenses, SB 1159 (Lara), Chapter 752, Statutes of 2014

- Prohibits licensing boards under the Department of Consumer Affairs from denying licensure to an applicant based on his/her citizenship or immigration status. In addition, this requires a licensing board and the State Bar of California to require that an applicant for licensure provide his/her individual taxpayer identification number or a SSN for an initial or renewal license.

K–12 Education

The number of immigrant students in California has been steadily increasing since 2008; in 2018–19, there were 115,646 immigrant students (<https://www.cde.ca.gov/sp/el/t3/imdemographics.asp>).

The Los Angeles Unified School District educates the highest rate of immigrant students with nearly 27,000 students. The Irvine Unified School District comes in next with more than 5,500 immigrant students.

Guide from the Attorney General’s Office for responding to immigration issues (<https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>)

The U.S. Supreme Court ruled in *Plyler v. Doe* (1982) that states providing free public education to U.S. citizens cannot deny such an education to undocumented children.

California School Boards Association (CSBA) legal guidance to school districts on equal educational access, regardless of immigration status (https://www.csba.org/Advocacy/EducationLegalAlliance/~media/CSBA/Files/Advocacy/ELA/2017_02_legal-guidance-ProvidingAllChildrenEqualAccess.ashx)

The State Superintendent of Public Instruction recommended schools declare themselves “safe havens” (<https://www.cde.ca.gov/nr/el/le/yr16ltr1221.asp> and <https://www.cde.ca.gov/nr/ne/yr17/yr17rel0130.asp>). The California Department of Education has a Safe Havens Initiative (<https://www.cde.ca.gov/eo/in/safehavens.asp>).

As of September 2017, 118 school districts and county offices of education have declared themselves Safe Havens (<https://www.cde.ca.gov/eo/in/casafehavendistrictslist.asp>)

- Sacramento City Unified School District’s resolution (http://www.scusd.edu/sites/main/files/file-attachments/safe_haven_reso_final_amended_final.pdf)
- Los Angeles Unified School District’s resolution (<https://achieve.lausd.net/cms/lib08/CA01000043/Centricity/Domain/582/LA%20Unified%20Campuses%20as%20Safe%20Zones%20and%20Resource%20Centers%20for%20Students%20and%20Families%20Threatened%20by%20Immigration%20Enforcement.pdf>)
- Oakland Unified School District’s resolution and resources (<https://www.ousd.org/sanctuary>)
- The American Federation of Teachers developed information for school professionals (https://www.aft.org/sites/default/files/im_uac-educators-guide_2016.pdf)

Recent Enacted Legislation

SB 183 (Lara), Chapter 779, Statutes of 2018, adds immigration status to the list of protected characteristics in the Education Code.

AB 699 (O'Donnell), Chapter 493, Statutes of 2017, prohibits school officials from collecting the information or documents regarding the citizenship or immigration status of their pupils (with certain exceptions) and encourages model policies limiting assistance with immigration enforcement at public schools. It also requires districts to provide information to families about protections and information for emergencies.

Higher Education

California's higher education system is the largest and one of the most diverse in the nation and includes the University of California (UC), the California State University (CSU), and the California Community Colleges (CCC). It also includes more than 150 private nonprofit colleges and about 200 for-profit institutions. While California has been a leader in higher education, innovation, and workforce development, the state faces a long-term shortage of college-educated workers by 2030—it will be short 1.1 million workers with bachelor's degrees if trends continue.²

A 2018 brief by the Campaign for College Opportunity reports that California's undocumented adults have lower educational attainment compared with undocumented adults across the nation. At the national level, one of four undocumented adults has attended some college; in California, the figure is one out of five. It is estimated that between 64,000 and 86,000 undocumented students are enrolled in the CCC, CSU, and UC systems.³

Financial Aid

Undocumented students are unable to access federal financial aid such as grants (Pell Grants) and federal student loans. However, California was among the first states to allow certain undocumented students to pay in-state tuition and receive state financial aid. Further, undocumented students are eligible for the DREAM Loan Program at four-year universities and for income-based repayment options for these loans. Significant legislation addressing financial aid opportunities for undocumented students include the following:

- AB 540 (Firebaugh), Chapter 814, Statutes of 2001, and AB 2000 (Gomez), Chapter 675, Statutes of 2014, exempts specified California nonresidents from paying nonresident tuition at UC, CSU, and CCC if they meet specified criteria.
- SB 68 (Lara), Chapter 496, Statutes of 2017, expands eligibility for the exemption from paying nonresident tuition at the state's public postsecondary institutions from

² "Addressing California's Skills Gap," Public Policy Institute of California, Higher Education Center, September 2017, <https://www.ppic.org/publication/higher-education-in-california-addressing-californias-skills-gap/>.

³ "Higher Education Affordability for Undocumented Students in California," Campaign for College Opportunity, October 2018, <https://collegecampaign.org/portfolio/higher-education-affordability-undocumented-students-california/>.

the high school attendance requirement to include attendance at a California elementary, middle, or high school.

- AB 130 (Cedillo), Chapter 93, Statutes of 2011, and AB 131 (Cedillo), Chapter 604, Statutes of 2011, allows undocumented students who meet AB 540 criteria to apply for and receive state financial aid and private scholarships—referred to as the California DREAM Act (details below).
- SB 1210 (Lara), Chapter 754, Statutes of 2014, establishes a DREAM Loan Program at California’s public four-year universities.
- AB 1895 (Calderon), Chapter 747, Statutes of 2017, offers income-based repayment options on DREAM loans (details below).

California DREAM Act

The California DREAM Act allows undocumented and nonresident students interested in attending eligible California colleges, universities, and career education programs to pay in-state tuition and apply for state financial aid. The California Student Aid Commission (CSAC) administers the California DREAM Act application (CADAA), and students can apply on its website. Financial aid available for Dreamers includes:

- Cal Grant, Chafee Grant, and the Middle Class Scholarship
- UC Grants and State University Grants
- CCC California Promise Grant
- Education Opportunity Program/Extended Opportunity Programs and Services
- Some university scholarships and some private scholarships administered by campuses

Since CADAA was first implemented in 2013–14, CSAC has received more than 200,000 applications from undocumented students. In 2017–18, approximately 50,000 applications were submitted, and just over 9,000 students were offered Cal Grants. More than two-fifths of those awarded a Cal Grant were enrolled in community college, more than one-third in CSU, and 19 percent in UC.

Included among the different types of Cal Grants is the Competitive Cal Grant, available for students who do not meet the entitlement program criteria for Cal Grants A, B, and C. The state annually authorizes 25,700 Competitive Cal Grants, and approximately 300,000 applicants compete for the limited awards in any given year. The Competitive Cal Grant was the only Cal Grant unavailable to undocumented students. The Budget Act of 2019 expands the number of competitive awards to 41,000 and for the first time opens the Competitive Grant to DREAM Act students.

Included in the Budget Act of 2019 is \$9 million for the newly established Dreamer Service Incentive Grant Program. The new program will allow California DREAM Act applicants who receive a Cal Grant B award to receive a grant of up to \$3,000 per year for up to four years. To receive the grant, the student must attend a qualifying California college or university and perform at least 100 hours per quarter or 150 hours per semester of community volunteer service with an approved entity. The new program is limited to 2,500 students at any time.

California DREAM Loan

While undocumented students paying in-state tuition are eligible for Cal Grants and institutional aid, they are unable to access federal student grants and loans. It is estimated that even with state aid, these students often have a “gap” in their financial aid packages of between \$3,000 and \$6,000 annually. The California DREAM Loan Program (CDLP) authorizes any UC or CSU campus to extend loans to students who qualify as Dreamers as established by AB 540 and who have financial need. The CDLP is a voluntary campus-based student loan program. The loans are capped at \$4,000 with the aggregate amount from the program at a single institution capped at \$20,000. CSU reports more than 1,300 students took advantage of the CDLP between 2015 and 2018, and UC reports 3,405 CDLP participants for the same period.

Immigrant Legal Services

UC

The 2018–19 budget provided \$4 million in one-time funding for UC to provide legal services to undocumented students, faculty, and staff, to be spent through June 30, 2022. UC decided to delay spending the funds until 2019–20 and instead used funds from the UC Office of the President to fund attorneys across campuses. Some campuses either use their own funds to fully or partially pay for attorneys as well.

UC anticipates providing the \$4 million appropriation in 2019–20 to UC Davis Immigrant Legal Services Center, which will provide full immigration legal services to all UC campuses except UC Berkeley, which provides services to its students through nonprofit and philanthropic funding. All UC campuses have a dedicated attorney who provides legal services and works with other campus programs.

CSU

The 2018–19 budget provided \$7 million in one-time funding to CDSS to contract with providers for legal services on CSU campuses. CDSS has selected four legal service providers to serve 20 of the 23 CSU campuses for the next two years. Legal service providers for the remaining campuses are still being determined.

CCC

The 2018–19 budget provided \$10 million in one-time Proposition 98 GF monies to the CCC Board of Governors to allocate to a community college district for the district to oversee on-campus immigrant legal services on community college campuses using CDSS-contracted providers and organizations. The Los Angeles Community College District received the funds and is working with CDSS in identifying and working with specified organizations to provide resources and support to individuals on college campuses throughout the state. The Chancellor’s Office anticipates that legal services will be available by January 2020.

Independent Nonprofit Colleges and Universities

Many of California's nonprofit colleges and universities are members of the Association of Independent Colleges and Universities (AICCU). AICCU institutions are located throughout the state with 27 main campuses in Northern California and 57 main campuses in Southern California. While AICCU speaks on behalf of these member independent colleges and universities, it operates as a decentralized system, making it difficult to ascertain what resources and services are made available to undocumented students attending the institutions.

Of undergraduates who attend AICCU independent, nonprofit institutions in California:

- 62 percent are students of color
- 74 percent are California residents
- 72 percent receive financial grant aid

Undocumented students attending an independent college or university who meet AB 540 criteria are eligible to receive Cal Grants.

Some examples of colleges providing resources to undocumented students include:

- Fresno Pacific University's Samaritan scholarship for undocumented academically prepared, first-time freshmen or transfer students
- Mills College works with undocumented students to help them apply for admission and financial aid—including institutional and need-based aid.
- Occidental College meets 100 percent of the demonstrated need of all admitted students who apply for financial aid during admission; undocumented students are eligible for nonfederal work-study jobs on campus.
- Scripps College declared itself a sanctuary center of higher education in 2017; undocumented students are provided with free legal advice, and employees also have access to legal services through the college's Employee Assistance Program.

Law Enforcement

Public Safety Omnibus—AB 103 (Committee on Budget), Chapter 17, Statutes of 2017

- Placed a moratorium on contracting with the federal government to hold people during civil immigration proceedings by prohibiting local governments from either expanding existing contracts or entering into new contracts with the federal government to detain immigrants in civil immigration proceedings in local jails
- Required the attorney general to monitor the treatment of people detained in California because of their immigration status; specifically, requires the attorney general to engage in reviews of county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California, including any county, local, or private locked detention facility in which an accompanied or unaccompanied minor is housed or detained on behalf of, or pursuant to a contract with, the federal Office of Refugee Resettlement or ICE; the first review of detention facilities was released in February 2019 (<https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-2019.pdf>); this requirement sunsets on July 1, 2027

California Values Act—SB 54 (de León), Chapter 495, Statutes of 2017

- Limited the involvement of state and local law enforcement agencies in federal immigration enforcement; significantly, the act included the following:
 - Prohibited law enforcement agencies (including school police and security departments) from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purpose
 - Allowed response to notification requests from ICE and transfers to ICE if in accordance with a revised Transparency and Responsibility Using State Tools (TRUST) Act list of offenses; law enforcement agencies are required to report to the attorney general the number of transfers and type of offenses for which transfer occurred
 - Narrowed the TRUST Act by no longer applying to immigration holds, which will be prohibited under SB 54; the list limited notifications and transfers to listed offenses
 - Provided that notifications to ICE on the basis of an arrest will not be permitted, except that law enforcement will have the discretion to notify ICE about an arrest for serious/violent felony and prison felony; this will ensure individuals are held accountable for the crimes they commit rather than be deported without prosecution
 - Required the attorney general to publish model policies that limit immigration enforcement in public schools, health facilities, courthouses, and other service providers.

SB 29 (Lara), Chapter 494, Statutes of 2017

- Limited the addition of or expansion of federal or private immigration detention facilities in California
 - Served as a companion to the provisions in AB 103, which placed limitations on the contracts between the federal government and county sheriffs to detain immigrants in local jails
 - Provided similar limitations on leasing or building detention facilities for detaining immigrants
 - Impacted centers such as the federal detention facility in Adelanto

Transparent Review of Unjust Transfers and Holds Act—AB 2792 (Bonta), Chapter 768, Statutes of 2016

- Ensures that local law enforcement agencies provide individuals in their custody with basic due process and information about their rights should federal immigration authorities seek to make contact with them; specifically, the law requires:

- Before subjecting an individual in its custody to an ICE interview a local law enforcement entity shall provide the individual with a written consent form, in a language that is understandable to the individual, that explains all of the following:
 - The purpose of the interview
 - The interview is voluntary
 - The individual may decline the interview or may choose to be interviewed only with an attorney present
- Upon receiving any detainer, notification, or transfer request, the local law enforcement agency shall:
 - Provide a copy of the request to the individual
 - Inform the individual whether the law enforcement agency intends to comply with the request
- If a local law enforcement agency chooses to provide ICE with a notification that an individual will be released from custody on a certain date, the local law enforcement agency must promptly provide the same notification in writing to the individual and to the individual's attorney or other person designated by the individual being held.
- All records relating to ICE access provided by local law enforcement agencies, including all communication with ICE, are public records for purposes of the California Public Records Act, but to protect the privacy of individuals, personal identifying information may be redacted prior to public disclosure.

Racial and Identity Profiling Act—AB 953 (Weber), Chapter 466, Statutes of 2015

- Included requirements regarding a number of significant law enforcement issues:
 - Required California law enforcement agencies to begin collecting and reporting data on complaints that allege racial or identity profiling
 - Expanded the definition of racial and identity profiling, to clarify that it is “the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description”
 - Required all city and county local law enforcement agencies in California, as well as the California Highway Patrol and peace officers of state and university educational institutions, to collect perceived demographic and other detailed data on persons that they “stop,” as defined in the law; the Department of Justice is responsible for writing regulations to govern the data collection

- Mandated the creation of the Racial and Identity Profiling Advisory Board for the purpose of eliminating racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement

Immigrant Victims of Crime Equity Act—SB 674 (de León), Chapter 721, Statutes of 2015

- Under federal law, immigrant victims of serious crimes and certain family members may qualify for protection from deportation and eventually legal status if law enforcement officials certify they have assisted, are assisting, or will be assisting in the investigation or prosecution of the crimes; U visas are designed for individuals who have suffered substantial mental or physical abuse because of criminal activity and who have and/or are willing to continue to assist federal, state, and local law enforcement agencies or government officials in the investigation of that criminal activity
- Required state and local law enforcement agencies, prosecutors, judges, and other specified officials to certify the helpfulness of immigrant crime victims as part of the federal U visa certification when certain conditions are met
- Required certifying entities to complete the certification within 90 days of the request, except in cases where the applicant is in immigration removal proceedings, in which case the certification must be completed within 14 days of the request; the law also includes a “rebuttable presumption,” meaning it is assumed that an immigrant victim is helpful, has been helpful, or is likely to be helpful, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement

AB 1195 (Eggman), Chapter 272, Statutes of 2013

- Ensures that any victim of crime, regardless of the individual’s legal status, has the right to access their crime report, and specifies that a state or local law enforcement agency cannot deny a victim access to the crime report because the victim cannot prove lawful presence in the country

TRUST Act—AB 4 (Ammiano), Chapter 570, Statutes of 2013

- Defined the circumstances in which local law enforcement agencies may comply with immigration detainer requests (detainer requests are the tool ICE uses when it wants state or local law enforcement agencies to detain individuals beyond their ordinary release because ICE believes the individual is in violation of federal immigration laws)
- If a local law enforcement agency wishes to comply with a voluntary ICE detainer request, two conditions must be met (only if both conditions are met may local law enforcement detain an individual for up to 48 hours beyond ordinary release):
 - The continued detention cannot violate any federal, state, or local law, or any local policy—including protections afforded by the U.S. Constitution. Most California sheriffs require that detainers be supported by a judicial warrant to ensure adherence with Fourth Amendment protections.

- The individual must have been convicted of certain specific crimes, or meet other specific criminal criteria.

Transportation and Utilities

Safe and Responsible Drivers Act—AB 60 (Alejo), Chapter 524, Statutes of 2013

- Requires the California Department of Motor Vehicles (DMV) to issue driver's licenses to persons who are ineligible for a SSN if additional documentation is provided. Documents accepted include:
 - A valid, unexpired consular identification document or a valid, unexpired passport from the applicant's country of citizenship
 - An original birth certificate, or other proof of age, as designated by the DMV
 - A home utility bill, lease or rental agreement, or other proof of state residency, as designated by the DMV
 - A marriage license or divorce certificate
 - A foreign, federal electoral photo card issued on or after January 1, 1991
 - A foreign driver's license
 - A U.S. Department of Homeland Security-issued Application for Asylum and for Withholding of Removal (I-589 Form)
 - An official school or college transcript
 - A federally issued Certificate of Eligibility for foreign exchange students
 - A deed or title to real property
 - A property tax bill or statement issued within the previous 12 months
 - An income tax return

Further, DMV will issue a separate driver's license or temporary driver's license to an applicant that cannot provide a SSN or satisfactory proof of legal presence that includes a recognizable feature on the front of the card, such as the letters "DP" (driving privilege) instead of "DL" (driver's license) with no other distinguishable feature. In addition, the card will include a notice: "This card is not acceptable for official federal purposes. This license is issued only as a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits."

As of August 30, 2019, DMV has issued approximately 1.5 million driver's licenses under the AB 60 program. This total includes original licenses as well as renewals, duplicates (lost/stolen), and corrections.

Financial Assistance and Incentives

Several state programs provide financial incentives or assistance to help low-income people (irrespective of their immigration status) access clean transportation options and lower their costs for household utilities. Some examples include:

- *Enhanced Fleet Modernization Program/Clean Cars 4 All*: Incentives for disadvantaged communities to purchase a new or used hybrid, plug-in hybrid, or zero-emissions vehicle (ZEV)

- *Clean Mobility Options for Disadvantaged Communities:* Funding for various clean mobility options that increase access to ZEV and plug-in hybrid car-sharing and other clean mobility options
- *Financing Assistance for Lower-Income Consumers:* Provides low-interest loans and vehicle price buy-downs to consumers for the purchase of plug-in hybrid and battery electric vehicles
- *Agricultural Worker Vanpools:* Provides incentives to expand access to clean transportation vanpools retrofitted with add-on hybrid technology for agricultural workers
- *California Alternate Rates for Energy:* Provides a discount on electric bills and natural gas bills
- *Family Electric Rate Assistance Program:* Bills some of a household's electricity usage at a lower rate
- *Energy Savings Assistance Program:* Provides no-cost weatherization services
- *Low-Income Weatherization Program (LIWP):*
 - *LIWP Farmworker Housing Component* focuses on the direct installation of energy efficiency measures and solar photovoltaic systems for farmworker households
 - *LIWP Multifamily Energy Efficiency and Renewables Program* provides technical assistance and incentives for the installation of energy efficiency measures and solar PV in low-income multifamily dwellings serving priority populations

Appointments to Civil Office

SB 225 (Durazo), 2019 (signed by the governor on October 12, 2019)

- Makes any person age 18 and older and a resident of California eligible to hold an appointed civil office (such as public boards and commissions), regardless of that person's citizenship and immigration status. Does not change the law regarding elective offices, which requires someone to be at least age 18, a resident of California, and a U.S. citizen.

—Updated October 14, 2019