

AB 21 (Kalra) Immigration Enforcement on Higher Education Campuses IMPLEMENTATION

Government Relations, California Faculty Association | November 2017

CONTEXT | BACKGROUND

- On January 20, 2017, 45 assumed office and thus began a time of uncertainty on a whole host of policy issues and communities, especially for undocumented immigrants.
- CFA staff (Djibril) and Asm. Kalra literally got together and drafted the first version of AB 21, on the basis of CFA research about best practices.
- AB 21 was drafted to ensure:
 - All students, regardless of their immigration status, would 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 was needed.
 - California would take steps to protect our most vulnerable populations. This included the students, faculty and staff of California's colleges and universities who are undocumented and under threat of harassment and unjust prosecution and deportation.

WHAT DOES AB 21 DO (PRE-DETENTION)?

- Prohibits CSU from releasing personally identifiable disclosing personal information concerning students, faculty, and staff with exceptions:
 - with the consent of the person identified, or if the person is under 18 years of age, with the consent of the parent or guardian of the person identified;
 - as may legally be disclosed under state and federal privacy laws;
 - for the programmatic purpose for which the information was obtained;
 - as part of a directory that does not include residence addresses or individual persons' course schedules and that the person has not elected to opt out of; or,
 - in response to a judicial warrant, court order, or subpoena.
- Requires CSU to advise all students, faculty, and staff to notify the office of the chancellor or president, or his or her designee, as soon as possible, if he or she is advised that an immigration officer is expected to enter, will enter, or has entered the campus.
- Requires CSU to advise all students, faculty, and staff responding to or having contact with a an immigration officer executing a federal immigration order, to refer the entity or individual to the office of the chancellor or president, or his or her designee, for purposes of verifying the legality of any warrant, court order, or subpoena.

WHAT DOES AB 21 DO (POST-DETENTION)?

- Requires CSU to notify the student, staff, or faculty's emergency contact if there is reason to suspect that they were taken into custody as a result of an immigration enforcement action.
- In the event that an undocumented student is detained, deported, or is unable to attend to his or her academic requirements due to the actions of an immigration officer in relation to a federal immigration order, the college or university shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits he

or she has been awarded or received, and permit the student to be reenrolled if and when the student is able to return to the college or university.

WHAT RESOURCES DOES AB 21 REQUIRE?

- Post on its Internet Web site, and provide via email quarterly to all students, faculty, and staff, and update as often as is necessary, a copy of any policies related to AB 21 implementation, and guidance informing them of their rights under state and federal immigration laws and guidance informing them of their rights under state and federal immigration laws and how to respond to a federal immigration action or order.
- An up-to-date contact list of legal services providers who provide legal immigration representation must be provided free of charge to any and all students who request it. The list shall include, but not necessarily be limited to, the organization's name and contact number, email address, and office address.

HOW DID AB 21 CHANGE (A FEW EXAMPLES)?

- AB 21 initially called for higher education campuses to alert individuals who were sought after by immigration enforcement.
 - This language was removed as this would be considered giving sanctuary. Instead, we added language about contacting the emergency contact of an individual who was known to be detained.
- AB 21 initially called for college campuses to provide healthcare stipends for undocumented students that could not access Medicaid.
 - Language was removed in part due to cost
- AB 21 initially called for offering free housing to students that could not return home during holidays or breaks.
 - Language was removed in part due to cost

AB 21 IMPLEMENTATION + PREPARING FOR TERMINATION OF DACA

- AB 21 becomes law on January 1, 2018.
- AB 21 also requires that by March 1, 2019, the CA Attorney General create and the higher education segments (including private universities) adopt a model policy developed by the AG or an equivalent policy, limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law.
 - CFA intends to follow up with the AG on the creation of this policy, with student input.
- Ideas for chapters for following up on implementation requirements:
 - ID who is the Chancellor's designee for verifying a judicial warrant.
 - Ask/verify that there is information on a website and that an e-mail was sent out with a copy of a policy, and guidance to faculty, staff, and students regarding their rights under state and federal immigration laws.
 - Request the contact list of legal services providers who may provide legal immigration representation.
 - Other/Different Ideas?
- Event with Kalra to promote new law?
- CFA Resources, Haves & Needs?
- Other Ideas?