



# The California Blueprint

>>> Two Decades of  
Pro-Immigrant  
Transformation



A man wearing a blue baseball cap and a grey hoodie is standing in a vast field of purple flowers. He is holding a bouquet of these flowers in his hands. The background is a blurred expanse of the same flowers, creating a sense of depth. The lighting is bright, suggesting a sunny day.

**“Just as California’s  
changed, Arizona’s  
going to change.  
And Texas. And other  
states...we’re part  
of a great and grand  
transition.”**

Governor Jerry Brown, October 5, 2013

A decorative graphic in the bottom right corner consisting of several parallel yellow lines that form a series of right-pointing chevrons or arrows.

# INTRODUCTION

More than twenty years ago, California's extreme, anti-immigrant Proposition 187 spread fear, anger and confusion throughout the state's immigrant communities. The proposal - approved by an electorate vastly different than today's - would have barred undocumented immigrants from attending public schools and receiving non-emergency health care, while also mandating that local police act as immigration agents. While the law did not stand up to a legal challenge and was eventually thrown out, it marked a significant turning point.

Since 1994, everyday people—moms and dads, students and workers—have stood up and fought back for their families and for what was right. The courage and determination of immigrant Californians has transformed the state.

And two decades later, we've watched the signatures roll in on pro-immigrant bill after bill - including one that [removed](#) the unenforceable language of Prop 187 from the books—with much popular acclaim.<sup>1</sup>

Immigrants are a vital force in the economic, civic, and cultural fabric of communities across California, which over 10 million immigrants call home. California has taken important strides to enact policies that limit deportations and advance the inclusion of immigrant residents. The deportation relief programs announced by President Obama in 2012 and 2014 are key steps on the road to inclusion but remain temporarily delayed. This partial progress stands in stark contrast to the harsh and punitive measures that have long emanated from Washington.

Californians are fortunate to enjoy an expansive list of pro-immigrant state laws that bring many benefits to all residents. As home to the largest immigrant population in the country, California has wisely begun to invest in immigrants and their families with commonsense, effective initiatives. Thus, this compilation of legislation is focused on immigrant communities in the state.

While California is leading the way, we can and must do better. Implementation of these laws continues to be both an opportunity and a challenge each day, with certain jurisdictions lagging far behind. State programs sometimes lack the resources to fully operate. The absence of a rational immigration process at the federal level has increased the need for California to advance supportive and welcoming legislation, policies, and programs. —MAY 2015

<sup>1</sup>SB 396 Repeal Unenforceable Provisions of Proposition 187.

## 1. HEALTH AND PUBLIC BENEFITS, 1996-2009

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In 1996, two pieces of federal legislation created profound challenges for low-income immigrant families, depriving many community members of access to key tools to success. But California made history when it took action to undo some of the damage wrought by Washington, DC – an early manifestation of a trend which continues today.

These cruel federal laws were the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), also known as the “Welfare Reform Act,” and the Illegal [sic] Immigration Reform and Immigrant Responsibility Act (IIRAIRA). These Acts implemented restrictions on eligibility for federal and state public benefit programs, stipulating that only U.S. citizens and “qualified” immigrants who meet certain criteria are eligible for federal public benefits. Despite some restorations, most immigrants face harsh eligibility restrictions for federal means-tested public benefits. This includes a five-year ban on Lawful Permanent Residents (LPRs) who physically entered the U.S. after August 22, 1996.

The following measures have expanded access to support and care for immigrants with some lawful status who had been unfairly excluded. But with undocumented Californians still left out of most health care and benefit programs, much work remains.

### **Cash Assistance Program for Immigrants (Budget Act Implementation Bill for Social Services of 1998, AB 2779),**

**SIGNED AND EFFECTIVE: 1998**

The Cash Assistance Program for Immigrants (CAPI) is a state-funded program that provides monthly cash benefits to aged, blind and disabled non-citizens who are ineligible for Supplemental Security Income (SSI) or State Supplemental Payment (SSP) solely due to their immigration status.

### **California Food Assistance Program of 1997 (AB 1576),**

**SIGNED AND EFFECTIVE: 1997**

The California Food Assistance Program (CFAP) provides state-funded food stamp benefits to qualified immigrants who are ineligible for federal food stamps.

### **Implementation of Health Care Reform - 2011-2013**

The Patient Protection and Affordable Care Act (ACA) has provided health opportunities to many who could not afford health coverage, were uninsured, or were denied coverage due to a pre-existing condition – including eligible immigrants.

Despite this progress, the ACA unjustly excludes undocumented people, highlighting the urgency of expanding access to healthcare in California.

### **Medi-Cal Eligibility (ABX1 1 and SBX1 1),**

SIGNED: 2013 EFFECTIVE: 2014

These measures expanded Medi-Cal to low-income adults without children, a vital component to the implementation of the Affordable Care Act in California which made some 1.4 million people newly eligible for low cost or free health coverage. California's Medi-Cal expansion included all lawfully present immigrants who would otherwise be eligible in its state-funded full scope Medi-Cal program.

#### **For more information:**

California Immigrant Policy Center's Health Program Eligibility Chart for California Immigrants Available at [caimmigrant.org](http://caimmigrant.org)

National Immigration Law Center's Major Benefit Programs Available to Immigrants in California Available at [nilc.org](http://nilc.org), November 2014<sup>1</sup>

### **Benefits for Immigrant Survivors of Trafficking**

**(SB 1569), SIGNED: 2006 EFFECTIVE: 2007**

Provides state and local benefits to immigrant survivors of human trafficking, domestic violence, and other serious crimes under the same rules that apply to refugees.

## **2. FIGHTING DETENTIONS AND DEPORTATIONS**

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Recently, the nation reached a tragic milestone: 2 million deportations under President Obama's administration. Countless families have been broken up, and countless children are now without their parents. And by entangling our local police and sheriffs in the machinery of deportation, the federal government has undermined community safety, put survivors and witnesses to crimes at risk, and wasted important local resources.

But now, the state of California is helping to forge a new path - and our example is inspiring change across the nation. While the President's deportation relief programs represent a key step forward, at least half of the nation's undocumented residents will be excluded from relief - and subjected to troubling new deportation programs that repeat past mistakes. Thus, the state's continued leadership will be more important than ever.

### **Telephone Calls for Detained Custodial Parents**

**(AB 2015), SIGNED: 2012 EFFECTIVE: 2013**

Ensures the right of an arrested custodial parent to make telephone calls or otherwise arrange for the care of a minor child during his/her absence, regardless of the parent's immigration status.

### **TRUST Act (AB 4), SIGNED: 2013 EFFECTIVE: 2014**

Limits local jails from wastefully holding people for extra time, solely for deportation purposes. The TRUST Act set a minimum standard across the state to limit cruel and costly immigration "hold" requests in certain circumstances. Subsequent court rulings have expanded the law's protections. However, with ICE's new "Priority Enforcement Program" carrying many of the same flaws as the discredited "Secure Communities" program that fueled the need for the TRUST Act, further advocacy is required to address community confidence in law enforcement and protect Californians from unfair deportation.

### **Legal Services for Children (Budget Act of 2014,**

**AB 1476), SIGNED AND EFFECTIVE: 2014**

Provided \$3 million to support legal services for the children fleeing violence in Central America.

### **Sentencing (SB 1310), SIGNED: 2014 EFFECTIVE: 2015**

Changed misdemeanor sentencing to a maximum of 364 days; thus, limiting deportation eligibility for certain categories of non-citizens convicted of minor crimes.

## **3. WORKERS' RIGHTS**

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Immigrants comprise one-third of California's labor force, figuring prominently in the agricultural and manufacturing industries and contributing a massive \$600 billion to our state's gross domestic product each year. But cruel immigration and employment policies put too many workers at risk of unjust firings.

### **Employment Acceleration Act (SB 1236),**

SIGNED: 2011 EFFECTIVE: 2012 Prohibits the state and local jurisdictions from requiring an employer to use E-Verify. This unfair, mostly optional, web-based federal program is used by employers to check if a worker is eligible to be employed.

### **Domestic Workers Bill of Rights (AB 241),**

SIGNED: 2013 EFFECTIVE: 2014 Made California the provider of the strongest overtime protections for domestic workers in the country by extending rights to domestic workers that, until the bill's passage, had remained excluded from labor protections. Established overtime pay for personal attendants after nine hours a day or forty-five hours a week and mandated the formation of an advisory committee to study the implementation. The bill is scheduled to sunset on January 1, 2017 and further advocacy is needed to make the protections permanent.

### **Retaliation against Immigrant Workers (AB 263),**

SIGNED: 2013 EFFECTIVE: 2014 Provides workers who seek to exercise their workplace rights with strengthened protections against employer retaliation. An employer's business license may be suspended if the entity is found to be engaged in an unfair immigration-related practice.

### **Empowering Immigrants to Exercise Rights, Under the Law Without Fear of Retaliation (SB 666)**

SIGNED: 2013 EFFECTIVE: 2014 Empowers workers to exercise their rights under California law without fear that employers will retaliate by reporting their immigration status or that of their family members to government officials. It allows for the suspension of a business license for an employer who retaliates against a worker.

### **Admission to Practice Law (AB 1024),**

SIGNED: 2013 EFFECTIVE: 2014 Allows individuals who meet state law qualifications for the practice of law regardless of citizenship or immigration status.

### **Expanding Access to Professional Licenses (SB 1159),**

SIGNED: 2014 EFFECTIVE NO LATER THAN: 2016 Will allow people to practice the professions for which they are trained. It clarifies the information required by professional licensing boards to authorize use of a federal tax identification number and it prohibits, except as specified, any entity within the department from denying licensure to an applicant based on his or her citizenship status or immigration status.

### **Registration for Foreign Labor Contracting (SB 477),**

SIGNED: 2014 EFFECTIVE: 2016 Will require any entity engaged in foreign labor contracting to register with the Labor Commissioner and to disclose in writing to any worker who is recruited a signed copy of the work contract.

## **4. HIGHER EDUCATION**

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Immigrants and their children make up 42% of California's population. Immigrant youth are among the top performers in school but many of them come from low-income families and they face unique challenges to accessing higher education. These laws aim to increase their rates of college degree completion.

**For more information:** National Immigration Law Center's Eligibility for In-state Tuition, Fee Waivers, Financial Aid, and Scholarships, January 2015<sup>2</sup>

### **Public Post Secondary: Exemption for non-resident tuition (AB 540),**

SIGNED: 2001 EFFECTIVE: 2002 Allows qualified undocumented students to pay the same amount as other students who grew up in California, rather than significantly higher out-of-state tuition, at public colleges and universities.

### **California Dream Act/Scholarship Eligibility,**

**(AB 130),** SIGNED: 2011 EFFECTIVE: 2012 Gives California public colleges and universities the opportunity to allow undocumented students who qualify for AB 540 to apply and compete for scholarship awards.

### **California Dream Act/Student Financial Aid**

**(AB 131),** SIGNED: 2011 EFFECTIVE: 2013 Allows AB 540-eligible students to participate in state-funded financial aid programs.

### **Access to Education for Survivors of Crime (AB**

**1899),** SIGNED: 2012 EFFECTIVE: 2013 Provides continued access to in-state tuition rates, fee waivers, scholarships, and state financial aid to otherwise eligible crime survivors who have been granted a "T" or "U" non-immigrant status.

### **Restoring Higher Education Access and Affordability**

**(SB 141),** SIGNED: 2013 EFFECTIVE: 2014 Closed a loophole in AB 540, restoring access to California colleges, universities and scholarships, as specified, for children who are U.S. citizens, but are forced to live abroad as a result of their parent's deportation.

**Expanding Access to Higher Education (AB 2000)**, SIGNED: 2014 EFFECTIVE: 2015 Will ensure students who complete high school in less than three years are not penalized by becoming ineligible for AB 540.

**“It’s an incredible relief. Now we won’t have to worry every day”- Claudia Bedolla, Pomona Economic Opportunity Center member featured in “For many immigrants, driver’s licenses will be ‘an incredible relief,’”**

— *Los Angeles Times, January 1, 2015.*

## 5. CIVIL RIGHTS AND EQUALITY

More than half (53%) of California’s immigrants are non-citizens. These laws seek to expand parity and enforce the civil liberties of immigrants and prevent discrimination.

**Limiting Car Impoundments (AB 353)**, SIGNED: 2011 EFFECTIVE: 2012 Ensures statewide uniformity around the Vehicle Impound Processes by restricting local police from impounding cars at sobriety checkpoints solely because a driver may be unlicensed.

**Access to Crime Reports for Victims of Crime (AB 1195)**, SIGNED: 2013 EFFECTIVE: 2014 Ensures that any victim of crime has access to their crime report, regardless of their immigration status, and prevents law enforcement agencies from denying crime reports if lawful presence in the United States cannot be proven by the victim.

**Preventing Extortion Based on Immigration Status (AB 524)**, SIGNED: 2013 EFFECTIVE: 2014 Clarifies that using threats to expose an individual’s perceived immigration status to gain something of value is extortion.

**Safe and Responsible Drivers Act (AB 60)**, SIGNED: 2013 EFFECTIVE: 2015 Immigrants and their allies spent the past two decades organizing to restore access to driver’s licenses for all Californians. Under this historic law, up to 1.4 million Californians are expected to apply over the next three years and become licensed, tested, and insured drivers – benefitting all Californians.

**AB 60 Technical Clean Up (AB 1660)**, SIGNED: 2014 EFFECTIVE: 2015 Clarifies that the anti-discrimination provisions of AB 60 apply to individuals in both the public and private sectors.

## 6. FAMILIES AND INTEGRATION

Immigrant Californians and their families are crucial to building vibrant communities. The state has strengthened systems to encourage immigrants to participate fully in our social, economic, civic, and cultural life. These laws aim to ensure equal access to public and private services.

**Naturalization Services Program (State Budget Act of 1998)**, SIGNED AND EFFECTIVE: 1998 Provides funding to community-based organizations to assist eligible permanent residents in obtaining citizenship. Funding was later eliminated entirely, due to recession-era budget cuts, and advocates are currently working to build and improve upon this precedent to support meaningful immigrant integration.

**Reuniting Immigrant Families Act (SB 1064)**, SIGNED: 2012 EFFECTIVE: 2013 Eliminates family reunification barriers for immigrant families in the child welfare system. Permits courts to place a child with a parent, legal guardian, or relative regardless of immigration status.

**Integration of Youth-Approved for Deferred Action for Childhood Arrivals (AB 35)**, SIGNED: 2013 EFFECTIVE: 2014 Enhances consumer protections for youth applying for the Deferred Action for Childhood Arrivals policy, Codifies that DACA approved individuals are eligible for unemployment insurance benefits, and further clarify existing law to specify that these individuals are eligible for a California ID.

### Endnotes

1. Available at <http://www.nilc.org/document.html?id=481>
2. Available at <http://www.nilc.org/document.html?id=885>

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