

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 1655 Bryan – As Amended March 26, 2026

As Proposed to be Amended

**SUBJECT:** CALWORKS: TEMPORARY ABSENCE: IMMIGRATION DETENTION

**KEY ISSUE:** SHOULD A CHILD OR OTHER MEMBER OF A CALWORKS ASSISTANCE UNIT WHO IS UNLAWFULLY DETAINED IN AN IMMIGRATION DETENTION FACILITY BE CONSIDERED TEMPORARILY ABSENT FROM THE HOME FOR THE DURATION OF THE DETENTION?

**SYNOPSIS**

*Since January 2025, the second Trump administration has carried out sweeping immigration enforcement actions across the country. This campaign has not just impacted immigrants in the country without lawful status, but has also often resulted in the detention of citizens and immigrants with lawful status. In California, these detentions risk impacting low-income families' ability to collect CalWORKS. Building on existing provisions of law, this bill would classify a child or other member of a family that is unlawfully detained in a federal immigration detention facility as temporarily absent for the purposes of receiving CalWORKS cash aid. As currently in print, the bill requires a determination of temporary absence "if a report of misconduct by federal agents is submitted to the California Attorney General." However, the text of the bill does not make clear how a county or administrator would be aware such a report was submitted. To address this concern, the author proposes an amendment to specify that a confirmation notice provided by the Attorney General that such a report was submitted to their online portal is sufficient. This amendment is incorporated into the SUMMARY and discussed in the COMMENTS sections of this analysis.*

*This bill is sponsored by the Service Employees International Union (SEIU) California, End Child Poverty CA, and the Coalition of California Welfare Rights Organizations, Inc.. It is supported by a broad coalition of civil rights advocacy organizations and labor unions. It is opposed by one individual. This bill was previously heard by the Assembly Committee on Human Services where it was approved on a vote of 5-0.*

**SUMMARY:** Classifies a child or other member of a CalWORKS assistance unit that is unlawfully detained in a federal immigration detention facility as temporarily absent for purposes of receiving CalWORKS cash aid. Specifically, **this bill:**

- 1) Makes the following findings and declarations;
  - a) All children are precious, and their childhood is sacred and worth protection by the government;
  - b) Raids by the United States Immigration and Customs Enforcement (ICE) and military occupation have stolen the joy of childhood for countless children and replaced it with fear and danger;

- c) During the first Trump administration, family separations were pursued by taking children from their parents when they crossed the southern border, but this practice was stopped with litigation;
  - d) Now, under the second Trump administration, family separation is being deployed as a tactic to terrorize immigration communities across the country;
  - e) In 2025, ICE set a new record for how many children were taken into custody;
  - f) There have been several high-profile cases of citizen children and other children with legal status being unlawfully arrested and detained;
  - g) Here, in California, Benjamin Guerrero-Cruz, a student at Reseda Charter High School was detained by federal agents while walking his dog. He was held in ICE custody at the Adelanto Detention Center for over three months, causing him to miss the start of his senior year;
  - h) This is just one of the dozens of instances in California where children have been arrested and detained, some violently, some at gunpoint;
  - i) These children will forever be impacted by the violence of ICE arrests and detention. As California leaders work to find a resolution to these ICE raids, there are steps that California can take now to protect these youth and their families from economic harm as a result of childhood ICE detention;
  - j) California's CalWORKs program was established to protect the basic needs and lifetime opportunities of children in households that are impoverished;
  - k) Due to an existing program rule, a child's portion of the family's very small CalWORKS grant must be reduced if the child is placed in an institution, though there are exemptions to this rule for temporary absences as set forth in law.
- 2) States that it is the intent of the Legislature to extend statutory exemptions under the CalWORKS program in order to protect a family with an eligible child detained by ICE from losing portions of their basic needs grant as a result.
  - 3) Deems a child or other member of the assistance unit who is unlawfully detained in a federal immigration detention facility temporarily absent from the home for the duration of the detention for purposes of determining cash aid for CalWORKS.
  - 4) Deems a child or other member of the assistance unit as unlawfully detained in a federal immigration detention facility if a report of misconduct by federal agents is submitted to the California Attorney General. Specifies that a confirmation message from the Attorney General that the submission was received is sufficient to establish a report was submitted for purposes of this paragraph.
  - 5) Requires a county human services agency to inform and provide notice to an applicant or recipient household on how to submit a report of misconduct by federal agents to the California Attorney General upon request.

**EXISTING LAW:**

- 1) Establishes in state law the CalWORKs program to provide cash assistance and other social services for low-income families through Temporary Assistance for Needy Families (TANF). Under CalWORKs, each county provides assistance through a combination of state, county and federal TANF funds. (Welfare and Institutions Code Section 11200 *et seq.*)
- 2) Establishes income, asset, and real property limits used to determine eligibility for the CalWORKs program, and CalWORKs grant amounts, based on family size and county of residence. (Welfare and Institutions Code Sections 11150-11160, 11450 *et seq.*)
- 3) Requires a child who is a patient in a public or private hospital for medical or surgical care to be considered temporarily absent from the home for the duration of the hospital stay, for purposes of CalWORKs aid. (Welfare and Institutions Code Section 11269)
- 4) Establishes the Immigration and Nationality Act which provides guidance and procedures relating to federal immigration law. (8 U.S.C. Section 1101 *et. seq.*)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** California is home to nearly a quarter of the country's immigrant population, totaling approximately 10.6 million people across the state. This population consists of individuals from dozens of countries, with the most common countries of origin being Mexico, the Philippines, and China. As of the most recent data, 83% of California's immigrant population were naturalized citizens, or had some form of legal residency status. Nearly half of all children in California have at least one immigrant parent, either documented or undocumented. (Public Policy Institute of California, *Immigrants in California* available at: <https://www.ppic.org/publication/immigrants-in-california/>.)

The California Work Opportunity and Responsibility to Kids (CalWORKS) program provides temporary cash aid and support services to eligible families in California. Immigrant families or mixed-status families, where one or more members of the family have a distinct immigration status, may be eligible for CalWORKS aid. In order to be eligible, a recipient must be a U.S. citizen, a legal permanent resident, or otherwise have legal status in the United States.

Briefly, immigrants to the United States can have a range of immigration statuses. Individuals who enter the United States with prior authorization often come with either an immigrant visa (issued to individuals with intent to stay in the United States usually through an application filed by a family member or sponsored by an employer), or a non-immigrant visa (issued to individuals for temporary visits, such as a tourist, work, or student visa). Someone who enters with a valid visa, but stays beyond the date authorized, loses their lawful immigration status, and is considered undocumented. Many immigrants, whether undocumented or otherwise, may also obtain legal permanent residency, often referred to as a green card or LPR. After that point, an individual may opt to apply for citizenship, a process referred to as naturalization.

In the first year and four months of his second term, Donald Trump and his administration have carried out a "mass deportation" scheme with seemingly little to no care for whether those being detained were actually eligible for deportation or detention. In January of this year, the world was stunned by an image of a young boy in a blue bunny hat and a Spiderman backpack being detained by immigration officials. The boy, 5-year-old Liam Conejo Ramos, is an asylum-seeker

from Ecuador living in Minneapolis, Minnesota. In the midst of increased ICE raids throughout the city of Minneapolis, Liam was detained alongside his father, also an asylum-seeker. At the time of their detention, their asylum case was pending and both had lawful immigration status. (Rebecca Cohen et. al, *ICE detains 4 Minnesota students, including 5-year-old, school district says* (January 22, 2026) NBC News available at: <https://www.nbcnews.com/news/us-news/ice-detains-4-minnesota-students-5-year-old-school-district-says-rcna255366>.) Unfortunately, Liam's story is not unique. Across the country children and adults with lawful status or even citizenship have been detained by ICE and Customs and Border Patrol (CBP) agents with no apparent justification. According to the Deportation Data Project, the Trump administration quadrupled the overall number of arrests than had occurred during the Biden administration. (Graeme Blair and David Hausman, *Immigration Enforcement in the First Nine Months of the Second Trump Administration* (January 27, 2026) Deportation Data Project available at: <https://deportationdata.org/analysis/immigration-enforcement-first-nine-months-trump.html>.)

According to the Project's analysis, the administration's increased amount of street arrests helped bolster this increase, rather than relying on transfers from local jails and prisons. While there is no one source that can help shed light on how many of those arrested by the federal government were undocumented immigrants or immigrants with criminal convictions that could make them subject to deportation, the overwhelming amount of reporting from across the country detailing the detention and arrests of citizens, asylees, and other immigrants with lawful status tends to indicate that a devastatingly high percentage of those detentions and arrests were of individuals who had no basis for arrest.

***What constitutes an unlawful detention?*** Up until 2025, common practice was for the federal government to detain and deport immigrants that were transitioning out of jail or prison after a sentence for a conviction that made them eligible for deportation, or after an immigration judge ruled against them in an immigration proceeding such as an asylum claim. However, as previously discussed, this administration has focused on ramping up street arrests and in so doing have often swept up immigrants with citizenship or other lawful status. In September 2025, on appeal from the Ninth Circuit, the Supreme Court stayed a district court order preventing federal immigration officers from relying on any combination of four factors – “apparent race or ethnicity,” speaking in Spanish or accented English, presence at a location where undocumented immigrants ‘are known to gather,’ and working specific jobs such as landscaping or construction – to justify stops and detentions in Southern California. In his concurrence, Justice Kavanaugh relied on the Immigration and Nationality Act’s authorization to immigration officers to “interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States.” (8 U.S.C. Section 1357 (a)(1).) Justice Kavanaugh further reasoned:

“To be clear, apparent ethnicity alone cannot furnish reasonable suspicion; under this Court’s case law regarding immigration stops, however, it can be a ‘relevant factor’ when considered along with other salient factors. Under this Court’s precedents, not to mention common sense, those circumstances taken together can constitute at least reasonable suspicion of illegal presence in the United States. Importantly, reasonable suspicion means only that immigration officers may briefly stop the individual to inquire about immigration status. If the person is a U.S. citizen or otherwise lawfully in the United States, that individual will be free to go after the brief encounter. Only if the person is illegally in the United States may the stop lead to further immigration proceedings” (*Noem v. Perdomo* (2025) 164 S. Ct. 1, 3, internal citations omitted.)

In essence it appears the Supreme Court in *Perdomo* granted the federal administration the ability to profile individuals on the basis of racially-related factors to justify *brief* immigration stops, but that anything beyond a brief detention to ascertain someone's immigration status may very well be unlawful and would certainly be unlawful where the person detained has lawful status. In her dissent, Justice Sotomayor signals that she would have gone much further in the opposite direction:

“The Government, and now the concurrence, has all but declared that all Latinos, U.S. citizens or not, who work low wage jobs are fair game to be seized at any time, taken away from work, and held until they provide proof of their legal status to the agents' satisfaction. [...] The Fourth Amendment thus prohibits what the Government is attempting to do here: seize individuals based solely on a set of facts that ‘describe[s] a very large category of presumably innocent people [...] The Fourth Amendment protects every individual's constitutional right to be ‘free from arbitrary interference by law officers.’ After today, that may no longer be true for those who happen to look a certain way, speak a certain way, and appear to work a certain type of legitimate job that pays very little. Because this is unconscionably irreconcilable with our Nation's constitutional guarantees, I dissent.” (*Id* at 10 – 17.)

Unlawful or otherwise, immigration detentions can have debilitating impacts on whole families. If a CalWORKS-eligible family member, whether a child or parent, is detained for any amount of time, the amount provided by the program can decrease. When families are living paycheck to paycheck, even a relatively minor decrease in the amount of money flowing in to a home can impact the family's ability to buy groceries, pay for gas, or access medical care.

Recognizing the significant harm that can flow from these unlawful detentions, **this bill** would require the California Department of Social Services (CDSS) to consider the time during which a CalWORKS-eligible person is unlawfully detained in a federal immigration detention facility as a temporary absence from the home thus maintaining the family's CalWORKS award. The bill appears to cabin its application through its own specificity – the temporary absence would only apply where a detention is *unlawful* and results in a child or other member of the assistance unit being held in a federal immigration facility. Because recipients must be a citizen or an immigrant with some form of lawful status, the prolonged detention of any individual who receives CalWORKS is arguably more likely than not to be unlawful, even under Justice Kavanaugh's own reasoning. Moreover, it seems a reasonable policy for the state to err on the side of maintaining a CalWORKS amount, considering the substantial impact even a minor change in an award can have on a family.

**Author's amendments.** In response to Immigration and Customs Enforcement's immigration detention practices, the California Attorney General's office launched a website for any Californian to report misconduct by a federal agent. The new portal allows any person to submit a form detailing potentially unlawful activity in California by federal agents or personnel. After the report is submitted, the user receives a confirmation page with the following message:

“Thank you, your submission has been sent. A copy of your submission is shown below. Please use your browser's Print function to print this page for your records.”

As currently in print, this bill would require a person to be deemed temporarily absent “if a report of misconduct by federal agents is submitted to the California Attorney General.” This language does not clearly outline how a county human services agency would know that a report

has been submitted to the Attorney General's portal. To clarify this provision, the author proposes the following amendment to establish that the AG's confirmation page is sufficient evidence that can be shown to the county human services agency for purposes of establishing a temporary absence:

**11269.** (a) For the purposes of determining cash aid for CalWORKS, a child who is a patient in a public or private hospital for medical or surgical care shall be considered temporarily absent from the home for the duration of the hospital stay.

(b) (1) For the purposes of determining cash aid for CalWORKS, a child or other member of the assistance unit who is unlawfully detained in a federal immigration detention facility shall be considered temporarily absent from the home for the duration of the detention.

(2) (A) For purposes of this chapter, a child or other member of the assistance unit shall be deemed to be unlawfully detained in a federal immigration detention facility if a report of misconduct by federal agents is submitted to the California Attorney General. **A confirmation message from the Attorney General that the submission was received shall be sufficient to establish a report was submitted for purposes of this subparagraph.**

The California Welfare Fraud Investigators Association has submitted a position of support if amended. They contend that AB 1655 "is lacking in providing program integrity to protect the taxpayers money that funds CalWORKS from fraud. The State Legislature has a fiscal responsibility to spend the tax funds properly. A lack of program integrity in this Bill will allow fraud." As an initial matter, the execution of the CalWORKS program falls under the jurisdiction of the Committee on Human Services. Whether to require an additional attestation or self-certification form is well within the purview of the previous committee, and this committee's staff has no reason to second guess their determination to opt not to include such an amendment. However, it should be noted that AB 1655 does not create a new opportunity for individuals to apply for CalWORKS. Instead it only provides an avenue for reprieve for families *who have already been approved to receive CalWORKS*. Therefore, to the extent there is concerns of fraud within CalWORKS, this bill arguably has no impact on that issue, instead it just maintains the status quo.

***ARGUMENTS IN SUPPORT:*** This bill is sponsored by the Service Employees International Union (SEIU) California, End Child Poverty CA, and the Coalition of California Welfare Rights Organizations, Inc. It is supported by a broad coalition of civil rights advocacy organizations and labor unions. In support of the bill the sponsors submit:

CalWORKs is our bedrock safety net program serving 659,000 of our poorest children in families overwhelmingly led by Black and Latina mothers. CalWORKs families face deep discrimination and disenfranchisement from economic prosperity. CalWORKs is designed to protect children's basic needs when families are struggling financially. When a child is detained by ICE, families are thrown into crisis. Parents may miss work, face legal expenses, and struggle to locate or communicate with their child. During this time, the last thing a family should worry about is losing part of their CalWORKs grant. California already ranks as first in the nation for highest cost of living. Considering this, alongside skyrocketing grocery and gas prices, CalWORKs families cannot afford to lose a single dollar of cash assistance.

Research links economic sanctions that reduce cash assistance to CalWORKs households to deeper poverty and family separation. These economic penalties worsen racial and gender inequities, disproportionately harming families facing language barriers or domestic violence. By cutting vital support, economic sanctions increase the risk of homelessness and crisis for vulnerable youth and families.

Likewise, immigration detention and deportation separates families and creates detrimental economic hardships for the household. In addition to paying out of pocket for expensive legal fees, the sudden loss of income from a parent or caretaker puts children and families at risk of falling deeper into poverty, hunger, and homelessness. A 2020 study found that an immigration arrest costs households an average of \$24,151. This amount is beyond the annual salary families need to even qualify for CalWORKs, which is less than about 80% of the Federal Poverty Line (\$20,000 annually for a family of three in 2024). Studies have found that when a caretaker in the household is detained, the lack of affordable child care becomes an issue for the remaining caretaker, who then needs to pay for alternative, often more expensive, sources of childcare.

As of February 2026, California averaged 6,459 people in daily ICE detention, ranking fourth highest in the country according to TRAC Immigration. However, in the first nine months of 2025, ICE deported over 8,250 Californians, and when ICE raids surged between July and September of last year, an average of 1,520 Californians were being deported per month. In robust immigrant cities like Los Angeles, over 540 people were being arrested per week. The Marshall Project also found that there has been over a 6x rise in ICE detention of children under the Trump Administration.

The UC Merced Community and Labor Center found that during the 2025 spike in ICE raids across the state, there was a 4.9% decrease in people reporting for private sector work in California – rates similar to that of the Great Recession and COVID-19 pandemic. Out of fear that ICE agents will raid their places of work, immigrant workers are being forced to forsake the daily wages that they would otherwise be earning from their jobs. All things considered, the trauma of having a family member detained creates chronic stress and anxiety that directly increases an individual's own fear of deportation if they are also undocumented, and often adds to existing mental health issues.

Under current rules, when a household member is placed in an institution, the family's grant may be reduced. However, immigration detention is not explicitly addressed in statute, creating uncertainty and additional risk for families already experiencing trauma. By contrast, California regulations governing unemployment compensation recognize the harms of unlawful detention. Under Cal. Code Regs. Tit. 22, §§ 1253.1-1, claimants may remain eligible for benefits if their unemployment results from being unlawfully deprived of personal liberty by force or fear, provided they are not otherwise disqualified. Similar protections against unlawful detentions should be extended to children and families affected by immigration detention.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California State Council of Service Employees International Union (SEIU California) (co-sponsor)

California Coalition of California Welfare Rights Advocates (co-sponsor)  
End Child Poverty California Powered by Grace (co-sponsor)  
ACLU California Action  
California Association of Food Banks  
California Charter Schools Association  
California Immigrant Policy Center  
California Partnership to End Domestic Violence  
California Rural Legal Assistance Foundation, INC.  
California WIC Association  
CCWRO  
CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO  
Coalition of California Welfare Rights Organizations  
Communities United for Restorative Youth Justice (CURYJ)  
Community Legal Services in East Palo Alto  
Courage California  
Culver City Democratic Club  
Grace - End Child Poverty in California  
Santa Monica Democratic Club  
Southeast Asia Resource Action Center  
The Children's Partnership  
Western Center on Law & Poverty

**Opposition**

1 individual

**Analysis Prepared by:** Manuela Boucher-de la Cadena / JUD. / (916) 319-2334