

ASSEMBLY THIRD READING

AB 713 (Solache)

As Amended January 5, 2026

Majority vote

SUMMARY

Prohibits California public universities, beginning January 6, 2027, from disqualifying a student for employment due to their failure to provide proof of federal employment authorization.

Major Provisions

- 1) Prohibits the University of California (UC), the California State University (CSU), and the California Community Colleges (CCC) from disqualifying a student from being hired for an employment position due to their failure to provide proof of federal work authorization, except where:
 - a) Proof is required by federal law; and,
 - b) Proof is required as a condition of a grant that funds the particular employment position for which the student applied.
- 2) Specifies that, for the purposes of its provisions, the UC, CSU, and CCC must treat the prohibition on hiring undocumented noncitizens in the Immigration Reform and Control Act of 1986 (IRCA) as inapplicable because that provision does not apply to any branch of state government.
- 3) Specifies that, to the extent that any employment is considered a "benefit" for the purposes of federal law, the bill constitutes authorization by the state to provide that benefit to undocumented individuals pursuant to the exception in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).
- 4) Requires that the UC, CSU, and CCC implement its provisions by January 6, 2027.
- 5) Specifies that this bill applies to the UC, unless it is found to be inapplicable to the UC, in which case the bill shall apply only to the extent that the UC Regents make it applicable by an appropriate resolution.

COMMENTS

Background. The State has demonstrated a commitment to undocumented students by qualifying them for state aid programs that help make college more attainable. AB 540 (Firebaugh), Chapter 814, Statutes of 2001, and successor legislation has created a nonresident tuition exemption for certain students, including undocumented students, from paying nonresident tuition (higher than resident tuition) and/or allows them to apply and receive state aid at certain California public and private colleges. Since the enactment of AB 540, several legislative measures have modified or expanded eligibility for the exemption from nonresident tuition in order to better accommodate the diverse student population.

Existing employment challenges. On June 15, 2012, the U.S. Department of Homeland Security

(DHS) announced that it would not deport certain undocumented youth who came to the United States as children. Under a directive from the DHS secretary, these youth may be granted a type of temporary permission to stay in the U.S. called "deferred action." This program became called Deferred Action for Childhood Arrivals (DACA).

In September of 2017, DACA was rescinded, a decision that placed millions of Californians at risk of losing their protection from deportation and work authorization that allowed them to be employed. Since the rescinding of the program several federal courts have provided rulings that

have allowed current DACA recipients to continue to enroll in the program. These rulings have impacted current students, where multiple incoming classes have entered that are ineligible to receive DACA and work authorization. These students have limited access to career-relevant and sustainable work opportunities during college and after graduation. Additionally, many of these students do not qualify for critical social safety net programs like CalFresh.

According to CSAC's 2023 report *Renewing the Dream – Improving Financial Aid & College Affordability for California's Undocumented Students*, there are over 75,000 AB 540 students in the UC, CSU, and CCC and virtually none of them can rely on DACA for employment eligibility – a major change from the experience of similar students only a few years prior.

Prior legislation and concerns. AB 713 (Solache) is essentially identical to AB 2586 (Alvarez), of 2024, with only the implementation date being revised. AB 2586 (Alvarez) was vetoed by the Governor, who wrote that "...this bill prohibits California public universities from disqualifying a student from employment due to their failure to provide proof of federal employment authorization. California has a proud history of being at the forefront of expanding opportunities for undocumented students who seek to realize their higher education dreams. Including immigrant students in opportunities to succeed through higher education is also important for local communities and California's economy"

"Since 2001, when the California DREAM Act (AB 540) was signed into law, the state has continually broadened access to financial aid opportunities and other supports for students who call California home, regardless of their immigration status. While I am proud of these efforts, I am unfortunately unable to sign this legislation at this time. Given the gravity of the potential consequences of this bill, which include potential criminal and civil liability for state employees, it is critical that the courts address the legality of such a policy and the novel legal theory behind this legislation before proceeding. Seeking declaratory relief in court - an option available to the University of California - would provide such clarity."

California's higher education segments did not oppose AB 2586, but expressed concerns that included:

- 1) The exposure of undocumented students and their families to the possibility of criminal prosecution or deportation;
- 2) The possibility of employees involved in the hiring process like faculty, human resources, and legal professionals being subject to criminal or civil prosecution if they knowingly participate in practices deemed impermissible under federal law;

- 3) Civil fines, criminal penalties, or debarment from federal contracting if campuses were in violation of the Immigration Reform and Control Act (IRCA); and
- 4) The potential loss of billions of dollars in existing federal contracts and grants that are conditional on IRCA compliance.

Committee comments. California has continuously sought to increase equitable access to higher education with the hope of producing a more diverse workforce. While the provisions of the bill would expand job opportunities for undocumented collegiate students and potentially future workforce opportunities for undocumented graduates, a question remains as to the unintended consequences of employing undocumented students. The UC and CSU are currently being investigated by the Federal government, and – as noted in the background of the November 17, 2025 Assembly Higher Education Committee oversight hearing on the impact of the Federal Government on the future of higher education - both systems have disclosed employment records due to subpoenas. *The question remains as to whether these students have more protections on campus as students or if being employed changes the level of protection an institution can provide if action is taken by the Federal government.*

State statute encourages the establishment of Dream Resource Centers and requires that public higher education institutions designate an individual on campus who is knowledgeable in financial aid, social services, state-funded immigration legal services and other support services, to assist undocumented students. However, services on each campus vary and can range from having a designated center that is independent, sharing a space, and/or having a point of contact. This bill is silent on the issue of providing legal guidance to undocumented students. *Seemingly, support services are available to students, but if this is to be a precedent setting measure is it reasonable to place sole responsibility on students to actively seek them out prior to employment?*

It is unclear whether local community college districts can be considered state entities. There are specific requirements in existing law stipulating how community college districts are formed, which are determined by local county committees on school district organization.

According to the Author

According to the author, "California has a long-standing commitment to expanding access, affordability, equity, and student success in higher education. Since at least 2001, the Legislature has enacted multiple policies to support undocumented students, including eligibility for in-state tuition, access to state financial aid, loans, and grants. Despite these efforts, undocumented students continue to face significant financial and structural barriers that prevent them from fully accessing and completing higher education. One of the most significant barriers is the inability to access paid on-campus employment opportunities solely due to immigration status."

"While California law has progressively expanded educational access and labor protections for undocumented individuals, it has not clearly authorized public higher education institutions to employ undocumented students. As a result, campus employment policies have been shaped by uncertainty and overly broad interpretations of the federal Immigration Reform and Control Act of 1986 (IRCA). This uncertainty has led UC, CSU, and CCC campuses to exclude undocumented students from employment opportunities despite being state entities and despite the absence of clear federal restrictions on state hiring decisions. This issue causes serious issues for undocumented students who may only be able to pursue unsafe employment (including under the table work)."

"State hiring is an area of traditional state control, and Congress must be 'unmistakably clear' when it intends to regulate state employment decisions. IRCA does not explicitly state that it governs a state's own hiring practices when acting as an employer. Nevertheless, without explicit statutory direction, California's higher education systems have continued to deny employment opportunities to undocumented students out of legal caution. Legislative action is therefore necessary to clarify state authority, ensure consistency across segments, and align campus employment practices with California's broader higher education and equity policies."

Arguments in Support

The UC Student Association wrote that "Currently, many students are not eligible for employment due to their immigration status, preventing them from filling vacancies on campuses and strengthening their professional experiences while enriching our public higher education institutions with diverse talent through student workers. We believe that this legislation is consistent with the state's commitment to provide equitable access for students regardless of their background, in order to promote college affordability and career preparation for all students. However, undocumented students continue to be blocked from essential opportunities, with thousands of students in California unjustly barred from obtaining paid jobs on campus—including experiential jobs and paid opportunities needed for their degrees."

They continued that "legal scholars have identified that the federal prohibition on hiring undocumented people (the Immigration Reform and Control Act of 1986 (IRCA) does not apply to state governments when they act as employers, such as California's higher education systems, which means that the UC, CSU, and CCCs can authorize the hiring of undocumented students. Moreover, in August 2025, a California Court of Appeals unanimously ruled that the University of California's policy denying educational employment opportunities to undocumented students is discriminatory, reaffirmed in October 2025 by the California Supreme Court, opening the door for California to pass AB 713 and remedy this discriminatory practice. Amidst ongoing federal attacks on our immigrant communities, California must remain steadfast in its commitment to advance dignity and justice for all Californians. By passing AB 713, California will continue to serve as a model."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) Significant General Fund cost exposure, potentially in the tens of millions to hundreds of millions of dollars, to the extent this bill results in litigation and a legal judgement implicating one or all of California's public colleges and universities regarding federal work authorization requirements.
- 2) One-time Proposition 98 General Fund costs likely between \$936,000 and \$1.6 million for 72 community college districts to update policies and procedures regarding the hiring of undocumented workers and ensure compliance with other state and federal laws.
- 3) One-time General Fund costs likely in the hundreds of thousands to low millions of dollars for the UC Office of the President, CSU Chancellor's Office, and Community Colleges

Chancellor's Office to develop regulations and issue guidance and for individual UC and CSU campuses to update policies and procedures.

VOTES**ASM HIGHER EDUCATION: 6-3-1**

YES: Fong, Boerner, Jackson, Muratsuchi, Ahrens, Sharp-Collins

NO: DeMaio, Jeff Gonzalez, Tangipa

ABS, ABST OR NV: Patel

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Stefani, Calderon, Caloza, Fong, Mark González, Krell, Bauer-Kahan, Pacheco, Pellerin, Solache

NO: Hoover, Dixon, Ta, Tangipa

UPDATED

VERSION: January 5, 2026

CONSULTANT: Kevin J. Powers / HIGHER ED. / (916) 319-3960

FN: 0002247