

CONCURRENCE IN SENATE AMENDMENTS

AB 713 (Solache)

As Amended August 13, 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.

Senate Amendments

Amendments taken in the Senate add co-authors to the measure.

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In September of 2017, DACA was rescinded, a decision that placed millions of Californians at risk of losing their protection from deportation and work authorization that allowed them to be employed.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 California Student Aid Commission's (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 University of California (UC), California State University (CSU), and California Community College (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.

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."

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.

Guidance for students? 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.

Additionally, in acknowledging the complexities undocumented students face and in recognizing the importance of sound legal advice, the state in the 2018-2019 Budget Act has allocated funds to support the provision of immigration legal services for students and staff at UC, CSU, or CCC campuses. In subsequent years, the CSU (\$7 million) and CCCs (\$10 million) received ongoing general fund allocations, but it is not clear if the UC's allocation was ongoing or one-time. It is important to recognize that each student's situation leading to undocumented status is individual, and any decision to pursue employment as an undocumented student should be made with appropriate guidance.

The Legislature has approved numerous measures to guide student decision-making through degree completion. This includes ensuring that students make informed academic and financial decisions that result in them achieving their academic goals. 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?

Arguments in Support

According to the California Immigrant Policy Center, which is a co-source of this bill:

Currently, many students are not eligible for student employment opportunities solely due to their immigration status. This prevents these students from filling vacancies on campuses, and enriching both themselves and our public higher education institutions. We believe that this legislation is consistent with the state's commitment to advance access, affordability, equity, and success for all students. However, despite that commitment, undocumented students continue to be blocked from essential opportunities. Currently, thousands of students in California are unjustly barred from obtaining paying jobs on campus—including experiential jobs and jobs needed to complete their degrees.

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, like California's higher education systems. This means that the University of California, California State University, and California Community Colleges can authorize the hiring of all their 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. In October 2025, the California Supreme Court affirmed the lower court's ruling. This ruling clearly opens the door for California to pass AB 713 and remedy this discriminatory practice.

Amidst ongoing federal attacks on our immigrant communities, including students, California must remain steadfast in its commitment to advance dignity and justice for all Californians. By passing AB 713, California will once again serve as a model for the rest of the nation in our ability to truly provide support to our undocumented students. We strongly urge your support on AB 713.

Arguments in Opposition

The SFV Alliance wrote a letter of opposition, arguing that public funds derived from taxes and fees should first be directed toward benefits for US citizens and lawfully present immigrants. The letter acknowledges that the bill would likely comply with federal law, allowing states to extend eligibility for state and local public benefits to individuals not lawfully present through affirmative state legislation enacted after August 22, 1996. Nevertheless, the Alliance argues that allowing undocumented students to be hired as college employees is inconsistent with the purpose of federal immigration law.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The University of California estimates unknown but potentially significant litigation costs, to the extent this bill results in litigation and a legal judgment implicating federal work authorization requirements. There would also be one-time General Fund implementation costs in the mid-hundreds of thousands of dollars to develop systemwide regulations, update internal HR policies, and retrain hiring personnel.
- 2) The Chancellor's Office estimates one-time Proposition 98 General Fund costs of between \$936,000 and \$1.6 million for the 72 community college districts to update policies and procedures regarding the hiring of undocumented workers and ensure compliance with other state and federal laws (such as income taxes). The Chancellor's Office also estimates one-time General Fund costs of \$25,000 to \$65,000 to develop Title 5 regulations and issue guidance.
- 3) The California State University (CSU) estimates General Fund costs in the hundreds of thousands of dollars to update CSU policies and provide guidance to campuses. Additionally, the CSU anticipates the bill is likely to be challenged in court which could result in significant but unknown legal costs.
- 4) The Department of Justice does not anticipate significant costs resulting from this bill.

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

ASSEMBLY FLOOR: 54-14-12

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

NO: Castillo, Chen, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Johnson, Macedo, Patterson, Sanchez, Ta, Tangipa

ABS, ABST OR NV: Alanis, Arambula, Davies, Flora, Gipson, Hoover, Lackey, Patel, Ransom, Celeste Rodriguez, Valencia, Wallis

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