

Date of Hearing: July 1, 2025

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

SB 307 (Cervantes) – As Amended June 26, 2025

SENATE VOTE: 30-3

SUBJECT: PUBLIC POSTSECONDARY EDUCATION: IMMIGRATION ENFORCEMENT

KEY ISSUE: SHOULD PUBLIC COLLEGES AND UNIVERSITIES BE REQUIRED TO IMPLEMENT POLICIES RELATED TO ENSURING CONTINUED ACCESS TO EDUCATION FOR STUDENTS WHO MAY BE SUBJECT TO IMMIGRATION ENFORCEMENT ACTIVITY?

SYNOPSIS

The Legislature has an extensive history of promoting immigrant and undocumented students' access to institutions of higher education. These measures include AB 540 (Firebaugh) Chap. 814, Stats. 2001, which allowed eligible undocumented students living in California to access in-state tuition, AB 131 (Cedillo) Chap. 604, Stats. 2011, which granted undocumented students access to state-based financial aid, and AB 1645 (Rubio) Chap. 788, Stats. 2019, which established the Dream Resource centers within the California State University and University of California systems. These centers are located on campuses throughout the state to provide resources to help ensure continuity of education and numerous other forms of support to students from mixed-status families or who may be undocumented themselves. Since the inauguration in January of this year, the new presidential administration has implemented sweeping changes to federal immigration policies. These changes have triggered significant fear in immigrant communities, including over their continued access to higher education. In light of these concerns, this bill proposes a number of policies that would be required of the California State University (CSU) system and requested of the University of California (UC) to ensure that students continue to retain access to their classes, tuition status, and other such policies intended to promote their ability to access education.

This bill is sponsored by the California Faculty Association (CFA). It is further supported by the California Charter Schools Association, the California State Council of Service Employees International Union (SEIU), the California Undocumented Higher Education Coalition, and the California Federation of Teachers (CFT). This bill was previously heard by the Assembly Committee on Higher Education where it was approved on a vote of 7-2.

SUMMARY: Requires the Trustees of the California State University system and requests that the Regents of the University of the California implement new policies related to continuing access to their educational programs by students who may be subject to immigration enforcement activity. Specifically, **this bill:**

- 1) Defines “institution” as a California State University or a University of California campus.
- 2) Requires the Trustees of the California State University, and request of the Regents of the University of California, to, in addition with complying with specified existing law, do all of the following:

- a) In the event that an undocumented student is subject to immigration enforcement activity, ensure that the undocumented student's inability to satisfy the student's academic requirements at the institution due to immigration enforcement activity does not affect the student's qualification for the exemption from paying nonresident tuition;
- b) Ensure that staff and the designated Dreamer Resource Liaison at the institution assist undocumented students in accessing all financial aid and academic resources available to undocumented students;
- c) Adopt a systemwide policy addressing course grades, administrative withdrawal, and reenrollment for undocumented students who are unable to attend their courses by the final drop date due to immigration enforcement activity. Requires the systemwide policy to include a timeframe during which a student withdrawn for nonattendance is reenrolled and retains the same academic status they held before their withdrawal, upon submitting written confirmation of their intent to return to the institution.

EXISTING LAW:

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC, and grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods and services. (Cal. Const., Art. IX, Sec. (9) (a).)
- 2) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees. (Education Code Sections 66606, 89500 *et seq.*)
- 3) Requires the Trustees of the CSU, the governing board of each community college district, each independent institution of higher education that is Cal-grant eligible, and requests the Regents of the UC, to take various actions relating to immigration enforcement on campus and students' immigration-related personal information to the fullest extent consistent with state and federal law. (Education Code Section 66093.3.)
- 4) Prohibits law enforcement agencies from using agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, place peace officers under the supervision of federal agencies, use immigration authorities as interpreters for law enforcement matters, transfer an individual to immigration authorities unless authorized by a judicial warrant, provide office space exclusively dedicated to immigration authorities, and contract with the federal government for the use of law enforcement agency facilities to house individuals as federal detainees for the purposes of civil immigration custody, as specified. (Government Code Section 7284.6. Unless otherwise noted all further statutory references are to the Government Code.)
- 5) Requires the Attorney General, by April 1, 2018, and in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at various public institutions, including public schools to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all

California residents, regardless of immigration status. Requires all public schools to implement the Attorney General's model policy, or an equivalent. Encourages the University of California, to adopt the model policy. (Section 7284.8.)

- 6) Defines "public schools" to include all elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the CSU, and California Community Colleges. (Section 7284.4 (j).)

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

COMMENTS: In June of 2012, then-President Barack Obama implemented the Deferred Action for Childhood Arrivals (DACA) policy. The "deferred action" in DACA refers to the United States Citizenship and Immigration Services' (USCIS) discretionary determination to postpone (defer) an individual's deportation. Recipients became known as "Dreamers" or DACA-mented. An undocumented immigrant could qualify for DACA so long as they met certain age and residency requirements and are currently enrolled in school, have graduated from high school or obtained a GED, or were honorably discharged from military service, and do not have specific criminal convictions. (U.S. Citizenship and Immigration Services *Consideration of Deferred Action for Childhood Arrivals (DACA)* accessed June 26, 2025 available at: <https://www.uscis.gov/DACA>.) Once approved, an applicant's DACA status is valid for a 2-year period at which point Dreamers must submit a renewal.

In addition to conferring temporary protection from deportation, DACA also provided a number of benefits to recipients, including work authorization. For many, DACA opened the door to economic stability, helping them achieve lofty goals and support not just themselves but their families and communities as well. There are approximately 538,000 DACA recipients in the United States currently, with nearly a third of them living in California. (Kaiser Family Foundation, *Key Facts on Deferred Action for Childhood Arrivals (DACA)* February 11, 2025 available at: Key Facts on Deferred Action for <https://www.kff.org/racial-equity-and-health-policy/fact-sheet/key-facts-on-deferred-action-for-childhood-arrivals-daca/> Arrivals (DACA) | KFF.) While ongoing litigation has paused new applications to the program, existing DACA recipients are still able to submit requests for renewals.

Existing law includes a number of statutory schemes intended to facilitate immigrant students' access to higher education, particularly for DACA recipients. AB 540 (Firebaugh) Chap. 814, Stats. 2001, allowed eligible undocumented students living in California to access in-state tuition. AB 131 (Cedillo) Chap. 604, Stats. 2011, granted undocumented students access to state-based financial aid. In 2019, Governor Newsom signed AB 1645 (Rubio) Chap. 788, Stats. 2019, which established the Dream Resource centers within the California State University and University of California systems. These centers are located on campuses throughout the state to provide resources to help ensure continuity of education and numerous other forms of support to students from mixed-status families or who may be undocumented themselves.

In addition to promoting immigrant and undocumented students' access to higher education, the California Legislature has taken steps to limit the state's collaboration with immigration enforcement activity, most notably through passage of SB 54 (De Leon) Chap. 495, Stats. 2017, which limited the use of state and local resources for the purposes of immigration enforcement. The Trump administration challenged SB 54 in court arguing it was preempted by federal law, but in 2019 the Ninth Circuit ruled against the administration. The court argued that because federal immigration law is silent on the role of state or local governments in immigration

enforcement, and SB 54 was focused on *state and local* agencies, the law was not preempted. In particular they stated “SB 54 does not directly conflict with any obligations that the INA or other federal statutes impose on state or local governments, because federal law does not actually mandate any state action[.]” (*United States v. California* (2019) 921 F.3d 865, 887.) The administration appealed the Ninth Circuit ruling, but the Supreme Court denied the request, leaving the decision untouched.

In addition to imposing restrictions on the use of state and local resources for the purposes of immigration enforcement, SB 54 also established Government Code Section 7284.8, which directs the AG to develop model policies for various public institutions to limit their assistance with immigration enforcement. As of this date, the AG provides these model policies for public institutions including schools and colleges.

The “sensitive locations” memo. Since at least 2007, Immigrations and Customs Enforcement (ICE) had considered schools to be among the “sensitive locations” where immigration enforcement actions were limited, and sharply restricted ICE activity at or surrounding schools to only be allowed under exigent circumstances. The Biden administration reiterated that restriction in a 2021 memo that directed “[t]o the fullest extent possible, [ICE and CBP] should not take enforcement action in or near a location that would restrain people’s access to essential services or engagement in essential activities. Such a location is referred to as a ‘protected area.’” The memo went on to describe a number of protected areas, including “a school, such as a pre-school, primary or secondary school, vocational or trade school, or college or university.” In justifying the directive, the memo stated the “need to consider the fact that an enforcement action taken near – and not necessarily in—the protected area can have the same restraining impact on an individual’s access to the protected area itself. [...] The fundamental question is whether our enforcement action would restrain people from accessing the protected area to receive essential services or engage in essential activities.” (U.S. Department of Homeland Security, *Guidelines for Enforcement Actions in or Near Protected Areas*, October 27, 2021 available at: <https://www.dhs.gov/sites/default/files/2022-06/ICE%20-%20Immigration%20Enforcement%20at%20Sensitive%20Locations.pdf>.)

On January 21, 2025, Acting Department of Homeland Security (DHS) Secretary Benjamine Huffman rescinded the Biden directive stating that it “thwart[ed] law enforcement in or near so-called ‘sensitive’ areas.” (U.S. Department of Homeland Security, *Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole*, January 21, 2025 available at: <https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse>.) On January 31, 2025, DHS issued a new directive stating they were “not issuing rules regarding where immigration laws are permitted to be enforced. Instead [...] the ICE Director charges Assistant Field Office Directors and Assistant Special Agents in Charge with responsibility for making case-by-case determinations regarding whether, where and when to conduct an immigration enforcement action in or near a protected area.” (U.S. Department of Homeland Security, *ICE Directive Common Sense Enforcement Actions in or Near Protected Areas*, January 31, 2025 available at: <https://www.ice.gov/about-ice/ero/protected-areas>.) In March, the Department issued yet another directive, reverting back to the 2021 policy only in relation to places of worship. (U.S. Department of Homeland Security, *Enforcement Actions in or Near Places of Worship – Injunction*, March 2025 available at: <https://www.ice.gov/about-ice/ero/protected-areas>.)

In sum, the last three months have seen administrative whiplash on the issue of immigration enforcement actions in and around sensitive areas, including schools. The result is an understandably heightened level of anxiety and fear within immigrant communities about the threat of ICE activity and the safety of accessing otherwise typical areas of everyday life.

According to the author:

In California, a significant number of undocumented college students face formidable obstacles due to their ineligibility for DACA, creating a complex web of challenges for both the students themselves and the institutions they attend. These challenges encompass not only employment and access to financial aid but also the constant threat of deportation, which looms over their educational aspirations. It is estimated that around 17,000 individuals in California are excluded from DACA because of decisions made during the Trump administration and various court rulings. Furthermore, nearly 100,000 Californians are ineligible for other reasons, adding to the complexity of their situation. With approximately 83,000 undocumented college students, California is home to the largest population of its kind in the United States. This demographic represents a vibrant and diverse cohort of young individuals eager to pursue their dreams yet hindered by their status. Recognizing their potential, our higher education systems must go beyond merely designating specific spaces and personnel to support undocumented youth. It is imperative that they establish comprehensive policies that not only facilitate support but also provide tangible resources for Dreamer Resource Liaisons. These resources should encompass well-structured plans and Page 4 of 6 navigational tools aimed at empowering students to chart a successful course for their futures, ensuring that they receive the guidance and assistance necessary to thrive despite the obstacles they face. SB 307 seeks to empower our universities to implement comprehensive support systems for undocumented students, ensuring they receive not only legal assistance but also proactive measures that prioritize their educational journey. This legislation encourages institutions to develop tailored strategies and policies that facilitate the continuation of higher education for these students, safeguarding against potential disruptions. In an environment where the current federal administration has committed to mass deportations, undocumented students face an urgent threat to their stability and safety. While all undocumented individuals are at risk, those without DACA face an even greater vulnerability. Therefore, it is imperative that we take definitive and preemptive actions to shield undocumented students from the fluctuating immigration policies that may jeopardize their academic pursuits and the relentless efforts they have invested in their education. By fostering a supportive and secure educational environment, we can help ensure that these students can thrive and achieve their dreams despite the challenges they encounter.

This bill takes another step in the Legislature's extensive history of supporting undocumented and immigrant students in the state's public institutions of higher education by requiring the CSU's and requesting that the UC's implement new policies related to students who may face immigration enforcement activity.

First, in the event an undocumented student is subject to immigration enforcement activity, the institutions must ensure that the student's absence or inability to satisfy academic requirements due to the immigration enforcement activity does not affect their qualification for the exemption from paying nonresident tuition, so long as they otherwise meet the specified requirements.

Second, the staff and the designated Dreamer Resource Liaison at the institution are to assist undocumented students in accessing all financial aid and academic resources available to them.

Finally, the bill requires the CSUs and requests that the UC adopt a systemwide policy of addressing various administrative procedures, such as course grades and administrative withdrawal, for students who are unable to attend class by the final drop date due to being unavailable as a result of immigration enforcement activity.

While any bill proposing immigration-related policies raises the risk of preemption concerns, in order to run afoul of federal law a bill would generally need to either directly conflict with or substantially frustrate the federal policy. This bill does not seem to do either of those things. Instead, the bill would result in implementation of policies within the jurisdiction of the public universities to provide specific services to undocumented and DACA students. None of the considered policies would touch on matters of federal law, and thus there does not appear to be serious preemption concerns triggered by the proposed statute.

Taken together, this bill proposes three new policies for the state's two largest public university and college systems to further support the student population who faces renewed risks to their education. As previously discussed, the Legislature has an extensive history of promoting undocumented students' access to higher education. In light of new federal policies that appear to increase the likelihood that this already vulnerable population may face obstacles to the state's colleges and universities, it seems reasonable to ensure continuity of access.

ARGUMENTS IN SUPPORT: This bill is sponsored by the California Faculty Association (CFA). It is further supported by the California Charter Schools Association, the California State Council of Service Employees International Union (SEIU), the California Undocumented Higher Education Coalition, and the California Federation of Teachers (CFT). In support of the bill, CFA submits:

This bill would mandate the CSU and request the UC to protect academic and financial aid eligibility for undocumented students who are detained, deported, or otherwise are unable to attend school due to actions undertaken by immigration authorities. These protections include maintaining eligibility for in-state tuition, as well as requiring the development of uniform, system-wide policies that would allow impacted students to re-enroll at their respective higher education institutions and retain their previous academic status when they are withdrawn by their institutions for non-attendance due to actions undertaken by immigration authorities.

California is home to the largest number of undocumented students enrolled in higher education, at 87,000 students, and every year, approximately 27,000 undocumented students graduate from our high schools. Earlier this year, the Trump Administration rescinded existing U.S. Department of Homeland Security guidance on immigration enforcement in or near certain "protected areas." The protected areas policy suggested that immigration enforcement actions by U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) be limited in or near locations providing essential services to individuals, including schools and colleges.

This situation has raised the likelihood that undocumented students in California may encounter actions from immigration authorities, such as detention or deportation. The emotional and educational impact of these actions can be profound, not only for the students

themselves but also for their families. If a student is detained or deported, they are abruptly removed from their academic environment, making it impossible for them to attend classes, participate in extracurricular activities, or maintain their relationships with peers and educators. Such an abrupt disruption can severely affect their academic progress, leading to a decline in their grades and a potential loss of scholarships and financial aid. Furthermore, if these students are unable to maintain their academic standing due to their absence, they risk losing eligibility for in-state tuition, adding further financial strain to an already challenging situation.

The ripple effects of detention or deportation can create long-lasting barriers to educational attainment and future opportunities.

Senate Bill 307 seeks to require institutions to develop tailored strategies and policies that address the unique challenges of all undocumented students by establishing comprehensive support systems specifically designed for undocumented students. This important legislation ensures these students receive not only crucial legal assistance but also proactive measures that prioritize their educational journey, helping them navigate the complexities they face in higher education. Recognizing the changing landscape of this population, as the number of DACA recipients declines and new groups of undocumented students emerge, we must adapt our approach to meet their needs.

In a climate where the current federal administration is pursuing mass deportations, undocumented students are facing significant challenges to their stability and well-being. While all undocumented individuals are affected, those without DACA (Deferred Action for Childhood Arrivals) status are especially at risk. By creating a nurturing and secure educational environment, we can help ensure that these students are able to flourish and reach their aspirations despite the obstacles they may encounter.

REGISTERED SUPPORT / OPPOSITION:

Support

California Faculty Association (CFA) (sponsor)
California Charter Schools Association
California State Council of Service Employees International Union
California Undocumented Higher Education Coalition
CFT - a Union of Educators & Classified Professionals, AFT, AFL-CIO
SEIU California

Opposition

None on file

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