



OFFICE OF THE PRESIDENT

MICHAEL REESE

Interim Senior Vice President, External Relations and Communications

Office of State Governmental Relations

1130 K Street, Suite 280

Sacramento, California 95814

(916) 445-9924

Kathleen Fullerton, Associate Vice President & Director

April 3, 2024

The Honorable Mike Fong
Chair, Assembly Higher Education Committee
1020 N Street, Room 173
Sacramento, CA 95814

RE: AB 2586 (Alvarez), as amended on April 1, 2024
Scheduled for hearing in the Assembly Higher Education Committee on April 9, 2024
Position: CONCERN

Dear Chair Fong,

The University of California has a long history of supporting undocumented students by advocating for and enacting numerous programs and policies that assist them in achieving their educational goals. For example, the University has campus-based support centers, provides access to legal services, and supplies financial aid to students not eligible for federal loans (Dream Loan Program). The University also continues to advocate for state and federal policies that bring in additional resources and funding for undocumented students.

The aim of AB 2586 is to address employment opportunities for undocumented students in higher education. This is a critically important issue to the University and President Michael Drake has stated his public support for finding a robust legal path to do so. Last year, a working group of the Regents of the University of California studied this issue and sought a legal path forward. However, after receiving advice from both inside and outside legal counsel, we concluded that there were considerable risks for the University and the students we aim to support. This led the Regents to postpone further action until next year while we continue to examine ways to expand undocumented students' access to equitable educational experiences.

While the University supports the author's aim to provide equitable student employment opportunities, there are outstanding concerns about AB 2586 and how to implement such a policy. Those concerns include:

- The exposure of our undocumented students and their families to the possibility of criminal prosecution or deportation;
- The possibility of employees involved in the hiring process (i.e., faculty, human resources, and legal professionals) being subject to criminal or civil prosecution if they knowingly participate in practices deemed impermissible under federal law;
- Civil fines, criminal penalties, or debarment from federal contracting if the University is in violation of the Immigration Reform and Control Act (IRCA); and
- The potential loss of billions of dollars in existing federal contracts and grants that are conditional on IRCA compliance.

Unfortunately, AB 2586 does not protect our undocumented students or employees from prosecution, nor does it protect the University from the risk of potentially losing billions in federal dollars.

While the University is not opposed to AB 2586, or the goal to provide employment opportunities to undocumented students, we share the concerns above because we would welcome working with the author and Legislature on other legal options to support these students.

The Honorable Mike Fong

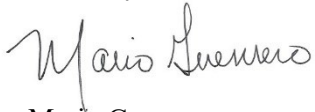
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In the meantime, the University is rolling out a new fellowship program that will provide experiential learning opportunities and financial support to undocumented students, and we would be pleased to share additional details on this exciting effort.

Thank you for your consideration. If you have any questions about the University's concerns regarding AB 2586, please contact me at 916-445-5579.

Sincerely,

A handwritten signature in cursive script that reads "Mario Guerrero".

Mario Guerrero
Legislative Director

cc: Vice Chair and Members, Assembly Higher Education
Assemblymember David Alvarez
President Michael Drake