

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

SB 452 (Gonzalez)
Version: April 19, 2021
Hearing Date: April 27, 2021
Fiscal: Yes
Urgency: No
MEC

SUBJECT

State government: Immigrant and Refugee Affairs Agency: Office of Immigrant and
Refugee Affairs

DIGEST

This bill creates the Immigrant and Refugee Affairs Agency.

EXECUTIVE SUMMARY

Between 10.5 and 11 million undocumented immigrants live in the United States, with approximately one quarter living in California. These immigrants are an integral part of California, and the country's, communities, families, and economies. Yet the federal government has not passed comprehensive immigration reform in 30 years, leaving many undocumented Californians with no path to citizenship. Without such a path, California's undocumented immigrants are at a high risk of exploitation and unlawful treatment in housing, jobs, and society at large.

The Legislature has taken many actions to support immigrants and refugees in California. Consequently there are currently numerous programs throughout various state agencies that effect immigrants and refugees. Currently there is no entity or person tasked with ensuring that these programs work in a coordinated fashion.

This bill creates the Immigrant and Refugee Affairs Agency (Agency) and specifies the duties and responsibilities of the Agency. The duties include establishing a permanent structure within the state to service immigrants and to assist other state agencies in effectively providing services to immigrants.

This bill is sponsored by the Coalition for Humane Immigrant Rights Los Angeles. It is supported by numerous organizations that uplift immigrants and has no known opposition. The bill passed out of the Senate Committee on Governmental Organizations on a 9 to 3 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Declares that immigrants are valuable and essential members of the California community and points out that almost one in three Californians is foreign-born and one in two children in California has at least one immigrant parent. (Gov. Code § 7284.2(a).)
- 2) Designates eight agencies in state government and requires the secretary of an agency to be generally responsible for the sound fiscal management of each department, office, or other unit within the agency. (Gov. Code § 12800 (a).)
- 3) Requires the secretary of an agency to, among other duties, continually seek to improve the organization structure, the operating policies, and the management of information systems of each department, office, or other unit. (Gov. Code § 12800 (b).)
- 4) Establishes the position of Statewide Director of Immigrant Integration, appointed by the Governor, to serve as the statewide lead for the planning and coordination of immigrant services and policies in California. (Gov. Code § 65050.)
- 5) Requires the Statewide Director of Immigrant Integration to develop a comprehensive statewide report on programs and services that serve immigrants, develop an online clearinghouse of immigrant services, resources, and programs, and monitor the implementation of statewide laws and regulations that service immigrants. (Gov. Code § 65050.)

This bill:

- 1) Establishes the Immigrant and Refugee Affairs Agency (Agency) as an agency within state government, to be headed by a secretary who is appointed by the Governor subject to Senate confirmation.
- 2) Authorizes the Governor to appoint two chief deputy secretaries of the Agency, subject to Senate confirmation, who shall hold office at the pleasure of the secretary.
- 3) Specifies that the Agency's purpose is to reduce obstacles and enhance immigrant integration into the social, cultural, economic, and civic life of the state.
- 4) Defines "immigrant integration" and makes findings and declarations regarding immigrant integration.

- 5) Provides that the Secretary may, among other things, coordinate with local immigrant affairs offices to streamline services and maximize their impact, create a clearinghouse of information and referral systems for services available to immigrants, and make policy recommendations to the Governor and Legislature.
- 6) Establishes the Office within the Agency, under the direction of the Statewide Director of Immigrant and Refugee Integration.
- 7) Establishes the duties and responsibilities of the Office which includes, among other duties, establishing a permanent structure within the state to serve immigrants and refugees, assisting other state agencies in evaluating their programs for accessibility and effectiveness in providing services to immigrants and refugees, coordinating integration efforts among state agencies, and recommending policy and budget mechanisms for meeting immigrant and refugee integration goals.
- 8) Transfers functions relating to immigrants and refugees to the Office and declares the intent to incorporate existing and future programs created to assist immigrants and refugees into the Office.
- 9) Transfers the unencumbered balance of any appropriation and any other funds that are available for use in connection with any function transferred to the Office, as specified.
- 10) Transfers the property of any office, agency, or department that relates to functions transferred to the office by these provisions, as specified.
- 11) Provides that every officer and employee who is serving in the state civil service, as provided, and who is transferred to the Office, shall retain their status, position, and rights.
- 12) Creates the Immigrant and Refugee Integration Fund (Fund) within the state treasury, and would make the moneys available in the Fund to the Office, upon appropriation by the Legislature, for expenditure by the Office to defray expenses for administering the provisions of this bill.
- 13) Protects the personal information of immigrants and refugees that the Agency attains under this bill.
- 14) Requires the Agency to adhere to data protection laws in order to protect information about immigrants and refugees.
- 15) Provides that the Agency shall not use any Agency resources to participate or assist in immigration enforcement activity.

- 16) Recasts current provisions in state law that establish the Statewide Director of Immigrant Integration and renames the director as the Statewide Director of Immigrant and Refugee Integration.
- 17) Places the Statewide Director of Immigrant and Refugee Integration in charge of the Office, and requires the Director to report to the Governor and the Legislature on programs and services that serve immigrants and refugees by January 1, 2023, and requires the Director to provide a statewide plan for better implementation and coordination of immigrant and refugee assistance policies and programs.
- 18) Requires the Director to incorporate refugee services, resources, and programs into the online clearinghouse by January 1, 2023, and requires the Director to monitor statewide laws and regulations that service refugees, in addition to immigrants.
- 19) Provides that the provisions of this bill sunset on January 1, 2029.

COMMENTS

1. Immigrants are Integral to California

The United States has more immigrants than any other country in the world: nearly 45 million people living in the U.S., or 13.7 percent of the population, were born in another country.¹ Approximately one quarter, or 10.5 million, of those immigrants are undocumented.² California has the largest immigration population in the country, with approximately 10.7 million residents born outside the U.S.³ Recent estimates suggest that less than a quarter, or 2.2 million, of those immigrants are here without documentation.⁴ Although many undocumented immigrants who work pay state, federal, and Social Security taxes, undocumented immigrants – including DACA recipients – are generally ineligible for most federal benefits.⁵

Simply put, California would cease to function without its undocumented immigrant residents – a reality made even more stark by the COVID-19 crisis. Approximately 78 percent of employed undocumented workers work in sectors designated as “essential” or “critical” as defined by the Department of Homeland Security (DHS) Cybersecurity

¹ Budiman, *Key findings about U.S. immigration*, Pew Research Center (Aug. 20, 2020), <https://www.pewresearch.org/fact-tank/2020/08/20/key-findings-about-u-s-immigrants/> [last visited Mar. 20, 2021].

² *Ibid.*

³ *Ibid.*

⁴ Pew Research Center, *U.S. unauthorized immigrant population estimates* (Feb. 5, 2019), <https://www.pewresearch.org/hispanic/interactives/u-s-unauthorized-immigrants-by-state/> [last visited Mar. 20, 2021].

⁵ National Immigration Forum, *Fact Sheet: Immigrants and Public Benefits* (Aug. 21, 2018), <https://immigrationforum.org/article/fact-sheet-immigrants-and-public-benefits/> [last visited Mar. 20, 2021].

and Infrastructure Agency.⁶ According to the American Immigrant Council, immigrants account for over one-quarter of California's population. In addition, nearly one in four residents is a native-born U.S. citizen with at least one immigrant parent.

One in three workers, approximately 6.6 million, in California is an immigrant, making up a vital part of the state's labor force in a range of industries. Immigrant workers were most numerous in the manufacturing sector with nearly 890,000 workers, health care and social assistance with over 880,000 workers, and the retail trade with over 650,000 workers. The largest share of immigrant workers is the agricultural sector with approximately 64 percent being immigrant workers and the manufacturing sector with approximately 45 percent being immigrant workers.

According to the American Immigration Council, immigrant-led households in the state paid \$80.8 billion in federal taxes and \$38.9 billion in state and local taxes in 2018. Undocumented immigrants in California paid an estimated \$4.5 billion in federal taxes and \$2.5 billion in state and local taxes. Approximately 935,000 immigrant business owners account for 38 percent of all self-employed California residents in 2018 and generated \$24.5 billion in business income.

2. California Enacts Laws to Help Integrate Immigrants and Those Seeking Refuge

California state government agencies currently administer a number of programs directed at securing the health and welfare of immigrants and refugees and ensuring that immigrants and refugees have the opportunity to meaningfully participate in all aspects of life in the state. The bill creates a new agency to coordinate the various programs that have been established throughout the state agencies to enhance the overall effectiveness of the programs.

Some examples of these programs are:

- The Immigration Services Unit of the California Department of Social Services (CDSS) "ensures the effective development and implementation of programs and funding initiatives necessary to support legal services, outreach, community education, and other immigrant integration efforts...includ[ing] services to increase access to Deferred Action for Childhood Arrivals (DACA), Other Immigration Remedies (OIR), naturalization, removal defense, and immigration protection for Unaccompanied Undocumented Minors (UUMs)." (See <https://www.cdss.ca.gov/inforesources/Immigration>)

⁶ Hinojosa & Robinson, Report *Essential but Disposable: Undocumented Workers and Their Mixed-Status Families*, UCLA North American Integration and Development (NAID) Center and the Mexican Instituto Nacional de Estadística y Geografía (Aug. 10, 2020), available at http://www.naid.ucla.edu/uploads/4/2/1/9/4219226/essential_undocumented_workers_final.pdf [last visited Mar. 20, 2021], at pp. 4, 6.

- The Refugee Programs Bureau, also part of CDSS, “oversees culturally-sensitive and linguistically-appropriate services that helps [refugees] attain the skills needed to achieve self-sufficiency and a successful integration... by partnering with counties, resettlement agencies, school districts, and community based organizations.” (See <http://www.cdss.ca.gov/inforesources/Refugees>)
- The “California Dream Act” enables undocumented immigrants who are eligible for in-state tuition to obtain financial aid to attend the California Community Colleges, the California State University, and the University of California. (Education Code Sections 66021.6, 66021.7, 69508.5, 76300.5.)
- SB 1159 (Lara, Ch. 752, Stats. 2014) and AB 1024 (Gonzalez, Ch. 573, Stats. 2013) amended the law to allow immigrants to obtain professional licenses regardless of their immigration status.

3. Creating a New Agency Dedicated to Immigrants and Those Seeking Refuge

According to the author’s office, “in order to wholly welcome immigrants to California and achieve full integration of this population, the state must take a proactive approach in offering direct services and addressing rapid policy changes impacting our immigrant and refugee population. SB 452 would establish the California Immigrant and Refugee Affairs Agency. This agency would help streamline immigrant and refugee programs ran by state and local offices that offer resources such as educational opportunities, legal services, job training, and placement assistance.”

The author’s office further asserts that, “with more than 11 million immigrants and refugees comprising nearly one quarter of the state’s population and 34 percent of the labor force, the new agency would be a critical asset in supporting many people who are highly underserved and disproportionately impacted by the COVID-19 pandemic, and who, nonetheless, significantly contribute to economic growth, business, and innovation in California.”

This bill would establish the Immigrant and Refugee Affairs Agency to reduce obstacles and enhance immigrant integration into the social, cultural, economic, and civic life of the state. The Agency will be tasked with various duties including establishing a permanent structure within the state to serve immigrants, assisting other state agencies in evaluating their programs for accessibility and effectiveness in providing services to immigrants and refugees, and recommending policy and budget mechanisms for meeting immigrant and refugee integration goals.

4. Statewide Director of Immigrant Integration

The Statewide Director of Immigrant Integration was created by SB 84 (Budget and Fiscal Review, Ch. 25, Stats. 2015) to serve as the statewide lead for the planning and coordination of immigrant services and policies in California. The bill also required the

director to develop a comprehensive statewide report on programs and services that serve immigrants and to submit that report to the Governor and Legislature by July 2017. The report was also required to include a statewide plan for better implementation and coordination of immigrant assistance policies and programs.

This bill would change the title of the Statewide Director of Immigrant Integration to the Statewide Director of Immigrant and Refugee Integration and make the Director the head of the Office within the new Agency. In addition, this bill would require the Director of the Office to again develop a statewide report on programs and services that serve immigrants and refugees and to submit that report to the Governor and the Legislature by January 1, 2023. Other duties and responsibilities of the Office include, among other duties, the establishment of a permanent structure within the state to serve immigrants and refugees, assisting other state agencies in evaluating their programs for accessibility and effectiveness in providing services to immigrants and refugees, coordinating integration efforts among state agencies, and recommending policy and budget mechanisms for meeting immigrant and refugee integration goals.

5. Comment by Senate Committee on Human Services

Typically, provisions of this bill would trigger the jurisdiction of the Senate Human Services Committee. However, due to the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus, the referral to the Senate Human Services Committee was rescinded. In order to fully vet the contents of this measure for the benefit of Senators and the public, this analysis includes information from the Senate Human Services Committee as follows:

Currently, the California Department of Social Services (CDSS) is responsible for a variety of immigrant and refugee programs. Within CDSS, Immigration Services Unit oversees programs and funding initiatives aimed at supporting legal services, outreach and education, and other immigrant integration efforts. The Immigration Services Unit provides state funding to qualified nonprofit organizations that provide services in a variety of categories, including: services to assist applicants seeking Deferred Action for Childhood Arrival status; services for individuals seeking legal remedies for their immigration status; and education and outreach activities, among others. CDSS awarded over \$42million to 128 qualifying nonprofit organization for Immigration Services for Fiscal Year 2020-21. Additionally, CDSS's California's Refugee Programs Bureau (RPB) provides state-level leadership and coordination of programs and services to help refugees successfully resettle within California and assist with the integration of other vulnerable populations. The RPB oversees culturally-sensitive and linguistically-appropriate services and partners with counties, resettlement agencies, school districts, and community based organizations to help clients attain the skills they need to achieve self-sufficiency and successfully integrate.

A recent example of the collaboration between CDSS and community partners that provide direct services to immigrants and refugees arose when CDSS was tasked with distribution of COVID-19 Disaster Relief Assistance for Immigrants (DRAI). Through DRAI, \$75 million in state funded disaster relief was provided for undocumented Californians impacted by the COVID-19 pandemic in the form of one time \$500 dollar direct assistance payments. CDSS selected 12 immigrant-serving nonprofit organizations to distribute DRAI funds. All of the funds were distributed to those in need between April and the end of June 2020.

As currently in print, this bill proposes to relocate all state immigration services to a newly created Office of Immigrant and Refugee Affairs within a newly created Immigrant and Refugee Affairs Agency. The current structure has the benefit of enabling services and programs for immigrants and refugees to be viewed through a human services lens, helping connect individuals to the supports and services they need specific to their status as immigrants or refugees, as well as connecting them to existing social welfare programs, when eligible. The author's office may wish to work with the CDSS as this bill moves through the legislative process to ensure this lens and connection to existing human services programs is not lost or placed in a decision making silo.

SUPPORT

Coalition for Humane Immigrant Rights (sponsor)
City of Long Beach
Latino Community Foundation
Mayor of Los Angeles
National Association of Social Workers, California Chapter
National Partnership for New Americans
PICO California
UCLA Latino Policy & Politics Initiative
United Food and Commercial Workers Western States Council
World Education Services

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 2973 (Santiago, 2020) would have created the Immigrant and Refugee Affairs Agency. The bill was held in the Assembly Appropriations Committee.

AB 1113 (Chiu, 2019) would have established the Office of Immigrant and Refugee Affairs, as a Cabinet-level agency, responsible for the coordination of immigrant and refugee services among state agencies. The bill was held in the Assembly Appropriations Committee.

SB 84 (Budget and Fiscal Review, Ch. 25, Stats. 2015) established a Statewide Director of Immigrant Integration to serve as the statewide lead for the planning and coordination of immigrant services and policies in California.

SB 10 (Lara, 2015) would have established the California Office of New Americans to create a centralized office to lead and assess challenges and opportunities to coordinate the implementation of immigrant integration legislation. The bill was eventually amended to address an unrelated subject matter.

SB 1 (Cedillo, 2007) would have created the Office of Immigrant Affairs within the Department of Community Services & Development in order to ensure the integration and civic participation of new citizens in the State. The bill was eventually amended to address an unrelated subject matter.

PRIOR VOTES:

Senate Governmental Organization Committee (Ayes 9, Noes 3)
