

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 12 (Gonzalez)
Version: April 10, 2025
Hearing Date: April 22, 2025
Fiscal: Yes
Urgency: No
ME

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's, 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. Additionally, the new federal administration has aggressively targeted immigrants and promised mass deportations.

Over the years the Legislature has taken many actions to support immigrants and refugees in California. Consequently, there are currently numerous programs throughout various state agencies that affect 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 refugees and to assist other state agencies in effectively providing services to immigrants and refugees. This bill is sponsored by the Coalition for Humane Immigrant Rights Los Angeles. It is supported by numerous organizations that uplift immigrants and has not received any timely opposition. The bill passed out of the Senate Committee on Governmental Organizations on a vote of 11 to 1.

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 and 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 enhance, and reduce obstacles to, immigrant and refugee inclusion into the social, cultural, economic, and civic life of the state.
- 4) Makes findings and declarations regarding immigrant and refugee inclusion.
- 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 of Immigrant and Refugee Affairs (Office) within the Agency, under the direction of the Statewide Director of Immigrant and Refugee Inclusion.
- 7) Establishes that the Statewide Director of Immigrant and Refugee Inclusion shall be appointed by and serve at the pleasure of the Governor and shall serve as the statewide lead for the planning and coordination of immigrant and refugee services and policies in California and specifies what the Director shall do.
- 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) Specifies that all property of any office, agency, or department that relates to functions concerning immigrant and refugee affairs is hereby transferred to the Office, 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 Inclusion 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 Inclusion.

- 17) Provides that the provisions of this bill sunset on January 1, 2036.

COMMENTS

1. Author statement

According to the author:

California is home to 10.4 million immigrants who have shaped the economy and brought cultural diversity and innovation. In 2018, immigrants paid \$80.8 billion in federal taxes and \$38.9 billion in state and local taxes. Immigrants are more than their economic contributions however, they are humans who must be treated with dignity and their cultural and community contributions should be recognized and applauded. The mass deportations from the current presidential administration have terrorized communities and are threatening community spaces that offer critical resources, such as hospitals, places of worship, and schools. Consequently, immigrants of undocumented status are scared to seek healthcare and even take their kids to school for fear of being separated from their loved ones. California must remain steadfast in protecting the rights of our immigrant and refugee communities, many of whom have made California home after fleeing political violence and war. Creating a state agency dedicated to ensuring immigrants and refugees have the resources they need is a critical step in supporting these communities.

Currently, California has no dedicated office to serve the nearly one-quarter of our population who are immigrants or refugees. There are only two staff positions in the Governor's Office dedicated to immigrant policy issues for a state of 39 million people. Senate Bill 12 will establish the Immigrant and Refugee Affairs Agency, and will create the Office of Immigrant and Refugee Affairs within the Agency, and establish the Immigrant and Refugee Integration Fund. This Agency will provide a clearinghouse for immigrant services, enable a more efficient, unified process for monitoring ongoing immigration issues in close collaboration with stakeholders, offering an invaluable tool to address the needs of California families as emerging challenges unfold.

2. 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

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 Apr. 10, 2025].

undocumented.² California has the largest immigration population in the country, with approximately 10.7 million residents born outside the U.S.³ 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 that was made even more stark by the COVID-19 crisis. Approximately 78 percent of employed undocumented workers worked in sectors that were designated as “essential” or “critical.”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 individuals, in California is an immigrant, making up a vital part of the state’s labor force in a range of industries. Immigrant workers are 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 accounted for 38 percent of all self-employed California residents in 2018 and generated \$24.5 billion in business income.⁷

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 Apr. 10, 2025].

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 Apr. 10, 2025].

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 Apr. 10, 2025], at pp. 4, 6.

⁷ American Immigration Council, Fact Sheet: Immigrants in California published (Aug. 6, 2020), <https://www.americanimmigrationcouncil.org/research/immigrants-in-california#:~:text=936%2C795%20immigrant%20business%20owners%20accounted,%2424.5%20billion%20in%20business%20income> [last visited April 10, 2025].

2. California enacts laws to help include immigrants and refugees

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 Bureau of the California Department of Social Services (CDSS) “develops, implements, and administers comprehensive programs that fund nonprofits across the State to provide pro bono immigration legal services, education and community outreach, and other essential immigrant inclusion and integration efforts. The Department also invests in immigrant equity initiatives and special capacity building programs to increase immigration legal services availability for the most underserved immigrant populations and historically underserved regions, including in the California State University (CSU) and California Community College (CCC) campuses. In addition to these programs, the CDSS administers funding to provide critical assistance to immigrants during emergency situations. Through these programs, the CDSS increases the capacity of legal service providers to support underserved immigrant populations.” (See <https://www.cdss.ca.gov/inforesources/Immigration>)
- 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 §§ 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.

This bill would establish the Immigrant and Refugee Affairs Agency to reduce obstacles and enhance immigrant and refugee inclusion 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 and refugees, 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 inclusion goals.

4. Statewide Director of Immigrant Integration

The Statewide Director of Immigrant Integration (Director) 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. SB 84 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. There is no indication that the Director was ever appointed and there is no indication that a report was ever created.

The bill currently before the Committee would change the title of the Statewide Director of Immigrant Integration to the Statewide Director of Immigrant and Refugee Inclusion require the Director to develop a mission statement, strategic plan, and matrix of success for the office. Additionally, the Director must establish a permanent structure within the state to serve immigrants and refugees and develop and execute grant programs that directly support capacity building and training among state agencies and state and local communities through technical assistance, training, organizing, and other programs. The Director must identify effective practices and successful modes of delivering services to immigrant and refugee communities and evaluate the need for improvements in the implementation and coordination of public policies relating to immigrant and refugee communities. The Director must report to the Legislature on a biannual basis on successes and challenges in meeting immigrant and refugee inclusion goals. The Director must develop a comprehensive statewide report on programs and services that serve immigrants and refugees. The report must include federal and state laws, regulations, and policies that create programs or authorize the access or participation of immigrants and refugees, including those without legal presence. The report must also include programs and services currently managed by a state agency or department to support California immigrants and refugees, including, but not limited to, naturalization services and other immigrant and refugee assistance programs, and the agency or department responsible for administering the funding or implementing the program. The Director is also charged with developing and maintaining an online clearinghouse of immigrant and refugee services, resources, and programs. Additionally, the Director must monitor the implementation of statewide laws and regulations that serve immigrants and refugees.

In 2021, the Senate Human Services Committee encouraged the author to work with the CDSS to ensure the connection to existing human services programs is not lost or placed in a decision making silo. They submitted the following comment for inclusion in the analysis of a similar bill to establish the new Agency:

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)
Alameda County
American Civil Liberties Union California Action
Asian Americans Advancing Justice Southern California
Asian Prisoner Support Committee

California Association for Bilingual Education
California Community Foundation
California Undocumented Higher Education Coalition
Cambodia Town
Centro CHA, Inc.
Council on American-Islamic Relations California
Equality California
Khmer Parents Association
Latino Equality Alliance
Latino Coalition for a Healthy California
Long Beach Forward
Mexican American Opportunity Foundation
SEIU California
SEIU Local 1000
Southeast Asia Resource Action Center

OPPOSITION

None known

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation:

SB 452 (Gonzalez, 2021) would have established the Office of Immigrant and Refugee Affairs within the Immigration and Refugee Affairs Agency (Agency) and would have established the new Agency. The bill was held in the Assembly Appropriations Committee.

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 11, Noes 1)
