
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 2210 **Hearing Date:** June 27, 2018
Author: McCarty
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Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Public postsecondary education: community colleges: refugees and holders of certain special immigrant visas: exemption from nonresident tuition.

SUMMARY

This bill requires the Chancellor's Office of the California Community Colleges (CCCs) to notify individuals who have been granted special immigrant visas and refugees, enrolling at a community college that they are exempt from paying nonresident tuition as specified under current law.

BACKGROUND

Existing Law:

- 1) Under federal law, provides eligibility for special immigrant visas to certain Iraqi and Afghan nationals who worked directly with the U.S. Armed Forces, as interpreters, translators, or otherwise. Upon admission to the U.S., holders of SIVs are granted lawful permanent resident status under the Immigration and Nationality Act. (§1244 of Public Law 110-181 and Public Law 109-163)
- 2) Under federal law, the Immigration and Nationality Act, as amended by the Refugee Act of 1980, also authorizes the admission and resettlement of refugees, which comprise a category of humanitarian admissions and are persons unwilling or unable to return to their home countries "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." After one year of refugee status in the U.S., refugees are required to apply to adjust to lawful permanent resident status. (8 U.S. Code § 1157).
- 3) Under state law, requires each student to be classified as a resident or nonresident for purposes of determining enrollment fees and requires a student classified as a nonresident to pay nonresident tuition in addition to other tuition and fees required by the institution. (Education Code § 68050 and 68040.)
- 4) Provides exempts certain individuals from paying nonresident tuition at the CCCs including students with Special Immigrant Visas and refugees admitted to the United States under a specified federal statute. (EC § 68075.5(a), 68130.5 and 68122.)

ANALYSIS

This bill:

- 1) Requires the Chancellor's Office of the California Community Colleges (CCCs) to notify individuals who have been granted special immigrant visas and refugees, enrolling at a community college that they are exempt from paying nonresident tuition as specified under current law.
- 2) Authorizes the Chancellor's Office of the CCCs to consult with the Refugee Programs Bureau of the State Department of Social Services and with private sector resettlement agencies and, where appropriate, utilize mass media and electronic modes of communication to reach as many qualified individuals as is feasible.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Over the last 15 years, approximately 112,000 refugees have resettled in over 440 California cities and communities (U.S. State Department), and 36,000 refugees have resettled in California in just the past six years. San Diego, Los Angeles and Sacramento have experienced the largest influx of refugees. Since 2002, San Diego welcomed over 31,000 refugees; Los Angeles had 30,000; and Sacramento 20,000. Through the end of 2015, more than 37,000 individuals were granted Special Immigrant Visa (SIV) status under this program. Afghan and Iraqi SIVs meet the definition of Special Immigrants as defined in Section 1244(g) of Div. A. of Public Law 110-181. Sacramento County is home to the largest population of Afghan Special Immigrant Visa (SIV) holders in the country.

The wars in Afghanistan and Iraq have displaced thousands of families, causing many to flee their homes in search of a better life. During these wars, many Afghani and Iraqi nationals assisted or were employed by the U.S. government as translators or advisors. Under the National Defense Authorization Act of 2006 and the Afghan Allies Protection Act of 2009, certain Afghani and Iraqi nationals were provided special immigrant status in the U.S...

Prior to passage of AB 343 in 2017, SIVs attending a California Community College paid international tuition averaging \$234 per unit, compared to \$46 per unit for in-state resident tuition (Ed Code Section 68075.6). Although the current law exempts them from nonresident fees, it falls short of a mechanism for engaging and notifying this hard-to-reach population. Unfortunately, many refugees in California have limited access and knowledge of the resources, services, and benefits that are available to them. Once acclaimed professionals in the fields of medicine, law, technology, accounting and financial services, they find themselves unable to easily navigate the many educational, credentialing and certification obstacles on their own. Therefore, the State has a special obligation to take the lead in coordinating with the State's Refugee Programs Bureau, and nonprofit resettlement agencies, to outreach to individuals who would benefit under the new law and, consequently, would choose to enroll at a California Community College."

- 2) ***Target group.*** Individuals who meet the criteria for the existing exemption:

- a) Special Immigrant Visas. A report by the Congressional Research Service report on, "Iraqi and Afghan SIV Programs," notes, Congress enacted a series of legislative provisions since 2006 to enable certain Iraqi and Afghan nationals to become U.S. lawful permanent residents. These provisions make certain Iraqis and Afghans who have worked as translators or interpreters, or who were employed by, or on behalf of, the U.S. government in Iraq or Afghanistan, eligible for special immigrant visas. There are three SIV programs, two of the three are temporary and cap the total number of visas issued for the life of the program. The remaining program is permanent with a cap of 50 visas per year. Through the end of 2015, more than 37,000 individuals were granted special immigrant status under those programs. Approximately 2,009 of those individuals settled in California in 2015.
- b) Refugees. Unlike special immigrants, refugees comprise a category of humanitarian admissions under the Immigration and Nationality Act. As defined in the Immigration and Nationality Act, a refugee is a person who is unwilling or unable to return to his or her country, "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." After one year in refugee status they are required to apply to adjust to legal permit resident status. Some individuals may be eligible to apply for both refugee status and for classification under the Iraqi or Afghan SIV programs. In 2016, according to the California Department of Social Services-Refugee Programs Bureau, 7,908 refugees arrived in California.

This bill seeks to ensure this subgroup is aware that they are eligible to pay the lower resident tuition rate.

- 3) ***Individual notification has some challenges.*** This bill requires the Community College Chancellor's Office (CCCO) to inform the specified students of their eligibility for the exemption from paying nonresident tuition. Implementation could be challenging as the CCCO has limited capacity for identifying individuals enrolling at a campus. This bill also authorizes the CCCO to consult with the state's Refugee Programs Bureau to reach qualified individuals. The Refugee Programs Bureau is a state entity responsible for managing and coordinating the delivery of benefits and services to the refugee and entrant populations of California in partnership with counties and local refugee service providers. Given that Refugee Program's Bureau coordinates resources for the state's refugee population; the author may wish to consider whether identification and notification of qualified individuals for the community college benefit is a responsibility best suited for the Bureau.

Staff recommends that the bill be amended rather than require the Chancellor's Office to notify individuals, require that the notification for the exemption from nonresident tuition pursuant to 68075.6 be posted on the Internet Web site of each California Community College and delete remaining provisions of the bill.

SUPPORT

California Teachers Association

OPPOSITION

None received

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