

**MEMORANDUM**

**DATE:** October 8, 2019

**TO:** CSU Vice Presidents for Student Affairs  
CSU Human Resources Officers and AVPs for Faculty Affairs

**FROM:** Evelyn Nazario  Vice Chancellor  
Human Resources  
Loren J. Blanchard  Executive Vice Chancellor  
Academic and Student Affairs

**SUBJECT:** AB 21 and AB 450 Guidance

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The California State University is committed to being an inclusive institution of higher education that is enhanced by our global community. As federal and state rules and regulations regarding immigration continue to change, Chancellor White has been in communication with campuses regarding the CSU's relationship with the U.S. Immigrations and Customs Enforcement (ICE) agency.

This memorandum is intended to provide additional guidance to campuses, specifically pertaining to Assembly Bills (AB) 21 and 450, which afford certain protections and notification rights to students, faculty and staff concerning immigration enforcement activities.

We are deeply appreciative of campus' ongoing efforts to provide a safe and welcoming environment for all students, faculty and staff, without regard to their immigration status. In support of those efforts, and to ensure compliance with AB 21 and AB 450, we are asking campuses to review the steps listed below. If any have not yet been implemented on your campus, please take action to do so.

**Campus Steps to Support Compliance with AB 21 and AB 450**

**CSU Campuses**  
Bakersfield  
Channel Islands  
Chico  
Dominguez Hills  
East Bay

Fresno  
Fullerton  
Humboldt  
Long Beach  
Los Angeles  
Maritime Academy

Monterey Bay  
Northridge  
Pomona  
Sacramento  
San Bernardino  
San Diego

San Francisco  
San José  
San Luis Obispo  
San Marcos  
Sonoma  
Stanislaus

- I. **Campuses should designate** an individual who is to be informed when an immigration officer is expected to enter, will enter or has entered the campus to execute a federal immigration order. This individual is also responsible for verifying the legality of any warrants, court orders and/or subpoenas. (Educ. Code § 66093.3(b)(e))
- II. **Students, faculty and staff should be advised** to notify the designated individual, as soon as possible, when an immigration officer is expected to enter, will enter or has entered the campus to execute a federal immigration order. (Educ. Code § 66093.3(b))
- III. **One campus individual should be designated to serve as a point of contact for students** who may or could be subject to an immigration order or inquiry on campus. Additionally, **one campus individual should be designated to serve as a point of contact for employees** who may or could be subject to an immigration order or inquiry on campus. (Educ. Code § 66093.3(f))
- IV. **Campuses should advise** all students, faculty and staff who these individuals are and provide their contact information. (Educ. Code § 66093.3(f))
- V. The CSU's guidance on immigration enforcement should be **posted on the campus website, in a conspicuous location, and provided via email** (quarterly or each semester) to all students, faculty and staff. Shared guidance should include the July 29, 2016, [memorandum](#) and [FAQs](#) for CSU employees about federal immigration enforcement actions on university property. (Educ. Code § 66093.3(i)(1))
- VI. **Campuses should notify** the emergency contact of any student, faculty or staff person who has been taken into custody as a result of an immigration enforcement action. Emergency contact information may be obtained in either the Registrar's Office (for students) or Human Resources (for employees). (Educ. Code § 66093.3(c))
- VII. **Campuses should provide assistance** to undocumented students who may be or have been detained, deported or who are unable to attend to academic requirements due to the actions of an immigration officer in relation to a federal immigration order. In these circumstances, **the university shall make all reasonable efforts to assist the student** in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits he or she has been awarded or received, and permit the student to be reenrolled if and when the student is able to return to the university. (Educ. Code § 66093.3(j)(1))
- VIII. **Campuses should ensure there is a judicial warrant** before allowing an immigration enforcement agent to access any nonpublic areas of the university. **Voluntary consent is not to be provided.** (Govt. Code § 7285.1(a))

- IX. **Campuses should require** a valid subpoena or judicial warrant before providing access to an immigration enforcement agent to review or obtain employee records. **If a subpoena or judicial warrant is not valid, it should be challenged and University Counsel should be advised.** (Govt. Code § 7285.2(a)(1))
- X. The vice chancellor for Human Resources at the Office of the Chancellor **should be notified** in the event that the university learns of any inspection by an immigration agency of I-9 Employment Eligibility Verifications forms or other employment records. The Office of the Chancellor will comply with any other specific notifications which must be made. (Labor Code § 902.2(a)(1))

### **Campus Actions under Existing Laws, Rules, Regulations and Policies**

Campuses currently take several actions in compliance with existing laws, rules, regulations and policies pertaining to immigration. As campuses implement the aforementioned steps, they should continue to:

- I. **Refrain from disclosing personal information about students, faculty and staff including student employees**, except: (1) with the consent of the person identified, or if the person is under 18 years of age, with the consent of the parent or guardian of the person identified; (2) as may legally be disclosed under state and federal privacy laws; (3) for the programmatic purpose for which the information was obtained; (4) as part of a directory that does not include residence addresses or individual persons' course schedules and that the person has not elected to opt out of; or (5) in response to a judicial warrant, court order or subpoena. (Educ. Code § 66093.3(a))
- II. **Comply with requests from an immigration officer for access to nonpublic areas of the campus only upon presentation of a judicial warrant.** (Educ. Code § 66093.3(d))
- III. **Provide staff to assist, in a sensitive manner, undocumented students and employees** (faculty, staff, management and/or student employees) who may be subject to a federal immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of federal immigration actions. (Educ. Code § 66093.3(j)(2))

### **Office of the Chancellor Actions to Support Campuses**

The CSU Office of the Chancellor is committed to supporting campuses in complying with the laws, rules, regulations and policies related to immigration. To that end, the Office of the Chancellor has:

- I. Created a [Resources for Undocumented Students](#) webpage that provides updates on the resources for undocumented students and reflects up-to-date changes to federal and

state immigration laws and university or college policies and procedures. (Educ. Code § 66093.3(i)(2))

- II. **Created a contact list of Legal Support Services** that lists providers who will provide legal immigration representation free of charge to any and all students who request it. This list is updated as direct campus legal services programs are implemented. (Educ. Code § 66093.3(g))

Additionally, the Office of the Chancellor is developing:

- I. **Templates that campuses can use for website/quarterly emails.** (Educ. Code § 66093.3(i)(1))
- II. **Templates for announcing designated individuals** to coordinate information that an immigration officer is expected; designated individuals for verifying warrants, court orders, or subpoenas; and points of contact for any student, faculty or staff person who may or could be subject to an immigration order or inquiry. (Educ. Code § 66093.3(b), Educ. Code § 66093.3(e), Educ. Code § 66093.3(f))

**Thank you in advance for your attention to these matters.** Our goal is to assist campuses in complying with both state and federal immigration law while maintaining the CSU's deep commitment to inclusivity. Achieving these goals will require the identified individuals to work together – in partnership with campus leadership and the Office of the Chancellor – to ensure compliance and to foster a safe and welcoming climate on campus.

If you have any questions about what is required or how best to implement any of the student-related steps, please contact Ray Murillo, director of student programs at [rmurillo@calstate.edu](mailto:rmurillo@calstate.edu). For employment-related inquiries, please contact Tammy Kenber, associate vice chancellor of Human Resources at [tkenber@calstate.edu](mailto:tkenber@calstate.edu).

- c: Dr. Timothy P. White, Chancellor  
Mr. Andy Jones, Executive Vice Chancellor and General Counsel  
Mr. Steve Relyea, Executive Vice Chancellor and Chief Financial Officer  
Mr. Garrett P. Ashley, Vice Chancellor, University Relations and Advancement  
Mr. Larry Mandel, Vice Chancellor and Chief Audit Officer

References:

[AB 21](#)  
[AB 450](#)  
[Frequently Asked Questions](#)  
[July 29, 2016 memorandum](#)  
[Nov 17, 2016 Chancellor White's letter](#)