

## MEMORANDUM

**DATE:** February 28, 2019

**TO:** CSU Presidents

**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 CSU is committed to protecting the safety and well-being of all members of our campus community, without regard to their immigration status. In California, state law affords certain protections and notification rights to students, staff and faculty concerning immigration enforcement activities.

In order to comply with these laws (passed in 2017 as AB 21 and AB 450), CSU campuses will need to take the following steps:

- I. Designate a campus individual to be informed when an immigration officer is expected to enter, will enter, or has entered the campus to execute a federal immigration order. Advise all students, faculty, and staff to notify this 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))
  
- II. Designate a campus individual for verifying warrants, court orders, or subpoenas. Advise all students, faculty, and staff responding to or having contact with an immigration officer executing a federal immigration order, to refer the federal

**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

- immigration officer to the this designated individual, for purposes of verifying the legality of the warrant, court order, or subpoena. (Educ. Code § 66093.3(e))
- III. Designate a campus individual to serve as a point of contact for any student, faculty, or staff person who may or could be subject to an immigration order or inquiry on campus. (Educ. Code § 66093.3(f))
  - IV. Post on the campus website, in a conspicuous location, and provide via e-mail quarterly or each semester to all students, faculty, and staff, CSU's policy of limits on assistance with immigration enforcement, including the July 29, 2016 [memorandum](#) and [FAQs](#) for CSU Employees about federal immigration enforcement actions on university property. (Educ. Code § 66093.3(i)(1))
  - V. If there is reason to suspect that a student, faculty, or staff person has been taken into custody while on the university premises (including satellite campuses) as a result of an immigration enforcement action, the university, as soon as possible, shall notify the person's emergency contact that it is believed that the person has been taken into custody. (Educ. Code § 66093.3(c))
  - VI. In the event that an undocumented student is detained, deported, or is unable to attend to his or her academic requirements due to the actions of an immigration officer in relation to a federal immigration order, 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))
  - VII. Except where an immigration enforcement agent provides a judicial warrant, the University, or a person acting on behalf of the University, must not provide voluntary consent to an immigration enforcement agent to enter any nonpublic areas. (Govt. Code § 7285.1(a))
  - VIII. The University, or a person acting on behalf of the University, must not provide voluntary consent to an immigration enforcement agent to access, review, or obtain the University's employee records without a subpoena or judicial warrant.

This does not prohibit challenging the validity of a subpoena or judicial warrant in a federal district court. (Govt. Code § 7285.2(a)(1))

- IX. 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, specific notifications must be made. (Labor Code § 902.2(a)(1))

As a reminder, under existing laws rules, regulations, policy, etc., campuses should continue to do the following:

- 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. Only comply with a request from an immigration officer for access to nonpublic areas of the campus upon presentation of a judicial warrant. (Educ. Code § 66093.3(d))
- III. Make staff available to assist, in a sensitive manner, undocumented students, and other students, faculty, and staff 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))

The CSU Office of the Chancellor has done the following:

- I. Created a contact list of legal services providers who provide legal immigration representation. This is provided free of charge to any and all students who request it. This information is also provided on the resources for undocumented students [webpage](#) and will be updated as direct campus legal services programs are implemented. (Educ. Code § 66093.3(g))

- II. Provided updates on the resources for undocumented students webpage, as often as is necessary, to reflect any changes to federal and state immigration laws and university or college policies and procedures. (Educ. Code § 66093.3(i)(2))

Additionally, the CSU Office of the Chancellor is working on the following:

- I. Creating templates for website/quarterly e-mails (Educ. Code § 66093.3(i)(1))
- II. Providing templates for announcing designated individuals to coordinate information that an immigration officer is expected / designated individual for verifying warrants, court orders, or subpoenas / point 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))

For questions and specific guidance, please contact Ray Murillo, Director of Student Programs, at [rmurillo@calstate.edu](mailto:rmurillo@calstate.edu) for student inquiries and Tammy Kenber, Associate Vice Chancellor of Human Resources, at [tkenber@calstate.edu](mailto:tkenber@calstate.edu) for inquiries regarding faculty and staff.

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

References:

[AB 21](#)

[AB 450](#)

[Frequently Asked Questions](#)

[July 29, 2016 memorandum](#)

[Nov 17, 2016 Chancellor White's letter](#)