

Date of Hearing: June 11, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 296 (Allen) – As Amended April 10, 2019

**SENATE VOTE:** 32-5

**SUBJECT:** Student financial aid: immigrants seeking asylum.

**SUMMARY:** Extends eligibility for the Cal Grant program to students who are noncitizens that have filed a designated application for asylum to the same extent as citizens and other eligible noncitizens, as provided under existing law. Specifically, **this bill:**

- 1) Extends eligibility for the Cal Grant program to noncitizens who have filed a specified application for asylum to the same extent as citizens and eligible noncitizens, if the student meets all of the following conditions:
  - a) Has a valid employment authorization document; and,
  - b) Has a valid social security number.
- 2) Finds and declares the following:
  - a) Despite California's commitment to financial aid and college affordability, many immigrants are not eligible for the aid that they need to fund their expenses in college. Among these immigrants are asylum seekers who have filed for asylum and are awaiting an interview date; and,
  - b) Many pending asylees in California may be admitted to a college or a university, but they are not eligible for federal funding until they are granted asylum status. As a result, these students, who have fled persecution, are unable to attend college due to a lack of financial resources.

**EXISTING LAW:**

- 1) Exempts specified California nonresidents from paying nonresident tuition at the University of California (UC), the California State University (CSU), and the California Community Colleges (CCC), also known as the AB 540 nonresident tuition waiver, if they meet all of the following:
  - a) Attended or attained credits at a California high school, an adult school, a CCC campus, or a combination of these entities, for the equivalent of three or more years; or completed three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of such elementary and secondary schools;
  - b) Graduated from a California high school or attained an equivalent degree; attained a CCC associate degree; or fulfilled the minimum transfer requirements from a CCC campus to a UC or CSU campus;

- c) Registered or attended an accredited California higher education institution beginning after fall of the 2001-02 academic year; and,
  - d) If a person without lawful immigration status has filed an affidavit stating that the student has filed an application to legalize his or her immigration status or will file such an application as soon as he or she is eligible to so do (Education Code (EC) Section 68130.5.).
- 2) Authorizes the Cal Grant Program, administered by California Student Aid Commission (CSAC), to provide grants to financially needy students to attend a college or university. The Cal Grant Programs include both the entitlement and the competitive Cal Grant awards. The program consists of the Cal Grant A, Cal Grant B, and Cal Grant C programs and eligibility is based upon financial need, GPA, California residency and other criteria (EC Sections 69430 - 69433).
  - 3) Establishes eligibility criteria for the Cal Grant program, which, in part, specifies that in order to be eligible to receive a Cal Grant award, a student must be a citizen of the United States, or an eligible noncitizen of which includes individuals granted asylum, as defined for purposes of financial aid programs under Title IV of the federal Higher Education Act of 1965 (20 U.S.C. Section. 1070, et seq.). Additionally, the individual, at the time of high school graduation or its equivalent, is required to be a resident of California (EC Section 69433.9).
  - 4) Establishes the requirements for determining residency for purposes of paying the lower-cost “in-state” student fees at the CCC, the CSU, and the UC, which generally includes a demonstration that the student has resided in California for more than one year immediately preceding the residence determination date and undertaken other specified actions such as registering to vote or registering one’s car in California (EC Section 68017).
  - 5) Establishes the California DREAM Act to provide state financial aid, including the Cal Grant Program and the CCC California College Promise Grant (formerly known as the Board of Governors Fee Waiver), and institutional financial aid to students who qualify for the aforementioned exemption from non-resident tuition (as listed in number one above); students must apply by March 2 prior to the academic year; Dream Act recipients receive Cal Grant Entitlement awards, but are not eligible for Competitive Cal Grant awards unless funding remains available after eligible California students have received awards (EC Section 69508.5).
  - 6) Establishes the California DREAM Loan Program intended to provide low-interest loans to Dream Act students who are accessing the Cal Grant program and attending UC and CSU. These students are not eligible for federal student loans, making it difficult for some to cover the total costs of college. The law requires the state, UC, and CSU to split the costs of launching the program (EC Sections 70030-70039).
  - 7) 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 Sections 68075.5(a), 68130.5, and 68122).

- 8) Exempts students who are victims of trafficking, domestic violence, and other serious crimes who have been granted a "T" or "U" visa under specified federal law from paying nonresident tuition to the same extent as refugees (EC Section 68122).

**FISCAL EFFECT:** According to the Senate Appropriations Committee, there could be additional state General Fund costs, potentially in the tens of thousands of dollars, to increase the number of students eligible for Cal Grants and fee waivers. However, a precise amount is unknown and would depend on the exact number of students that would benefit from the bill's provisions. Currently, the segments are not able to track this population of students.

**COMMENTS:** *Asylum seeker versus refugee?* An asylum seeker is an individual who is seeking international protection; in countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which the individual has submitted the claim. Not every asylum seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum seeker. A refugee is an individual who has fled their country of origin and is unable or unwilling to return because of a well-founded fear of being persecuted because of their race, religion, nationality, membership of a particular social group or political opinion.

*Is AB 540 relevant to asylum seekers?* Per existing law, asylum seekers could be eligible for the state financial aid (i.e. the Cal Grant program) if they meet requirements established by AB 540 for nonresident students and apply for aid using the California Dream Act application. This pathway requires that a student attend or attain credits at a California high school or community college campus for the equivalent of three or more years.

Under this proposal, asylum seekers, however, could be eligible for Cal Grant awards, to the same extent that the general student population would be eligible. This measure creates a new pathway for asylum seekers accessing the state financial aid in a manner that is less cumbersome especially with regard to meeting requirements for time spent in a California educational institution.

To note, the proposed change in eligibility for the Cal Grant program only applies to those with pending asylum status and not to other groups who fall under the AB 540 umbrella.

*Need for the measure.* According to information provided by the author, California has recently experienced an influx of immigrants who have fled persecution and filed for asylum. Asylum seekers who have had their asylum application pending for six months or more are eligible to obtain an employment authorization document and a social security number through which they can work in the country and file taxes. However, because of their unique status as pending asylees, individuals in this category are not eligible for state financial aid if they have been in the state for less than three years.

According to the author, "SB 296 allows pending asylum seekers in California who possess an employment authorization document and a social security number to be eligible for the Cal Grant program".

This measure ensures that individuals escaping persecution and a safe haven to reside, will have the opportunity to receive state financial aid.

*Related legislation.* SB 575 (Bradford), which is pending action in the Assembly, would allow a student who is incarcerated to be eligible to receive a Cal Grant award.

**REGISTERED SUPPORT / OPPOSITION:****Support**

American Academy of Pediatrics, California  
Association of Independent California Colleges & Universities  
Cal State Student Association  
California Catholic Conference  
California Faculty Association  
California Immigrant Policy Center  
California Student Aid Commission  
Los Angeles Community College District  
National Association of Social Workers, California Chapter  
San José-Evergreen Community College District

**Opposition**

None on file.

**Analysis Prepared by:** Jeanice Warden / HIGHER ED. / (916) 319-3960