

Date of Hearing: May 1, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1066 (Castillo) – As Introduced February 20, 2025

SUBJECT: Immigration services: grants

SUMMARY: Prohibits funds available for the One California program to be used to obstruct or interfere with federal enforcement actions or legal proceedings against individuals convicted of a felony who are present in the United States (U.S.) in violation of federal immigration laws. Clarifies that this restriction include, but is not limited to, expenditures on litigation, administrative actions, or any other measures intended to shield such individuals from federal apprehension or deportation.

EXISTING LAW:

State law:

- 1) Requires the California Department of Social Services (CDSS), subject to the availability of funding from the annual Budget Act, to provide grants to qualifying organizations for the purpose of providing one or more of the following services:
 - a) Services to persons residing in, or formerly residing in, California, including, but not limited to services to assist with the application process for initial or renewal requests of deferred action under the Deferred Action for Childhood Arrivals (DACA) policy with the United States Citizenship and Immigration Services (USCIS); services to obtain other immigration remedies and benefits; and, services to assist with the naturalization process and an appeal arising from the process; or,
 - b) Services to provide legal training and technical assistance. (Welfare and Institutions Code [WIC] § 13303(a-b))
- 2) Prohibits funds available for the purposes of the One California program to be used to provide legal services to an individual who has been convicted of, or who is currently appealing a conviction for, a violent felony as defined. (WIC § 13303(b)(3))
- 3) Clarifies that “legal services” does not include activities relating to client intake, which shall be provided regardless of an individual’s criminal history. (WIC § 13303(b)(3)(A)(ii))
- 4) Specifies that, notwithstanding 2) and 3) above, these provisions do not prohibit eligibility for services of an individual whose criminal record is shown to be inaccurate. (WIC § 13303(b)(3)(B))
- 5) Defines, for purposes of the One California program, the following terms to have the following meanings:
 - a) “DACA” refers to Deferred Action for Childhood Arrivals status as described in guidelines issued by the United States Department of Homeland Security;

- b) “Services to assist” includes, but is not limited to, outreach, workshop presentations, document review, Freedom of Information Act requests, and screening services that seek to assist individuals with the services described in 1) through 4) above;
 - c) “Legal training and technical assistance” includes, but is not limited to, educational and capacity building activities that will augment the competent provision of legal services to immigrants, including for organizations located in and serving underserved communities;
 - d) “Immigration remedies” include, but shall not be limited to, U-visas, T-visas, special immigrant juvenile status, Violence Against Women Act self-petitions, family-based petitions, cancellation of removal, and asylum or other remedies that may also include remedies necessary to enable pursuit of immigration protections;
 - e) “Immigration benefits” include, but shall not be limited to, advanced parole, employment authorization documents, and lawful Permanent Resident Card renewal. (WIC § 13303(c))
- 6) Requires CDSS to update the Legislature on the following information in the course of budget hearings:
- a) The timeline for implementation and administration, including important upcoming dates;
 - b) The participating organizations awarded contracts or grants, and the aggregate amounts awarded for each service;
 - c) The number of applications submitted, and the aggregate amounts requested for each service;
 - d) The number of clients served;
 - e) The types of services provided and in what language or languages;
 - f) The regions served;
 - g) The ethnic communities served; and,
 - h) The identification of further barriers and challenges to the provision of services. (WIC § 13303(e))
- 7) Clarifies that these provisions provide services for undocumented persons and is in accordance with 13) below. (WIC § 13303(f))
- 8) Requires any grant awarded pursuant to 1) above, to fulfill all of the following:
- a) Be executed only with a nonprofit organization that meets the requirements set forth in 14) below, and that meets all of the following requirements:
 - i) Except as provided in iv) below, have at least three years of experience handling the type of immigration issues for which the organization is requesting a grant;
 - ii) Have conducted trainings on immigration issues for persons beyond its staff;

- iii) Is recognized and accredited by the Office of Legal Access Programs under the U.S. Department of Justice's Executive Office for Immigration Review or meets the requirements to receive funding from the Trust Fund Program administered by the State Bar of California; and,
 - iv) For a legal services organization that provides legal training and technical assistance as defined, have at least 10 years of experience conducting immigration legal services and technical assistance and meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.
- b) Require reporting, monitoring, or audits of services provided, as determined by CDSS; and,
- c) Require grant recipients to maintain adequate legal malpractice insurance and to indemnify and hold the state harmless from any claims that arise from the legal services provided. (WIC § 13304(a))
- 9) Requires CDSS, subject to the availability of funding in the annual Budget Act, to provide grants to organizations to provide free education and outreach information, services, and materials about services pursuant to 1) above. (WIC § 13305(a))
- 10) Requires grants awarded to be provided only to nonprofit organizations that meet the requirements set forth in 14) below, and have at least three years of experience with both of the following:
- a) Conducting education and outreach with immigrant populations; and,
 - b) Conducting outreach for government benefits and programs. (WIC § 13306(a))
- Federal law: *Note: For the purposes of referring to federal law accurately, this section uses the term "alien" which is not a term used in the Committee or California, per AB 1096 (Luz Rivas), Chapter 296, Statutes of 2021.*
- 11) Establishes the Immigration and Nationality Act, covering aspects related to immigration, naturalization, deportation, and citizenship. (8 United States Code [U.S.C.] § 1101 *et seq.*)
- 12) Defines "ineligible alien" to mean a person who is not a citizen and who does not meet other requirements set forth under the applicable Legal Services Corporation Act and regulations. (45 Code of Federal Regulations [CFR] § 1626.2)
- 13) Authorizes a state to provide that an alien who is not lawfully present in the U.S. is eligible for any state or local public benefit for which such alien would otherwise be ineligible only through the enactment of a state law after August 22, 1996, which affirmatively provides for such eligibility. (8 U.S.C § 1621(d))
- 14) Provides that corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition, or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of

which is carrying on propaganda, or otherwise attempting, to include legislation, and which does not participate in, or intervene in any political campaign on behalf of or in opposition to any candidate for public office. (26 U.S.C. § 501(c)(3))

- 15) Establishes the federal Legal Services Corporation to provide and administer grant funding to nonprofits that provide civil legal assistance for eligible clients, subject to both statutory and regulatory restrictions. (42 U.S.C. § 2996-2996l; 45 CFR § 1600-1644)

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Immigrants* with legal standing in the U.S., both temporary and permanent, are those who have been granted permission to live and work in the country by obtaining a visa or obtaining other legal statuses, such as legal permanent residency (LPR), being granted asylum, admitted as a refugee, a parolee, or conditional entrant, among others. Once in the country, these immigrants are entitled to certain rights and protections under the law, including access to government benefits and services, such as healthcare, education, and public social services. As of 2023, the California Budget and Policy Center reports that over 11 million immigrants, defined as foreign-born individuals, reside in California, making up 28% of the state population. According to the Public Policy Institute of California (PPIC), the vast majority of immigrants in California are documented residents, meaning they have legal authorization to reside in the U.S.. In 2022, 83% of documented immigrants were either naturalized citizens or had other legal statuses, such as visa holders and LPRs.

Undocumented immigrants are individuals who enter or reside in a country without legal authorization. However, the definition of “legal authorization” is not fixed and can shift depending on the policies of the presidential administration in power. For example, under the Biden Administration, Venezuelan migrants were granted Temporary Protected Status, which allowed them to live and work legally in the U.S. This designation was later revoked by the current Trump administration, rendering many of those same individuals undocumented under current federal policy. A planned mass deportation of these individuals is now on hold, pending the outcome of a legal challenge before the federal courts.

As outlined by the American Immigration Council, America’s Voice, and the Center for Victims of Torture, the current U.S. immigration system offers extremely limited pathways for undocumented individuals to obtain lawful status, let alone citizenship. To naturalize, immigrants must first obtain a green card (LPR), but this is only available through a narrow set of channels: family sponsorship, employer sponsorship, or humanitarian relief such as asylum or refugee status. These options are not only highly restrictive, but also come with long wait times, strict eligibility criteria, and country-specific quotas. For example, family-based immigration may require waiting decades, and employment-based visas are typically reserved for highly skilled workers, excluding the majority of immigrants working in essential, lower-wage jobs. For the majority of undocumented immigrants, especially those who entered the U.S. without inspection—there is no viable legal process to adjust status within the country. Leaving the U.S. to apply from abroad often triggers mandatory reentry bans lasting several years, effectively discouraging individuals from even trying, and now the Trump administration is turning away asylum applicants at the border. These barriers are not the result of inaction or unwillingness to legalize, but are embedded in a legal framework that leaves most undocumented immigrants without options.

The lack of legal pathways has created a permanent underclass of long-term residents who contribute to the economy, raise U.S. citizen children, and are part of the social fabric, yet live in legal limbo. These immigrants often fear deportation and lack access to basic rights and protections afforded to legal residents. Nationally, undocumented immigrants contributed \$96.7 billion in federal, state, and local taxes, with \$59.4 billion paid to the federal government and the remaining \$37.3 billion to state and local governments. Despite undocumented Californians contributing \$8.5 billion in state and local taxes in 2022, they may be vulnerable to exploitation and abuse in the workplace and elsewhere, and they typically face significant barriers to accessing government services.

A national 2024 report by the Institution on Taxation and Economic Policy highlighted that for every 1 million undocumented immigrants who reside in the country, public services receive \$8.9 billion in additional tax revenue. Nationally, providing access to work authorization to all current undocumented immigrants would increase their tax contributions by \$40.2 billion annually, to \$136.9 billion. More than a third of the tax dollars paid by undocumented immigrants are toward payroll taxes dedicated to funding programs, like Social Security, Medicare, and unemployment insurance—that undocumented workers are barred from accessing. In the same PPIC report, it was noted that in 2022, there were 1.8 million undocumented immigrants in California, which represented 4.6% of the total population.

Immigration Services Funding (ISF). Commonly known as the “One California” program, this state-funded initiative is administered by CDSS and provides free immigration legal services to low-income and vulnerable immigrants across the state. Established through the state budget in 2015, the program is one of the state’s largest and longest-running immigration legal services programs. The program was created in response to growing federal enforcement and the need for accessible legal representation and community education for immigrant communities.

Through contracts with qualified nonprofit organizations, One California funds a range of services including legal representation in deportation proceedings, assistance with naturalization applications, DACA renewals, asylum claims, and humanitarian relief such as U- and T-visas for victims of crime and trafficking. In addition to direct legal services, the program supports community education and outreach efforts to ensure that immigrants understand their rights and have access to accurate information, provides legal training and technical assistance, and provides ISF Supportive Services.

One California serves both detained and non-detained individuals and prioritizes vulnerable populations such as unaccompanied minors, survivors of domestic violence, and those facing removal without legal representation. Providers conducted over 19,000 legal consultations, assisted with more than 11,000 DACA applications and nearly 12,000 naturalized fillings, and supported over 6,600 applications for other affirmative immigration remedies. Education and outreach efforts reached more than 150,000 individuals, often delivered in Spanish, English, and a variety of other languages including Korean, Vietnamese, Farsi, and Indigenous Mesoamerican languages such as Mixteco.

Despite its successes, the program faces persistent challenges. Service providers reported delays in adjudication across all case types, driven in part by substantial backlogs at USCIS and immigration courts. In California, the number of cases pending before immigration court surged from 78,718 in 2012 to over 357,893 in 2024—a staggering increase of more than 354% over the past decade. Over the same period, the average number of days a case remains pending has

decreased from 674 to 542 days, suggesting a dramatic rise in the total volume of cases. Additionally, many clients of the One California program experienced delays of up to two to three years, and naturalization processing times varied widely across regions—ranging from as little as three months to over a year.

Despite the severe consequences of immigration proceedings—including potential deportation, detention, and permanent separation from family—individuals are not guaranteed government-appointed legal representation if they cannot afford an attorney. As a result, the burden of ensuring access to due process falls heavily on nonprofit legal service organizations, which must meet the growing demand with limited resources. Furthermore, providers saw an increase in “Requests for Evidence”, many of which they believe stem from errors or inadequate training of adjudication officers. Filing fees also pose a barrier for many applicants, particularly those impacted by job loss or income instability. Although some fee waivers were available, outcomes were inconsistent and often dependent on the individual reviewing the case.

The need for legal services remains especially acute in rural and historically underserved areas, where access to qualified attorneys and accredited representatives continues to be limited. CDSS has made targeted investments to strengthen immigration legal service capacity in these historically underserved regions, including the Central Valley, Central Coast, and Northern California. Service providers have also highlighted ongoing fear and mistrust within immigrant communities, a lingering effect of the previous federal administration’s restrictive immigration policies, which still cast a shadow over immigrant engagement with public institutions.

The One California program also operates independently of federal immigration enforcement and is not used to cooperate with or support federal immigration authorities. The program receives an annual General Fund allocation of \$45 million. In state fiscal year 2022-23, CDSS awarded over \$35 million in ISF funding to 94 nonprofit legal service providers. For state fiscal years 2023-26, CDSS awarded \$36.88 million to 85 nonprofit organizations.

As part of the 2025 special legislative session, SBX1-2 (Weiner and Gabriel), Chapter 4, Statutes of 2025, allocated an additional \$10 million to the One California/ISF program for the 2024-25 fiscal year. According to CDSS, the supplemental funding will be used to both increase funding for existing grant recipients and support competitive grant proposals aimed at addressing emerging needs, such as expanding service capacity in underserved regions. CDSS anticipates that augmentations to existing agreements will be implemented within approximately three months, while new competitive grants will roll out over six months. The Governor’s 2025-26 budget contains \$75 million to maintain funding for ongoing immigration legal services programs.

This bill would place a new restriction on this program by prohibiting the use of its funds to obstruct or interfere with federal immigration enforcement actions or legal proceedings involving individuals who have been convicted of a felony and are unlawfully present in the U.S. This restriction would apply specifically to expenditures on litigation, administrative actions, or any other efforts intended to shield these individuals from apprehension or deportation.

Federal Actions. While immigration policy is determined at the federal level, its impacts are deeply felt in California—particularly by immigrant communities, legal service providers, and state and local agencies. CDSS has identified several key areas of concern stemming from recent federal action and executive orders issued by the new administration. These actions are rapidly

reshaping the immigration landscape, eliminating protections, and creating widespread uncertainty and fear. Key concerns include:

- *Elimination of Humanitarian Protections.* The federal government has begun rolling back humanitarian protections established under previous administrations. This includes the termination of parole programs for individuals from Ukraine, Cuba, Haiti, Nicaragua, and Venezuela, as well as the revocation of Temporary Protected Status for Venezuelan nationals. These changes leave hundreds of thousands of individuals unable to apply for relief and at heightened risk of deportation;
- *Immigration Enforcement at Sensitive Locations.* Federal immigration authorities are now permitted to conduct enforcement operations at sensitive locations such as schools, hospitals, and places of worship. Under prior guidance, such operations were limited to emergencies or required prior approval. This shift has increased fear within immigrant communities and created a chilling effect on the use of critical services;
- *Restrictions on Work Authorization.* New executive actions prohibit individuals who are unlawfully present in the U.S. from receiving work authorization, even if they have pending immigration applications. This leaves many immigrants unable to support themselves or their families, despite being actively engaged in the legal process;
- *Community Fear and Reduced Service Utilization.* Heightened immigration enforcement and restrictive policies have caused widespread fear, deterring many individuals—including U.S. citizens and lawfully present immigrants—from accessing public services they are legally entitled to. This fear disproportionately affects undocumented Californians but also extends to mixed-status families and other vulnerable populations;
- *Impact on Students and Schools.* The potential for immigration enforcement near or on school grounds has caused significant distress among immigrant and refugee families. Local education agencies report increased absenteeism, particularly among newcomer students. If absenteeism becomes chronic, it may negatively affect academic performance and school engagement;
- *Risks to Unaccompanied Undocumented Minors (UUMs).* UUMs already face significant barriers navigating the federal immigration system. These challenges are compounded by fears of deportation, separation from sponsors or family members, threats to federal support funding, and increased social isolation. Without adequate safeguards, UUMs are more vulnerable to exploitation, including human trafficking;
- *Suspension of Refugee Resettlement Services.* In response to recent executive orders, the U.S. State Department issued stop-work orders to national Resettlement Agencies (RAs), instructing them to pause all services provided through the Reception and Placement program for a four-month period starting January 27, 2025. As a result, several RAs in California have been forced to reduce or furlough staff, disrupting services for refugee and Special Immigrant Visa (SIV) holders; and,
- *Loss of Essential Support for Refugees and SIV Holders.* Newly arrived refugees and SIV recipients depend on the Reception and Placement program for critical early support. This includes access to housing, food, clothing, English classes, school enrollment, case

management, job placement, and other social services designed to support successful integration and self-sufficiency. The interruption of these services threatens their ability to safely and successfully transition into life in the U.S.

Collectively, these federal actions are creating instability, increasing legal and humanitarian risks, and placing additional strain on California's immigration legal services infrastructure.

Author's Statement: According to the Author, "The premise of this bill is simple: California tax dollars should not fund immigration assistance programs that aid convicted felons residing in the U.S. illegally. Earlier this year, the legislature passed a funding package directing tax dollars toward immigration legal services and programs. My amendment to ensure these funds would not be used for undocumented immigrants convicted of felonies was rejected. However, after the bill was signed, Governor Newsom, in his signing letter, encouraged follow-up legislation to clarify that the funding was not intended for such purposes. In response, I introduced [this bill]."

Equity Implications: By prohibiting the use of One California/ISF to support individuals with felony convictions in immigration proceedings, *this bill* introduces a significant shift in how California allocates legal resources to immigrant communities—raising questions about fairness, access, and the state's broader commitment to inclusion and justice.

Communities of color, particularly Black, Latinx, and Southeast Asian immigrants, are disproportionately impacted by both the criminal legal and immigration systems. These communities have long faced over-policing, racial profiling, and disparities in sentencing, which means that the individuals most likely to be excluded under this proposal are also those who have historically been denied equitable treatment. Removing access to legal representation for these individuals risks perpetuating systemic inequities and undermines the principle of equal access to justice.

Policy Considerations: *This bill* aims to draw a clear boundary around the use of state funds; however, it infringes on due process rights. Immigration proceedings, though often carrying consequences as severe as criminal penalties, including detention and permanent separation from family, do not entitle immigrants to government-appointed legal counsel. One California was created to help fill that gap by providing pro bono legal services to low-income immigrants across the state. Restricting access to these services based on criminal history effectively removes the only legal safety net available to many, placing them at greater risk of wrongful or unjust deportation without due process.

This approach also appears to diverge from California's longstanding values as a pro-immigrant state. Over the past decade, California has established itself as a national leader in defending immigrant rights, supporting rehabilitation and reentry, investing in sanctuary policies, and promoting inclusive policies that acknowledge the full humanity of its residents—regardless of immigration status or past conviction. *This bill* conflicts with those efforts by reinforcing a punitive narrative that ignores the rehabilitation progress or family ties of individuals with criminal records.

Furthermore, *this bill* could deepen fear and distrust within immigrant communities. By creating a closer alignment between state-funded programs and federal immigration enforcement—particularly with individual past convictions—this bill risks chilling participation in public programs and services. This fear extends beyond undocumented individuals to mixed-status families and legal residents, including U.S. citizens, who may worry that seeking help could

expose their loved ones to enforcement. It also risks sending the message to immigrant communities that California is retreating from its protective stances.

Families and communities may also suffer from increased instability if individuals facing deportation are denied legal assistance. Many of those affected have lived in California for years, contribute to their communities, and are parents or caretakers. Stripping access to legal services could increase the risk of family separation, economic hardship, and long-term harm to children and communities already facing barriers to opportunity.

From an administrative perspective for legal service providers, organizations that rely on ISF funding would be required to screen clients for eligibility under the new criteria, adding complexity to their intake processes and potentially straining already limited resources. These imitations could undermine the capacity of the statewide legal services network.

Ultimately, while *this bill* aims to clarify how public funds may be used in immigration cases, it raises serious equity concerns. It creates an exclusionary standard that risks reinforcing systemic injustices and undercuts California's commitment to equity, inclusion, and due process for all residents.

Double referral: Should this bill pass out of this committee, it will be referred to the Assembly Committee on Judiciary.

RELATED AND PRIOR LEGISLATION:

AB 1318 (Bonta) of the current legislative session, clarifies that grants or contracts for services to undocumented persons, or administering the Rapid Response Program or the Enhanced Services for Asylees and Vulnerable Noncitizens program shall be awarded to nonprofits with either state tax-exempt status or federal 501(c)(3) status. *AB 1318 is pending before the Assembly Committee on Appropriations.*

AB 2031 (Jones-Sawyer) of 2024, would have amended the One California program to expand the types of services qualifying nonprofit legal services organizations may provide utilizing grant funding and would have restructured the experience needed from such organizations in order to qualify for grants, and would have repealed a restriction on the use of grant funds to provide services for individuals with serious or violent felony convictions. *AB 2031 was set to be heard by the Assembly Committee on Judiciary but the hearing was cancelled at the request of the author.*

AB 617 (Jones-Sawyer) of 2023, would have made changes to the One California program requirements that nonprofit legal services organizations must meet to get funding; would have expanded the scope of services and who is eligible to receive services; and, would have convened an advisory committee. *AB 617 was referred to the Assembly Committee on Judiciary and died pursuant to Art. IV, Sec. 10(c) of the Constitution.*

SBX1-2 (Wiener, Gabriel), Chapter 4, Statutes of 2025, amended the 2024 Budget Act to provide \$25 million of additional General Fund resources for immigration and legal aid services.

AB 1096 (L. Rivas), Chapter 296, Statutes of 2021, struck the offensive and dehumanizing term "alien" used to describe a person who is not a citizen or national of the U.S. where it appears in

multiple California code sections, and replaced it with other terms that do not include the word "alien," and makes other nonsubstantive changes.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Opposition

Acacia Center for Justice
ACLU California Action
All of US or None (HQ)
Asian Law Alliance
Asian Prisoner Support Committee
California Immigrant Policy Center
Californians for Safety and Justice (CSJ)
Center for Gender and Refugee Studies-California
Central American Resource Center - Carecen - of California
Centro Legal de la Raza
Chinese for Affirmative Action/AACRE
Communities United for Restorative Youth Justice (CURYJ)
East Bay Community Law Center
East Bay Sanctuary Covenant
Empowering Marginalized Asian Communities (EMAC)
Empowering Pacific Islander Communities (EPIC) Fiscally Sponsored by Community Partners
Immigrant Defenders Law Center
Inland Coalition for Immigrant Justice
Interfaith Movement for Human Integrity
Korean Resource Center
LA Defensa
Legal Services for Prisoners With Children
New Light Wellness
Orale: Organizing Rooted in Abolition, Liberation, and Empowerment
Public Counsel
San Diego Immigrant Rights Consortium
Silicon Valley De-Bug
Sister Warriors Freedom Coalition
South Bay People Power
Southeast Asia Resource Action Center
Thai Community Development Center
The Immigrant Legal Resource Center
Vera Institute of Justice
Vital Immigrant Defense Advocacy and Services

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