

CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE
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Legislature Passes Immigrant Rights Bills; Governor Davis Signs Language Rights Law

Before it adjourned on Sept. 14, 2001, the California legislature passed several bills benefiting immigrants. Governor Gray Davis has signed a bill limiting "English-only" rules in the workplace. He will now consider measures to improve access to higher education and driver's licenses for immigrants. What follows is a summary of the bills approved by the legislature.

Higher Education (AB 540 – Firebaugh and Maldonado). This bill would allow students who have attended California high schools for at least three years to pay in-state tuition at California State Universities and community colleges, regardless of their immigration status. In order to qualify, they must also have graduated from a high school in California. Students would be required to sign an affidavit attesting that they have filed or will file an application for lawful status when eligible to do so. The rules would apply to the University of California only if adopted by the U.C. Board of Regents. A provision allowing access to state financial aid for these students was dropped from the bill during last-minute negotiations.

The higher education bill passed the Assembly (57-14) and the Senate (27-7) with strong bipartisan support and was bolstered by backing from a broad alliance of over 150 organizations, including cities and counties, colleges, business and labor groups, and faith-based and community-based organizations.

The governor must sign or veto this bill by Oct. 14, 2001. Although Davis vetoed a narrower bill last year, his recent statements to the media and advocates indicate that he is seriously considering a signature this year. Governor Perry of Texas recently signed a similar measure, and a bipartisan effort is underway in Congress to pass related legislation.

Driver's Licenses (AB 60 – Cedillo). This bill would allow persons who have applied for a lawful immigration status to secure a California driver's license. Applicants who do not have a Social Security number would be required to show an individual taxpayer identification number ("ITIN") or, possibly, another identifier chosen by the Department of Motor Vehicles. These licenses would be issued for three-year periods.

The bill passed the Assembly (52-20) and the Senate (23-8) on Sept. 14, 2001. However, pending further negotiations with the governor, the bill is being held at the Assembly desk and may be

sent to the governor early next year.

Language Rights in the Workplace (AB 800 – Wesson). On Sept. 14, 2001, Governor Davis signed AB 800, which prohibits employers from imposing "English-only" rules, or other limits on the use of a particular language in the workplace, unless the rules are justified by "business necessity." The bill codifies the standards currently employed by the California Fair Employment and Housing Commission (FEHC) and offers employees more protection than is available under federal law. The law defines

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San Francisco to Provide Access to Health Care for All Children

The city of San Francisco is gearing up for the official launch of its universal health care program for children, Healthy Kids. Healthy Kids will provide medical, dental, mental health, and vision coverage to an estimated 5,000 uninsured San Francisco children who are currently ineligible for federal or state coverage under Healthy Families and Medi-Cal. The program is open to all low- and middle-income children in San Francisco, regardless of their immigration status.

To be eligible for Healthy Kids, a child must be under 19 years of age, reside in San Francisco, and live in a family with an income under 300 percent of the federal poverty level (about \$44,000 a year for a family of three). Outreach for the program will be geared towards informing entire families about health care options. The efforts will seek to enroll eligible children in Medi-Cal or Healthy Families, with those ineligible for these programs to be enrolled in Healthy Kids. The cost to enroll in San Francisco's program will be \$4 per month per child.

Healthy Kids was approved in January 2001 by city health commissioners but lacked funding until Mayor Willie Brown announced in May that he would set aside \$3 million of the city's \$5.2 billion annual budget for the program. Healthy Kids will be administered by the San Francisco Health Plan, which was

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business necessity as “an overriding legitimate business purpose such that the language restriction is necessary to the safe and efficient operation of the business, that the language restriction effectively fulfills the business purpose it is supposed to serve, and there is no alternative practice to the language restriction that would accomplish the business purpose equally well with a lesser discriminatory impact.”

It also requires employers to notify their employees regarding the circumstances and the time when the language restriction is

required and of the consequences of violating the rule.

In signing the legislation, Governor Davis declared, “This bill protects the rights of non-English speakers in the workplace. Allowing individuals to communicate among themselves in their native languages is good for business. Even if employees are bilingual, often they can communicate more efficiently in their own language. It hurts morale to impose on certain employees the burden of monitoring speech.”

For more information concerning the language rights law, please contact Donya Fernandez at the Employment Law Center, at (415) 864-8848.

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founded in 1997 to bring affordable health coverage to low-income individuals and families in San Francisco. Since its inception, the San Francisco Health Plan has enrolled more than 34,000 members. Despite the plan’s success, the city estimates that approximately 135,000 San Franciscans remain uninsured.

Planners hope to begin enrollment in Healthy Kids in January of 2002. In the meantime, they must locate eligible children and persuade their parents to participate in the program. Outreach plans for the new San Francisco health program will focus primarily on children in immigrant families.

In light of the outreach plan’s focus, planners convened an advisory committee in August 2001 to devise strategies for reaching immigrant communities in San Francisco. Planners were advised to make enrollment easy, allow “on the spot” applications,

and provide opportunities to enroll in familiar locations, with the help of community-based organizations and other trusted figures such as teachers, church workers, and health care providers. Planners assured the advisory group that enrollment in Healthy Kids will be conducted in multiple locations, including clinics, schools, churches, and other places frequented by the city’s immigrant communities.

A public outreach campaign will precede the formal kick-off of the program. Planners will enlist the help of media outlets, especially the ethnic media, to send the message that Healthy Kids is easy, affordable, and safe for families to use. “We created this program,” said Mayor Brown to the San Jose Mercury News, “to break down the fears of the immigrant community that if they get health care for their kids, they will be deported. We are now declaring once and for all that San Francisco is a city that cares for its kids.”

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