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May 15, 2023

The Honorable Gavin Newsom
Governor, State of California
1303 10th St, Suite 1173
Sacramento, CA 95814-4905

Dear Governor Newsom,

As both the state's chief executive and an ex officio member of the University of California Board of Regents, I write to express opposition to consideration of plans to hire illegal immigrants by the University of California system.

The University of California (UC) has made my office aware of a Board of Regents (Board) meeting occurring on May 18, 2023¹, at which time a policy related to "equal access to education enrichment activities, including student employment, regardless of immigration status" will be considered and moved for same-day adoption.

As highlighted in several previous publications, notably the Los Angeles Times² and New York Times, "the University of California is considering a proposal to break legal ground by hiring immigrant students without [legal] work authorization." While my office has repeatedly requested, but not been provided, proposal details, we can speculate the Board will vote to update University policy to grant the employment of undocumented immigrants.

In keeping with former Speaker Nancy Pelosi's strategy of "You have to pass the bill to find out what's in it,"³ the Board's public meeting notice confirms a public comment period will commence on the same day the policy is adopted. It seems contrary to every instinct of transparency and public disclosure for the Board to vote and adopt a legally unsound and sweeping policy that has been withheld from the public and enacted with only the most minimal public involvement imaginable. One can only speculate that even the drafters understand the shaky legal presumptions relied upon within.

Given that one cannot know the exact nature of the policy to be adopted, officials should be reminded that under current federal law within the *Immigration Reform and Control Act of 1986* (IRCA), it is "unlawful for a person or other entity to: (1) hire, recruit, or refer for a fee for U.S. employment any alien knowing that such person is unauthorized to work, or any person without verifying his or her work status; or (2) continue to employ an alien knowing of such person's unauthorized work status."⁴

¹ University of California Board of Regents Notice of Meeting, online, [notices.pdf \(universityofcalifornia.edu\)](https://notices.pdf(universityofcalifornia.edu))

² Watanabe, Teresa and Cindy Carcamo, LA Times, October 20, 2022, [UC pushed to break legal ground by hiring immigrant students without work permits - Los Angeles Times \(latimes.com\)](https://www.latimes.com/education/story/2022-10-20/uc-pushed-to-break-legal-ground-by-hiring-immigrant-students-without-work-permits)

³ Pelosi: "We have to pass the bill so that you can find out what is in it." - YouTube

⁴ NY Times, October 19, 2022, [Students, Legal Scholars Push California Universities to Hire Undocumented Students - The New York Times \(nytimes.com\)](https://www.nytimes.com/2022/10/19/us/politics/california-universities-hire-immigrants.html)

As stated by Lora Ries, Director of the Border Security and Immigration Center at the Heritage Foundation, “Under the law, it is illegal to hire unauthorized aliens — and for good reason. Work opportunity is the No. 1 pull factor of illegal immigration.”

In keeping with the Supremacy Clause of the U.S. Constitution, the Supreme Court has repeatedly recognized federal law preempts state or local immigration actions. The Court has repeatedly made clear that IRCA leaves no room for states to adopt their own immigration employment measures, nor can they conflict with the federal law’s objectives and purposes.

Additionally, it should be highlighted that to be eligible to receive federal taxpayer funds under Title IV of the Higher Education Act – better known as the Federal Work-Study (FWS) Program – a student must be a citizen, permanent resident or in the United States for other temporary purpose with the intent to become a citizen [§ 668.33 Citizenship and residency requirements](#). Therefore, Title IV institutions, such as the University of California, are prohibited from granting FWS to undocumented immigrants.

If the University of California system does in fact approve a policy change to permit the hiring of illegal immigrants in contravention of federal law, please inform Congress how the system intends to refund its current federal funding, as well as provide a detailed estimate of the fiscal impact to students by forgoing future federal assistance.

Fundamentally, the State of California and the University of California cannot simply pick and choose which federal laws to follow and which to declare null and void. Nor should they work and plan in secret to violate these laws. Rather than devote scarce time and resources to this – particularly during an historic and worsening state budget crisis –University leadership should focus on better ways to reduce administrative overhead, rebuild core studies, reinstate a healthy atmosphere of free speech on campus , and regain the public trust in what was once the hallmark of our nation’s finest systems of higher education.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darrell Issa', with a stylized, flowing script.

Darrell Issa

Member of Congress