

Federal Policy and Advocacy Update

FEDERAL JUDICIAL UPDATE

On October 5, the Fifth Circuit Court of Appeals upheld the State of Texas, et al., v. United States (2021) ruling that the Deferred Action for Childhood Arrivals (DACA) program is unlawful, agreeing with the lower court that the Obama administration exceeded its executive authority when creating the policy in 2012. The appellate court ruling blocks the federal government from enrolling new applicants into DACA, but preserves the program for existing recipients, allowing the federal government to process renewals. Further, the Fifth Circuit remanded the case back to the lower court in Texas to consider the legality of a final rule issued by the Biden administration in August which sought to codify DACA into federal regulations. While those regulations were scheduled to take effect on October 31, the U.S. Southern District Court of Texas is expected to block their implementation while the court conducts its review. Given the ruling, the Biden administration is planning to file a formal appeal that could eventually send the case to the Supreme Court to make a final judgment on DACA's constitutionality.

In response to the decision, the Chancellor's Office issued a joint media statement with University of California and California State University to underscore a continued commitment to support undocumented students, staff, and faculty and to call on Congress to take immediate action to enact a permanent pathway to citizenship. Additionally, Chancellor Gonzales circulated a letter to urge college Chief Executive Officers (CEOs) to provide reassurance to undocumented and DACA students that the ruling does not jeopardize their eligibility to enroll in California's public colleges and universities or receive state financial aid. The letter also requests college CEOs to conduct outreach to students to inform them of available resources such as the Community College Immigration Legal Services program.

FEDERAL LEGISLATIVE UPDATE

On September 29, President Biden signed into law a stop-gap funding bill called a continuing resolution (CR) to avert a government shutdown before the end of the fiscal year on September 30. The measure continues enacted FY 2022 spending levels until December 16. After the midterm elections, lawmakers plan to continue debate on several higher education spending proposals for FY 2023, including \$500 increase to the maximum Pell Grant and a \$34 million increase for the Federal Work-Study program.

On September 28th, Senator Alex Padilla (D-CA) introduced the Renewing Immigration Provisions of the Immigration Act of 1929 which would update existing immigration registry statute to allow immigrants to qualify for lawful permanent resident status if they have lived in the U.S. continuously for at least seven years. Federal immigration law gives the Secretary of Homeland Security the discretion to register certain individuals for lawful permanent resident status if they have been in the country since a certain date. The provision was first codified in 1929 and Congress has modified the cutoff date four times, establishing a current cutoff date of January 1, 1972. The Renewing Immigration Provisions of the Immigration Act of 1929 would amend the existing Registry statute by updating the eligibility cutoff date to allow more immigrants to qualify. The bill would

also make the eligibility cutoff rolling, instead of tying it to a specific date as it is under current law.

ADMINISTRATION UPDATE

On September 28, President Biden hosted the White House Conference on Hunger, Nutrition, and Health to outline a national strategy for ending hunger and reducing diet-related disease by 2030, with a focus on closing disparities among the highest impacted communities. During the conference, the Biden administration acknowledged that the existing Supplemental Nutrition Assistance Program (SNAP) eligibility requirements are out of date and unfairly exclude millions of low-income college students from receiving benefits. Under federal law, college students who attend school at least part-time are ineligible from receiving SNAP unless the student meets specified exemptions. However, this prohibition is temporary lifted the duration of COVID-19 public health emergency. The administration plans to work with Congress to revise existing SNAP eligibility requirements to permanently expand access to the program.