

**Assembly Concurrent Resolution**

**No. 167**

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**Introduced by Assembly Members Cedillo and Alejo**  
**(Coauthors: Assembly Members Roger Hernández, Mendoza,**  
**Wieckowski, and Williams)**  
**(Coauthor: Senator Correa)**

August 7, 2012

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Assembly Concurrent Resolution No. 167—Relative to State Bar admission.

LEGISLATIVE COUNSEL’S DIGEST

ACR 167, as introduced, Cedillo. California State Bar admission.

This measure would declare that an applicant’s immigration status should not be the determining factor in deciding whether to approve a license to practice law, would commend Sergio C. Garcia for his hard work and success, and would also commend the State Bar of California for its efforts to admit Sergio C. Garcia to the State Bar of California.

Fiscal committee: no.

- 1 WHEREAS, Sergio C. Garcia was born in Villa Jimenez,  
2 Mexico, in 1977, and was reportedly first brought into the United  
3 States by his parents, without inspection by immigration officials,  
4 when he was 17 months old, and, after leaving the United States  
5 around the age of eight or nine, entered the Unites States again  
6 when he was 17 years old; and  
7 WHEREAS, Sergio C. Garcia’s father, who was a lawful  
8 permanent resident at the time, and who has since gained full  
9 citizenship status, filed a petition for an immigrant visa for his son

1 on November 18, 1994, which was approved in January of 1995;  
2 and

3 WHEREAS, In the past 17 years, while waiting for his visa to  
4 become available, Sergio C. Garcia, in an undocumented status,  
5 went to college, attended law school, and passed the California  
6 Bar Examination; and

7 WHEREAS, The Committee of Bar Examiners of the State Bar  
8 of California, having reviewed Sergio C. Garcia's application,  
9 found that Mr. Garcia met all of the necessary requirements for  
10 admission to the State Bar of California, and, on November 9,  
11 2011, based on that conclusion, submitted Mr. Garcia's name, on  
12 motion to the California Supreme Court, as an applicant certified  
13 for attorney licensure; and

14 WHEREAS, On May 16, 2012, the California Supreme Court  
15 issued an Order to Show Cause to the Committee of Bar Examiners  
16 as to why its pending motion for the admission of Sergio C. Garcia  
17 to the State Bar of California should be granted; and

18 WHEREAS, With the passage of the California DREAM Act,  
19 which allows certain youth without proper immigration  
20 documentation to apply for financial aid, California has moved  
21 toward a policy of inclusion rather than exclusion of undocumented  
22 immigrants brought into the United States by their parents as  
23 children, regardless of their authorization to work; and

24 WHEREAS, Developing federal executive policy echoes this  
25 policy of inclusion. On June 15, 2012, the Secretary of the  
26 Department of Homeland Security released a memorandum,  
27 "Exercising Prosecutorial Discretion with Respect to Individuals  
28 Who Came to the United States as Children," establishing a policy  
29 of deferring removal proceedings for eligible undocumented  
30 students at the discretion of the Department of Homeland Security  
31 and allowing eligible undocumented students to apply for work  
32 permits. The secretary's memorandum stresses that the United  
33 States immigration laws were not designed to remove productive  
34 young people who have contributed to our country in significant  
35 ways to countries they may not even be familiar with; now,  
36 therefore, be it

37 *Resolved by the Assembly of the State of California, the Senate*  
38 *thereof concurring,* That the Legislature commends Sergio C.  
39 Garcia for his hard work and success in satisfying all state

1 requirements for admission to the State Bar of California; and be  
2 it further

3 *Resolved*, That the Legislature believes an applicant's  
4 immigration status should not be the determining factor in deciding  
5 whether to approve a State Bar law license in California; and be  
6 it further

7 *Resolved*, That the Legislature commends the State Bar of  
8 California for its thorough review of Sergio C. Garcia's application,  
9 its motion for Sergio C. Garcia's admission to the State Bar of  
10 California, and its excellent and comprehensive review of the law  
11 in the brief filed with the California Supreme Court; and be it  
12 further

13 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
14 of this resolution to the Governor, the State Bar of California, and  
15 the author for appropriate distribution.