

AMENDED IN ASSEMBLY AUGUST 14, 2012

AMENDED IN ASSEMBLY AUGUST 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

Assembly Concurrent Resolution

No. 167

Introduced by Assembly Member Alejo

(Coauthors: Assembly Members *Allen, Atkins, Charles M. Calderon, Campos, Cedillo, Dickinson, Fong, Fuentes, Roger Hernández, Hueso, Lara, Mendoza, Monning, V. Manuel Pérez, Wieckowski, Williams, and Yamada*)

(Coauthor: ~~Senator~~ Coauthors: *Senators Correa and Yee*)

August 7, 2012

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

LEGISLATIVE COUNSEL’S DIGEST

ACR 167, as amended, Alejo. 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

1 around the age of eight or nine, entered the Unites States again
2 when he was 17 years old; and

3 WHEREAS, Sergio C. Garcia's father, who was a lawful
4 permanent resident at the time, and who has since gained full
5 citizenship status, filed a petition for an immigrant visa for his son
6 on November 18, 1994, which was approved in January of 1995;
7 and

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

12 WHEREAS, The Committee of Bar Examiners of the State Bar
13 of California, having reviewed Sergio C. Garcia's application,
14 found that Mr. Garcia met all of the necessary requirements for
15 admission to the State Bar of California, and, on November 9,
16 2011, based on that conclusion, submitted Mr. Garcia's name, on
17 motion to the California Supreme Court, as an applicant certified
18 for attorney licensure; and

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

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

29 WHEREAS, Developing federal executive policy echoes this
30 policy of inclusion. On June 15, 2012, the Secretary of the
31 Department of Homeland Security released a memorandum,
32 "Exercising Prosecutorial Discretion with Respect to Individuals
33 Who Came to the United States as Children," establishing a policy
34 of deferring removal proceedings for eligible undocumented
35 students at the discretion of the Department of Homeland Security
36 and allowing eligible undocumented students to apply for work
37 permits. The ~~secretary's~~ *Secretary's* memorandum stresses that
38 the United States immigration laws were not designed to remove
39 productive young people who have contributed to our country in

1 significant ways to countries they may not even be familiar with;
2 now, therefore, be it

3 *Resolved by the Assembly of the State of California, the Senate*
4 *thereof concurring*, That the Legislature commends Sergio C.
5 Garcia for his hard work and success in satisfying all state
6 requirements for admission to the State Bar of California; and be
7 it further

8 *Resolved*, That the Legislature believes that where the State Bar
9 determines that an applicant is otherwise eligible for admission,
10 an applicant's immigration status should not be the determining
11 factor in deciding whether to approve a State Bar law license in
12 California; and be it further

13 *Resolved*, That the Legislature commends the State Bar of
14 California for its thorough review of Sergio C. Garcia's application,
15 its motion for Sergio C. Garcia's admission to the State Bar of
16 California, and its excellent and comprehensive review of the law
17 in the brief filed with the California Supreme Court; and be it
18 further

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