

# Decisions within ca state assembly

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Decisions within CA Assembly The paper identifies different issues projected as a result of a decision made by the California assembly, the strategies followed and the outcome obtained.

#### Issue

‘ The California Supreme Court allowed law practicing license to an undocumented Immigrant.’

The CA Supreme court granted a proposal submitted by the Committee of Bar Examiners of the State Bar of California to allow admission to an illegal immigrant to the State bar. The court gave the ruling that no state law or public policy should prohibit illegal immigrants like Garcia from having a practicing law license in the state. Any undocumented immigrant who has been living in the United States, bear sound moral character and have professional education when apply for state bar admission would not be sanctioned any debt by the immigration officials. Chief Justice Tani Cantil-Sakauye authored the ruling with consent of Justice Ming Chin.

This case highlighted many important issues questioning the rights and status of non-immigrants in the US. It also poses a question mark on the visa issuing authorities in the country as Garcia was unable to get permanent residence in the US even after 19 years.

#### The legislation

The federal statute 8 U. S. C, section 1621, does not allow any benefits to the non-immigrants, such as the issuance of practicing licenses. According to California Statute AB 1024, presented by Governor Jerry Brown, if an applicant for admission in state bar meets all the requirements set by Committee of Bar Examiners of the State Bar, the matter of undocumented

immigration should be ignored.

### Case History

Sergio Garcia, the case representative was a Mexican citizen. He was born in 1977 and was brought into California (USA) in the age of 17 months. He started to reside in California till the age of nine when he was brought back to his country. After eight years he came back to California, earn high school education and then professional law education from there. Garcia's father on his behalf filed an application for permanent residence in the US 1994, since then Garcia has been waiting for having a permanent citizen status and his application accepted. In 2009, after completing degree in law, Garcia submitted his application for admission in State Bar mentioning his application ' pending' status. The Committee of Bar Examiners investigated the entire issue and filed a case in Supreme Court highlighting non-migrant status of Garcia. The committee asserted that its proposal for granting admission to Garcia in State Bar is the first attempt noting that the committee is unaware of any law, which allows such permission to a nonimmigrant. The Supreme Court issued an order in response to the submitted case asking the committee for show causing the reasons for granting its motion.

### Strategies to Fix the Issue

The Supreme Court demanded the State Bar Committee to present evidences, why their motion should be granted. The fulfillment of this order lay down a series of issues which should be addressed for submitting the report to the court involving the interpretation, importance and relevance of the federal statute section 1621 of title 8 of the USC. The briefs related to

the issues posed by the court were submitted by the Committee of Bar Examiners, California Attorney General, United States Department of Justice, counsel for Garcia and various amici curiae. Later on adding Business and Professions Code section 6064 amended Sep 2013 the California statute, subdivision (b) in the legislature according to which an illegal immigrant who fulfills all the requirements for admission is the State bar must be granted license for practice irrespective of his nonimmigrant status.

It is suggested that court must also notify the reasons behind non-issuance of permanent residence certificate by the public organizations as indicated as a major issue by this case (Denhardt, Denhardt, & Aristigueta, 2012).

Laws must be made more flexible to improve the facilities to non-immigrant citizens who are studying and working in the US. The non-profit organizations and public sector agencies can play a vital role in evaluating the problems faced by the non-immigrants and propose their solutions and filing cases in the court in order to obtain justice (Denhardt, Denhardt, & Aristigueta, 2012). These organizations can play a major role in decision-making process by the law governing bodies (Denhardt, Denhardt, & Aristigueta, 2012).

#### Rationale for strategies

The public sector organizations and law governing agencies showed positive as well as negative response towards the decision. The strategies used for evaluating the issue identified various other problems faced by the immigrants in the US such as provision of citizenship and also indicate the loop holes in the federal statute which resulted in resolving the issue not only related to a person but to entire nonimmigrant population facing such problems (Denhardt, Denhardt, & Aristigueta, 2012).

## Conclusion

Various people related to law and other professions gave a mixed response towards the new legislature. Some immigration attorneys declare this decision to be wise and logical and they claim that this modification in law will help many other immigrants who have been waiting for their visa applications to get approved in practicing their profession not only in California but also in other states.

## Reference

Denhardt, R., Denhardt, J., & Aristigueta, M. (2012). Managing Human Behavior in Public and Nonprofit Organizations. New York: SAGE Publications.