

The California Right to Work and Dignity Act

SUMMARY: This bill establishes a legal framework permitting undocumented immigrants residing in California, who meet specific criteria, to obtain state-issued work permits. Modeled after Assembly Bill 60 (AB 60), this legislation aims to integrate undocumented residents into the formal economy, upholding labor rights, and enhance public safety and economic stability.

SECTION 1: Legislative Intent (Findings and Declarations)

The Legislature finds and declares the following:

- (a) Undocumented immigrants significantly contribute to California's workforce, particularly in agriculture, construction, healthcare, hospitality, and service industries. However, exclusion from legal employment exposes them to wage theft, unsafe working conditions, and exploitation.
- (b) California experiences reduced economic productivity when skilled, tax-paying individuals are forced into vulnerable undocumented labor due to lack of work authorization.
- (c) Assembly Bill 60 has successfully shown that providing limited legal privileges to undocumented immigrants strengthens public safety, economic integration, and community stability.
- (d) California is committed to human dignity, labor rights, and equitable treatment for all residents, affirming the right of every individual to work safely and fairly regardless of immigration status.

SECTION 2: Problem Statement

Undocumented Californians with no criminal history who pay taxes using an Individual Taxpayer Identification Number (ITIN) are barred from legal employment. This exclusion:

- Forces skilled, tax-paying individuals into vulnerable undocumented labor.
- Reduces state economic productivity.
- Exposes workers to wage theft, unsafe conditions, and exploitation.

SECTION 3: Proposed Solution

Create a state-level employment authorization card for qualifying undocumented residents, modeled after AB 60 driver's licenses.

Eligibility Criteria:

- No criminal convictions.
- Proof of California residency (\geq 1 year)
- Tax filings with valid ITIN for \geq 2 years.
- Passage of basic employment rights test.

Administration: California Department of Employment Services, in partnership with Employment Development Department (EDD).

SECTION 4: Anticipated Benefits

The Act will:

- Add transparency and accountability to California's labor market.
- Reduce exploitation and public health risks.
- Boost state tax revenue and workforce stability.
- Empower immigrant communities and enhance community safety.

SECTION 5: Definitions

- (a) "State-issued work permit" means a permit authorized by the State of California permitting employment within the state jurisdiction.
- (b) "Undocumented immigrant" refers to an individual residing in California who does not have lawful immigration status under federal law.
- (c) "Continuous residence" denotes residence within California without prolonged absences exceeding six consecutive months within the preceding one-year period.
- (d) "Criminal record" refers to any felony conviction or significant misdemeanor as defined by California state law.
- (e) "Taxpayer" refers to an individual who consistently pays state taxes directly or through payroll deductions within the previous two years using an ITIN.

SECTION 6: Application and Issuance Process

- (a) The California Department of Employment Services, in partnership with EDD, shall develop and administer an accessible application process.
- (b) Applicants must submit required documentation, pay a reasonable processing fee, with fee waivers available based on economic hardship.
- (c) Permits shall be issued or denied within 90 days from receipt of a complete application.
- (d) Work permits shall be valid for two years, subject to renewal with re-verification of eligibility criteria.

SECTION 7: Protections Against Federal Retaliation

- (a) Applicants and permit holders shall be protected from discrimination or retaliation based on participation in this program.
- (b) California state and local agencies shall not disclose applicant information to federal immigration authorities without judicial warrants ensuring due process.

SECTION 8: Data Privacy and Confidentiality

- (a) Stringent data privacy measures shall protect applicant and permit holder information.
- (b) Database access shall be restricted exclusively to authorized state officials directly involved in the permit issuance and management process.

SECTION 9: Implementation and Oversight

- (a) The California Department of Employment Services is designated as responsible for implementation, compliance monitoring, and periodic reporting to the Legislature.
- (b) An advisory board comprising immigrant advocacy groups, labor unions, economic experts, and community stakeholders shall provide recommendations and oversight.

SECTION 10: Severability

If any provisions of this act is found invalid or unconstitutional, that invalidity shall not affect other provisions enforceable independently, preserving the act's legislative intent.