

Case No. S287474

IN THE
SUPREME COURT OF CALIFORNIA

JEFFRY UMAÑA MUÑOZ and ILIANA PEREZ,

Petitioners,

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA,

Respondent.

Court of Appeal, First Appellate District, Case No. A171410

**THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA'S ANSWER TO PETITION FOR REVIEW**

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STATEMENT

The University of California system is one of the most rigorous, vibrant, and diverse academic institutions in the world. That is due in no small part to the talent, experience, and contributions of the University's approximately 4,000 undocumented students. Not only do undocumented students deserve equal educational employment opportunities, California deserves to benefit from the educational and professional training that paid student employment would provide these talented students. For that reason, and as Petitioners acknowledge, the University has spent the past two years actively assessing whether and how it might offer undocumented students paid student employment opportunities. (See Pet. at p. 18.)

Petitioners argue that case law and the plain text of the Immigration Reform and Control Act (IRCA) support a conclusion that IRCA does not apply to the University of California. Federal regulations, consistent with the federal government's historical interpretation and enforcement of IRCA, purport to broadly prohibit "governmental bod[ies]" from employing undocumented workers. (8 C.F.R. § 274a.1(b).) The applicability of IRCA to the University has never been directly addressed by any state or federal court. And the penalties for violating the regulation are severe and contemplate both substantial civil penalties as well as criminal sanctions, including imprisonment. (8 C.F.R. § 274a.10.) Thus, there is uncertainty and risk as to both the scope of IRCA and the applicability of 8 C.F.R. § 274a.1(b).

The University believes that a court ruling addressing this uncertainty could provide value to all interested parties – specifically, a judicial declaration as to whether federal law permits the University to hire undocumented students without threat of civil or criminal penalties for doing so.

Respectfully submitted,

Dated: November 12, 2024

/s/ Bryan H. Heckenlively

Bryan H. Heckenlively

Charles F. Robinson

Rhonda S. Goldstein

Hailyn J. Chen

J. Max Rosen

*Attorneys for The Regents of
the University of California*

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CERTIFICATE OF COMPLIANCE

I certify that The Regents of the University of California's
Answer To Petition For Review uses a 13-point Century
Schoolbook font and contains 268 words.

Dated: November 12, 2024

/s/ Bryan H Heckenlively
Bryan H. Heckenlively

*Attorneys for The Regents of the
University of California*

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 350 South Grand Avenue, Fiftieth Floor, Los Angeles, CA 90071-3426.

On November 12, 2024, I served true copies of the following documents described as:

ANSWER TO PETITION FOR REVIEW

On the interested parties in this action as follows:

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BY ELECTRONIC TRANSMISSION VIA TRUEFILING: I caused a copy of the document(s) to be sent via TrueFiling to the persons at the e-mail addresses listed above. According to the TrueFiling website, these persons are registered TrueFiling users who have consented to receive electronic service of documents in this case.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 12, 2024, at Los Angeles, California.

/s/ Myrna E. Martinez

Myrna E. Martinez

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