

## **Undocumented immigrant granted state law license**

By **DOUG SHERWIN**, The Daily Transcript

Thursday, January 2, 2014

The state Supreme Court granted a California law license to an undocumented immigrant Thursday in a decision that advocates hope will lead to more comprehensive immigration reform nationwide.

Sergio Garcia, 36, who now will be able to work as a practicing attorney in the state, has been waiting to receive a visa for 17 years.

"It (the ruling) does open the door to people in his situation, but I think that's a door that should be open," said California Western School of Law professor Tim Casey, who teaches ethics.

Garcia originally came to the United States as an infant, returned to Mexico with his parents at 8 or 9 years old, and then returned to the United States without inspection by immigration officials in 1994 at the age of 17.

His father, who was a permanent resident at the time, filed a petition for an immigrant visa for his son in 1994. It was approved in 1995, but Garcia has been waiting ever since for the visa to become available.

In the meantime, Garcia has graduated from high school, college and law school in the United States and passed the rigorous California Bar Exam.

However, he had been prevented from obtaining a law license by a 1996 federal statute that prohibits undocumented immigrants from receiving a professional license from a government agency or with the use of public money, unless state legislators vote otherwise.

Upon hearing of Garcia's plight, San Diego Assemblywoman Lorena Gonzalez wrote a bill to ensure that individuals who meet the state law qualifications to practice law are eligible to obtain a law license, regardless of their citizenship or immigration status.

In October, Gov. Jerry Brown signed the bill into law, which took effect Wednesday. The state's high court cited the bill as a reason to grant Garcia's license.

Gonzalez was excited to learn of the justices' decision.

"This ruling gives tangible hope to the many hardworking, young members of our immigrant community, who, under no fault of their own, have been caught in the middle of a broken immigration system," Gonzalez released in a statement.

Casey, who is director of California Western's STEPPS program, said there was never a question about Garcia's intellectual qualifications or moral character.

"When you talk about immigrant reform, I think (the visa backlog is) what Congress needs to resolve," Casey said. "If Garcia becomes a lawyer, he's going to become a productive member

of society, paying taxes and providing necessary services to people in a competent fashion. That only adds to our economy.

"To my understanding, he's followed the procedures he was supposed to."

It was unclear how many people would qualify to practice law under the ruling and whether it would influence other states.

Garcia, who plans to be a personal injury attorney in his hometown of Chico, said he hoped the decision would serve as a "beacon of hope" to others in the same situation.

But some questions remained unresolved, such as whether Garcia can appear in federal court or in other states. Federal law makes it illegal for law firms to hire him.

California Chief Justice Tani Cantil-Sakauye, who wrote the opinion, said the new state law removed any barrier to Garcia's quest for a license. And no other federal statute "purports to preclude a state from granting a license to practice law to an undocumented immigrant," Cantil-Sakauye wrote.

Casey said perhaps now is the time for comprehensive immigration reform.

"Garcia is an example, I think, of someone who came here ready, willing and able to contribute to society and be a productive member of society (if not) for the holdup in obtaining documents that shouldn't take 17 years to get," Casey said.

"California is kind of leading the charge here, and the dialogue between the court and the Legislature is an indication of how it should work."

— *The Associated Press contributed to this report.*