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November 10, 2022

Dr. Neal Sweeney, President
UAW Local 5810
2730 Telegraph Ave., Floor 1
Berkeley, CA 94705

Re: **International Scholars' Rights To Take Part In Union Activities**

Dear Neal:

This is to follow up on our discussions regarding the rights of international scholars to take part in union activities, including strikes.

1. International Scholars Have the Right to Join a Union.

Every international worker, regardless of national origin or type of visa, has the right to join a union. Employees' right to belong to a union is protected by the right to freedom of association guaranteed in the United States Constitution.

The UAW represents international scholars and students at every campus of the University of California and at other universities throughout the U.S. None of these campuses with unions have reported any complications arising from the status of being both a scholar on a visa and a unionized employee. It is against the law—both the Constitution and California's Higher Education Employer-Employee Relations Act—for an employer such as the University to discriminate against employees on the basis of their union membership or their participation in lawful union activities.

2. International Scholars Have the Right to Participate in Union Activities Such as Picketing, Rallies, and Leafleting.

The First Amendment protects the rights of both citizens and non-citizens to engage in activities such as picketing, rallies, leafleting, and demonstrations. It is against the law for an

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employer, such as the University, to retaliate against employees for participating in these protected activities.

3. International Scholars Have the Right to Strike.

This right to engage in Union activities includes the right to join in strikes to protest the University's unfair practices or to obtain a new collective bargaining agreement. International researchers remain employees of the University when they go out on strike.

4. International Scholars Do Not Risk Their Right To Obtain Visas in the Future By Joining the Union Or Engaging in Lawful Union Activity.

It is against the law for U.S. Citizenship and Immigration Services (USCIS) to ask questions about international employees' union membership or their legal union activities or to take them into account when reviewing those international employees' visa applications. In the past there was a question on the visa application form asking the applicant about their union activities. But this question was removed from the application form several years ago. Let me know if there are any other issues of this sort that you wish to discuss.

Sincerely,

SCHWARTZ, STEINSAPIR, DOHRMAN
& SOMMERS, LLP



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