

## Why the Kansas Stronger Together Coalition Opposes HB 2192

*Kansas Stronger Together Coalition is a statewide grassroots coalition of immigrant, faith, education, youth, social service, legal, business, community and ally organizations and individuals united for the purpose of providing Kansans with relevant and timely information about immigration issues and their impact on Kansas communities. The Coalition was founded in 2011 to promote a rational, humane, workable approach to immigration reform in policy making at the state and local levels. We oppose repealing in-state tuition rates for undocumented immigrants. If this were done, it would hurt our state economically, stifle our growth, reduce our workforce, and we'd eventually lose the investment we've already made on these students through K-12 education.*

### **Kansas' instate tuition policy promotes economic growth and prosperity.**

- Immigrant students bring new tuition dollars to our colleges, because, without the instate tuition policy, they would not be enrolled at all.
- Of the 10 occupations expected to grow most quickly by 2018, seven will require post-secondary education.<sup>1</sup> Nationally, the U.S. is expected to fall short of needed college degrees by 3 million by 2018.<sup>2</sup> With work visas and a path to college, these immigrant students can help meet those needs.
- By 2025, the gap between earnings of those with high school diplomas, compared to college degrees, is expected to be 96%.<sup>3</sup> Students who earn more make more purchases and owe more in taxes, and this stimulates economic growth in Kansas.
- Kansas' instate tuition policy also fosters stronger academic achievement among immigrant students K-12<sup>th</sup> grades, too, by providing a vision of a future that depends on scholastic success. This means that teachers find students more motivated, and institutions of higher education have a larger pool of qualified, talented students from which to draw.
- Especially now that the federal government has explicitly extended an opportunity for them to stay and work in the U.S., these students and their families won't leave the country, or even the state, if Kansas takes away their instate tuition. But they won't have this opportunity to build their knowledge and skills and to position themselves. Our instate tuition policy provides an opening through which they can prepare themselves to fill the skilled positions that could best grow Kansas' economy.

### **Kansas' instate tuition policy is fair to students—Kansans, and those from out of state.**

- Only qualified immigrant students are eligible for instate tuition in Kansas.
- In addition to meeting all academic requirements for admission to higher education in Kansas, to qualify for instate tuition, students must a) have attended high school in Kansas for at least three years; and b) graduate from high school in Kansas or receive a GED; and c) sign an affidavit attesting that they have already applied for Lawful Permanent Residency or will do so as soon as they are eligible. This is a stricter

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<sup>1</sup> <https://klic.dol.ks.gov/admin/gsipub/htmlarea/uploads/Projections%202018%20At%20A%20Glance%20Brochure.pdf>

<sup>2</sup> <http://cew.georgetown.edu/jobs2018/>

<sup>3</sup> <http://cew.georgetown.edu/undereducated/>

standard than for out-of-state U.S. citizen students who want to qualify for in-state tuition at Kansas colleges.

- It's hard to meet these requirements, particularly for students who speak English as a Second Language and are almost always first-generation college students. As a result, Kansas has averaged only 277 students/year since the 2005, in all of its institutions, who fall under our in-state tuition policy (80% of these are at community colleges).
- Kansas' in-state tuition policy is supported by the Kansas Board of Regents, the Kansas Association of School Boards, the Kansas National Education Association, and many local school districts around the state.
- Kansas uses in-state tuition policies to foster its postsecondary educational goals, including through reciprocal agreements and enticements for students from neighboring states. This is another example of how tuition policies help universities to recruit desired students.
- Kansas' in-state tuition law does not negatively affect out-of-state students. This was an explicit finding of the federal district court judge who threw out the 2004 lawsuit precisely because out-of-state plaintiffs could not make the case that they were in any way harmed by the immigrant tuition policy.

### **Kansas' in-state tuition policy is compatible with U.S. immigration policy and helps Kansas make the best out of a broken status quo caused by congressional inaction.**

- Under the Deferred Action for Childhood Arrivals (DACA) policy implemented by the Department of Homeland Security in August 2012, many of the same young people eligible for in-state tuition in Kansas now have their own, dedicated path to work visas and the legal right to stay in the United States.
- Previously, these students' paths to U.S. citizenship were lengthy and complex. Still, over the past 9 years, many of these students ultimately earned their Lawful Permanent Residency and put their college educations to work for Kansas. Today, with DACA, immigrant youth who arrived in the country as children can apply for work visas and protection from deportation on their own, speeding up the process through which, if they are well-educated, they can contribute to Kansas as taxpayers and business owners, in addition to mentors, and productive community members.
- Despite attempts to find the in-state tuition legislation of Kansas and other states unconstitutional, in lawsuits filed by the Federation of American Immigration Reform (a recognized hate group<sup>4</sup>), federal district<sup>5</sup> and appeals courts and the California Supreme Court<sup>6</sup> have rejected these arguments and let these policies stand. Federal law does not prohibit states from providing in-state tuition to undocumented immigrants. 8 U.S.C. §1623 prohibits states from providing any higher education benefit based on residence to undocumented immigrants unless they provide the same benefit to U.S. citizens in the same circumstances, regardless of their residence. Kansas law (K.S.A. §76-729) complies with this provision. A dozen states have similar laws. These laws have withstood legal challenge. Mr. Kobach's already tried to sue Kansas on grounds that it's in-state tuition law violated 8 U.S.C. §1623. Mr. Kobach's lawsuit failed.

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<sup>4</sup> Southern Poverty Law Center: <http://www.splcenter.org/get-informed/hate-map#s=DC>

<sup>5</sup> <http://www.nilc.org/immlawpolicy/dream/Dream003.htm>

<sup>6</sup> <http://www.reuters.com/article/idUSTRE6AF0U420101116>