

**House Federal and State Affairs Committee
Briefing on Immigration
February 13, 2013
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Back in 2004 when the Instate tuition policy was being debated on the House floor, a member of the Leadership went to the well to explain his vote: **“These are the children that the ways of the world have brought to us and they are now ours.”**

The instate tuition policy was brought to the Kansas Legislature by educators. They were experiencing very talented students who had aspirations to go to college. Those same students had moved to Kansas with their parents many years ago. Some did not really understand the full implications of their lack of lawful immigration status. Having moved here after their births, they were not citizens. They studied and learned alongside citizen classmates but they faced very different obstacles upon high school graduation.

After thorough committee hearings and lengthy debates on both the House and Senate floor, the Kansas instate tuition policy became law.

This policy is detailed on the reverse side of the sheet.

- Currently there are 630 students receiving this tuition rate. 500 of these students are in Community College. The total Regents population is 189,000.

Myths that I have encountered among legislators:

- Some think that these students are eligible for Pell Grants and other federal and state education assistance including student loans. They are not eligible for any of this assistance. If a private funder has a scholarship for which they qualify, they would be eligible for such assistance.
- Some have thought that students who are aspiring citizens from other states could come and receive instate tuition at our Regents universities. Not true.

To me there is a sign of Grace that I am speaking of this policy concerning immigrant children on Ash Wednesday. It was on Ash Wednesday that this policy was debated and passed in the Senate back in 2004. This day when many Christians receive ashes was cited in testimony on the floor that day.

The ashes are to remind us of our common heritage and our common destination in the human family within a loving God. When the Kansas Legislature made this law back in 2004, from my eyes they affirmed that truth “Remember that you are dust.”

Thank you for hearing me. Peace be with YOU!

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Access to Higher Education for Immigrant Students in Kansas

Background:

In 1996, the illegal immigration reform law instituted a restriction on states' residency requirements and in-state tuition benefits for higher education.

- This law affected an estimated 50,000-65,000 unauthorized immigrant students annually.
- Thirteen states responded by passing laws that condition eligibility for in-state tuition on attendance and graduation from a state high school. Acceptable college admission applications also must be provided. The states are **California, Connecticut, Illinois, Kansas, Maryland, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, and Washington.**
- The experience in the states that have passed in-state tuition laws suggests that such legislation does not deprive the states of the revenue from large numbers of students.

Requirements of the Kansas Law:

K.S.A. 76-729 provides the opportunity for any student who meets the same qualifications for admission as any other student to attend any Regents institution at an in-state tuition rate, provided they meet the higher standard set for in-state tuition eligibility. In all cases, the requirements for immigrant students to receive in-state tuition are higher than those set for U.S. citizen students.

To qualify for in-state tuition, these students must have:

1. lived in Kansas at least 3 years; *and*
2. graduated from a Kansas high school or have a GED obtained in Kansas; *and*
3. sign an affidavit that says they will apply for citizenship when that is available to them.

Why These Students Are Undocumented:

Some people ask why the students involved do not apply for a "green card" to legalize their status:

- The answer is that most of them would apply but that in the overwhelming majority of cases they cannot.
- The legal grounds for such petitions have narrowed to the point where it is almost impossible.

Furthering Principles of Fundamental Fairness to the Young People Involved:

As has been true of immigrants in the past, these students seeking in-state tuition are talented high achievers. They grew up in Kansas and persevered against the odds to graduate from high school and secure admission to a Kansas college or university. Many of them do not realize until they are in the process of applying to college the full implications of their lack of lawful immigration status.

Affordable Access to Higher Education Promotes Economic Growth:

College graduates who are likely to remain in Kansas earn higher wages, and therefore generate significantly more in income, sales, and property taxes. Their increased earning power and disposable income stimulate growth in the state economy. A better-educated population also increases competitiveness in the global economy.