

MINUTES OF THE SENATE EDUCATION COMMITTEE.

The meeting was called to order by Chairperson Senator Dwayne Umbarger at 1:35 p.m. on March 11, 2003 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Carolyn Rampey, Legislative Research  
Kathie Sparks, Legislative Research  
Theresa Kiernan, Revisor of Statutes  
Judy Steinlicht, Secretary

Conferees appearing before the committee: Representative Sue Storm  
Leo Prieto, US Hispanic Leadership Institute, KC  
Kim Voth, teacher, Wichita East High School  
Dulce Calderon, Graduate, Wyandotte High School, Kansas City  
Crystal Sauhueza, Newton School District  
Javier Magdalano, Jardine Edison Middle School  
Mira Mdivani, Immigration Attorney, Klamann & Hubbard, PA,  
Overland Park, KS  
Veronica Casterienda, Wichita State University  
Monica Hashmi, Migrant Services Coordinator, USD 253, Emporia  
Elias Garcia, Hispanic Caucus  
Paul Degenar, Concerned Citizen, Topeka  
Don Whitten, Concerned Citizen, Wamego

Others attending: See attached list

**Substitute for HB 2145—Postsecondary educational institutions, resident tuition and fees for certain non citizen students.**

Representative Sue Storm, sponsor of the bill, explained that the bill would allow a person, regardless of immigration status, who has attended a Kansas high school for at least three years and graduated from a Kansas high school, or has achieved the GED credentials to enroll in Kansas public institutions of higher education at the in-state tuition rate. Immigrants would not be exempt from any of the requirements for qualified admissions. The bill does not allow them to receive federal financial aid or financial aid through the state. Most of these students have lived most of their lives in Kansas, are not going anywhere and will hold jobs in Kansas. It is in their best interest and in the best interest of all Kansans that they have the training and education necessary to get good jobs in order to provide for themselves and their children. They should have the opportunity to better themselves and fulfill their dreams. (Attachment 1)

Mr. Leo Prieto, United States Hispanic Leadership Institute, was an immigrant student himself going through the Kansas education system from grade school through college. He has worked as a Congressional Hispanic Caucus Institute Fellow on Capitol Hill helping to shape education and immigration policy at the national level, and is now serving as the Central States Regional Director for the US Hispanic Leadership Institute. He supports **HB2145** and points out that his concern is for the students who have graduated from high school and have not yet become US citizens. The college tuition rate for out-of-state students is insurmountable for most of these students. These families have been paying sales tax, property tax, income tax, social security tax and medicare tax. **HB2145** will empower the many talented immigrant students to further their education, become citizens and become assets to the state of Kansas. (Attachment 2)

Kim Voth, Counselor, Wichita Public Schools, testified in favor of **HB2145**. The federal government and Supreme Court have ruled that the public school system will be responsible for educating children of illegal immigrants from grades K-12. Kim shared stories about several of her students. They have lived in Kansas for as long as they can remember. They have overcome language barriers, economic barriers, and

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many other struggles. The opportunity to attend college would be an incentive for many of these students to stay in school and graduate. ([Attachment 3](#))

Dulce Calderon, a graduate of Wyandotte High School, Kansas City, KS is a single mother of a two month old baby. She would like to go to college to set an example for her son, but it is out of her reach. She would like all to remember that this country was built by immigrants from all over the world. She feels that they are all Americans, even if they were not born here or legal. She believes we are together and united as one nation to make a better tomorrow for our children and our children's children. ([Attachment 4](#))

Crystal Sanhueza teaches Spanish and a Native Speakers class at Newton High School and sees a great need for passage of **HB2145**. Her students work doubly hard to learn academic English and the course work for their high school diploma. Many of her Hispanic students see no reason to stay in school if they cannot go to college. Crystal testified that we need to quit throwing away the hours of time that Kansas educators have dedicated to the success of these Kansas students. Kansas is depriving itself of future business men and women. ([Attachment 5](#))

Javier Magdaleno is a member of the Sunflower Community Action, Hispanos Unidos Chapter and a student at Jardine Edison School. Javier came to represent all the students from Wichita to ask that we allow each one of them to be able to reach their dreams of being good citizens and professionals that can serve our country by bettering themselves. He saw his older sister struggle to become a citizen and go to college to become a child psychologist. He believes **HB2145** offers a solution that assures they can continue believing in their dreams. ([Attachment 6](#))

Mira Mdivani, Immigration Attorney, Klamann & Hubbard, PA, Overland Park, KS. testified in favor of **HB2145**. Mira gave the Committee many facts and examples regarding the process the immigrants must go through to obtain a green card and become legal citizens. Many children were brought here when they were young and had no choice in the matter. These children identify themselves with this country, have lived here most of their lives, speak excellent English and have worked hard in school. They deserve access to college to make their dreams come true. ([Attachment 7](#))

Veronica Castaneda is a member of the Sunflower Community Action, Hispanos Unidos Chapter and a student at Wichita State University. She is now a documented student, but went through the same terrible situations present undocumented students are going through. She believes **HB2145** offers a solution to these undocumented students. These students just want justice and equality in attending college at the same price as any other student in Kansas. ([Attachment 8](#))

Monica Hashmi, Migrant Community Resource Coordinator, Emporia USD 253, testified in support of **HB2145**. She believes passage of **HB2145** will give immigrant students the opportunity to continue their education and become productive members in their communities. ([Attachment 9](#))

Elias L. Garcia, Kansas Hispanic Caucus, testified in support of **HB2145**. He believes the bill is reasonable and the right thing to do. Education is the key and the bridge that connects all people and all communities and he feels it is incumbent on members of our society and the legislature to endeavor to eliminate all barriers toward securing a post-secondary education on behalf of those students who have earned the right to succeed. ([Attachment 10](#))

W. Paul Degener, concerned citizen, testified against **HB2145**. He believes it is a well established fact that when persons from a foreign country enter this country without going through the proper procedures, they are considered illegal aliens and have violated the established immigration laws of this country. If we, as citizens break the law, we pay fines and serve time in prisons. He does not believe that the Legislature should consider legislation that would offer the same benefits to illegal aliens as is offered to tax paying citizens of the state of Kansas. Mr. Degener also fears hidden expenses if this bill is passes. ([Attachment 11](#))

Donald K. Whitten, concerned citizen, testified against **HB2145**. Mr. Whitten believes that support of this

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bill granting privileges to an illegal immigrant is a vote against the very judicial system originally designed to protect society as a whole. (Attachment 12)

Written testimony was given to Committee members by Mary Prewitt, General Council, Board of Regents, taking no position on **HB2145** (Attachment 13); Carol Bradford, Interfaith Ministries (Attachment 14), Raul R. Guevara, Member of Buena Gente, Haysville (Attachment 15), and Dr. Brent Metz, Latin American Studies (Attachment 16), University of Kansas and ElCentro, Kansas City, Kansas (Attachment 17) all providing testimony in favor of **HB2145** and Ann Meritt, Concerned Citizen, giving testimony in opposition of **HB2145**. (Attachment 18)

Meeting was adjourned at 2:35 p.m. The next meeting is scheduled for March 12, 2003 at 1:30 p.m. in Room 123S.

**SENATE EDUCATION COMMITTEE GUEST LIST**

DATE - 3-11-03

<u>NAME</u>	<u>REPRESENTING</u>
Shane Batterman	Hispanos Unidos
Efron Monty	Hispanos Unidos
Fernando Carranza	Hispanos Unidos
Jose Carranza	Hispanos Unidos
William Najera	Hispanos Unidos
Miguel Hernandez	Hispanos Unidos
Javi Alberto Garcia	Hispanos Unidos
Aracelis Soto	Hispanos Unidos
Abraham Botello	Hispanos Unidos
Aaron Casey	Hispanos Unidos
Jesús Salorio	Hispanos Unidos
Carlos Gonzalez	Hispanos Unidos
Tamara Moser	Hispanos Unidos
Brooke Ledbetter	Hispanos Unidos
FLORENCIO GARCIA M.	HISPANOS UNIDOS
Julian Lopez	
ELIAS L. Garcia	KS HISPENIC CAUCUS
Karol Bradford	Inter-Faith Ministries
Sulma Mercado	SCA - Hispanos Unidos
DICK CARTER	KBOR
Mary Pruitt	KBOR
Jose Angel Ramirez	Hispanos Unidos
Erin Flory	Sunflower Comm. Action - Hispanos Unidos
Luis Garcia	Hispanos Unidos

JOSE Cabral







TOPEKA

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REPRESENTATIVES

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## COMMITTEE ASSIGNMENTS

MEMBER: EDUCATION  
HIGHER EDUCATION  
HEALTH & HUMAN SERVICES  
LOCAL GOVERNMENT

**Testimony on House Bill 2145**  
**Senate Education Committee**  
**March 11, 2003**

Thank you, Mr. Chairman, and Committee members for allowing us to appear before you as proponents of HB 2145.

Simply put, this bill would allow a person, regardless of immigration status, who has attended a Kansas high school for at least three (3) years and graduated from a Kansas high school, or who has achieved the GED credentials to enroll in our public institutions of higher education at the in-state tuition rate. That is all. They would not be exempt from any of the requirements for qualified admissions. It does not allow them to receive federal financial aid or financial aid through the state.

This is not a particularly novel idea. California, Texas, Utah and New York have already passed such legislation, and it is being considered this session in at least eight other states. In the last few weeks, a similar proposal passed in the Washington House of Representatives and passed the Oklahoma House on a vote of 81-18. Sen. Orrin Hatch of Utah, supported by our own Senator Brownback, has introduced legislation at the federal level which would change these students' immigration status so that not only would they be eligible for in-state tuition, but would also be eligible for Pell Grants and other financial aid. If the federal bill were now law, we would not need to have this discussion today.

Granted—the timing for this bill is not optimal. The tragedy of September 11 has made many people suspicious of those who are not U.S. citizens. Let me remind you that "terrorists" were in this country on "legal" student visas. Second, the controversy created by one of the races for the Kansas State Board of Education this summer has stirred the passions of some Kansans. The Supreme Court said in 1983 that we had the obligation to serve these children in K-12 classrooms. Is their access to an education to cease the minute they graduate high school?

These students, most of whom are Hispanic, aren't going anywhere. Theirs is the fastest growing segment of our population. Many of them have lived here almost all their lives. It is quite clear that INS has little, if any, interest in sending them back where they came from. They are going to remain in Kansas. They will work in Kansas. It is in their best interest and in the best interest of all Kansans that they have the training and education necessary to get good jobs in order to provide for themselves and their own children. They should have the opportunity to make the very most of their potential and to fulfill their dreams for the future. This is a workforce development issue. Regardless of what we might believe about their parents' reasons or methods of coming to the United States, the real question is: "Will they be educated workers or uneducated ones?"

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3-11-03  
Attachment 1

**TESTIMONY**  
**Submitted on behalf of**  
**Mr. Leo Prieto**  
**United States Hispanic Leadership Institute**  
**Topeka, KS March 10, 2003**

CHAIRMAN UMBARGER AND HONORABLE MEMBERS OF THE SENATE EDUCATION COMMITTEE, THANK YOU FOR THE OPPORTUNITY TO BE HERE TODAY. MY NAME IS LEO PRIETO AND I AM THE CENTRAL STATES COORDINATOR FOR THE UNITED STATES HISPANIC LEADERSHIP INSTITUTE, A NONPARTISAN, NONPROFIT CHICAGO-BASED NATIONAL ORGANIZATION.

OUR INSTITUTE, CHARTERED IN THE STATE OF ILLINOIS, WAS FOUNDED IN 1982 TO PROMOTE GREATER PARTICIPATION IN THE ELECTORAL PROCESS AMONG HISPANICS AND OTHER SIMILARLY DISENFRANCHISED GROUPS. WE ASSIST LOCAL LEADERS AND COMMUNITY-BASED ORGANIZATIONS IN ORGANIZING AND CONDUCTING NONPARTISAN VOTER REGISTRATION EDUCATION AND GET-OUT-THE-VOTE CAMPAIGNS. WE ALSO CONDUCT RESEARCH AND PUBLISH STUDIES ON HISPANIC DEMOGRAPHICS. WE ORGANIZE AND SPONSOR LEADERSHIP DEVELOPMENT PROGRAMS FOR HIGH SCHOOL STUDENTS, COLLEGE STUDENTS AND ADMINISTRATORS, GRASSROOTS COMMUNITY LEADERS AND LOCAL PUBLIC OFFICIALS, AND TRAIN CANDIDATES FOR PUBLIC OFFICE.

WE ALSO SPONSOR THE UNITED STATES HISPANIC LEADERSHIP CONFERENCE, WHICH IS HELD ANNUALLY IN CHICAGO. NOW IN ITS 21<sup>ST</sup> YEAR, THE CONFERENCE IS ATTENDED BY OVER 8,000 PRESENT AND FUTURE LEADERS REPRESENTING HUNDREDS OF CITIES IN 40 STATES, AND IS THE LARGEST ANNUAL GATHERING OF HISPANIC LEADERS IN THE NATION. THIS IS FOLLOWED UP BY A REGIONAL CONFERENCE THAT I ORGANIZE IN KANSAS CITY DURING THE SPRING FOR HISPANIC STUDENT LEADERS FROM AROUND THE CENTRAL STATES.

THANK YOU FOR YOUR ATTENTION TO THE MANY WAYS, IN WHICH THE STATUS QUO IS DEPRIVING STUDENTS, UNIVERSITIES, AND OUR ENTIRE STATE OF OPPORTUNITIES IMPORTANT TO OUR FUTURE SUCCESS. AS AN IMMIGRANT STUDENT THAT HAS GONE THROUGH THE STATE OF KANSAS PUBLIC EDUCATION SYSTEM, FROM GRADE SCHOOL TO COLLEGE, ONE WHO HAS WORKED AS A CONGRESSIONAL HISPANIC CAUCUS INSTITUTE FELLOW ON CAPITOL HILL HELPING SHAPE EDUCATION AND IMMIGRATION POLICY AT THE NATIONAL LEVEL, AND NOW SERVING AS THE CENTRAL STATES REGIONAL DIRECTOR FOR THE UNITED STATES HISPANIC LEADERSHIP INSTITUTE, I FEEL IT IS MY DUTY AND OBLIGATION TO BE WITH YOU THIS DAY IN SUPPORT OF HB 2145 REGARDING IN-STATE TUITION FOR IMMIGRANT STUDENTS. I WILL

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*Attachment 2*



PROVIDE AN OVERVIEW OF THE BILL AND THE WAYS IN WHICH IT WILL, AND WILL NOT IMPACT OUR STATE.

BUT BEFORE I DO THAT, LET ME TELL YOU A LITTLE BIT ABOUT MYSELF. I WAS BORN IN CHIHUAHUA, MEXICO AND IMMIGRATED WITH MY PARENTS TO THIS NATION WHEN I WAS 3 YEARS OLD. I AM THE OLDEST OF FOUR. MY HARDWORKING, SELFLESS PARENTS BROUGHT ME HERE AND KEPT OUR FAMILY HERE FOR EDUCATIONAL OPPORTUNIES. I GREW UP IN GARDEN CITY, KANSAS, ONE OF THE MOST MULTICULTURALLY DIVERSE CITIES IN THE NATION, WITH MINORITY STUDENTS NOW THE MAJORITY, AND HAVING BEEN FOR QUITE SOME TIME NOW, IT SHOULD BE NO SURPRISE WHY I AM STANDING BEFORE YOU THIS AFTERNOON. I WAS ONE OF "THOSE" STUDENTS; ONE OF THE MANY BRIGHT, TALENTED, MEXICAN IMMIGRANTS LIVING IN KANSAS. I WAS LUCKY ENOUGH TO EARN SEVERAL SCHOLARSHIPS TO ATTEND COLLEGES AND UNIVERSITIES THROUGHOUT THE NATION. I CHOSE TO GO TO KANSAS STATE UNIVERSITY, I BECAME A U.S. CITIZEN WHILE A FRESHMAN AT K-STATE. BUT IT WASN'T ALWAYS THAT SIMPLE, AS A FRESHMAN AT GARDEN CITY HIGH SCHOOL I WAS TOLD BY A JUNIOR VARSITY BASKETBALL COACH (AND I QUOTE), "IF YOU PLAN ON PLAYING VARSITY BASKETBALL, IT WOULD BE BEST IF YOU DIDN'T WEAR THAT." "THAT" WAS A MEXICAN MADALLION THAT I WORE EVERYDAY AND HAD EXPLAINED IT WAS A SYMBOL OF MY PRIDE AND HERITAGE; MY CULTURE, WHICH HAD MOTIVATED ME TO SUCCEED IN EVERY ASPECT, AND CONTINUES TO. I PURSUED MY EDUCATION AND MANY OTHER OPPORTUNIES THAT CAME MY WAY DUE TO MY EDUCATION, AND AT 26 YEARS OF AGE, I'VE ONLY BEGUN TO SCRATCH THE SURFACE. NOT BAD FOR AN IMMIGRANT KID FROM CHIHUAHUA, MEXICO.

THAT WILL AND DETERMINATION I FACED AT A YOUNG AGE IS NOTHING NEW TO MANY OF OUR BEST AND BRIGHTEST STUDENTS THAT "RESIDE" IN OUR STATE AND HAVE BEEN "RESIDING" IN OUR STATE FOR SEVERAL YEARS; WHEN THEY ARE TOLD "THAT THEY CAN'T DO THIS" OR "CAN'T DO THAT" IT RESULTS IN LOWER SELF-ESTEEM. EVEN THOUGH I OVERCAME THOSE OBSTACLES AND USED THEM TO MY ADVANTAGE TO ACCOMPLISH THINGS THAT HAD NEVER BEEN DONE BEFORE BY AN IMMIGRANT, AS A HISPANIC LEADER, MANY DO NOT. IT WASN'T UNTIL MY SENIOR YEAR AS STUDENT BODY PRESIDENT WHILE I FILLED OUT EVERY SCHOLARSHIP I COULD GET MY HANDS ON, THAT A COUPLE OF MY TEACHERS DISCOVERED THAT I, THIS "ALL-AMERICAN BOY" WAS NOT EVEN A U.S. CITIZEN.

WHILE I WORKED ON CAPITOL HILL I WAS ABLE TO WORK ON THE IMMIGRANT CHILDREN'S EDUCATIONAL ADVANCEMENT AND DROPOUT PREVENTION ACT OF 2001 TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO ADJUST THE STATUS OF CERTAIN LONG-STAYING UNDOCUMENTED CHILDREN, TO LOWER HIGH SCHOOL DROP OUT RATES FOR IMMIGRANT



CHILDREN, AND TO RESTORE THE RIGHT OF STATE AND LOCAL GOVERNMENTS TO DECIDE WHOM THEY WILL ADMIT TO THEIR STATE AND LOCAL COLLEGES AND UNIVERSITIES. THAT IS WHY WE ARE HERE TODAY! THE TIME IS NOW TO TAKE SUCH AN ACTION AND SUPPORT THIS PRO-EDUCATION BILL THAT WILL IMPROVE EDUCATIONAL OPPORTUNITIES FOR OUR IMMIGRANT STUDENTS TO CONTINUE THEIR EDUCATION. IT WOULD LOWER THE DROP OUT RATES, EXTEND PRIDE AND JUSTICE TO CHILDREN WHO ARE COMMITTED TO MAKING A DIFFERENCE IN THEIR LIVES, THEIR FAMILIES AND THEIR COMMUNITIES. WITH HISPANICS HAVING OVER \$500 BILLION IN PURCHASING POWER NATIONWIDE, EDUCATIONAL ACHIEVEMENT EQUALS A GOOD U.S. ECONOMY. MORE IMPORTANTLY IT IS GOOD FOR KANSAS. EVERY YEAR, HIGH SCHOOLS ACROSS THE STATE FROM GARDEN CITY TO KANSAS CITY GRADUATE MANY, MANY TALENTED IMMIGRANT STUDENTS WHO HAVE GROWN UP IN THIS VERY NATION, AND HAVE MET AND EXCELLED AT THE ACADEMIC REQUIREMENTS AND EXTRA-CURRICULAR ACTIVITIES AS THEIR U.S.-BORN CLASSMATES. THEY DREAM OF PERSUING HIGHER EDUCATION AND BECOMING EDUCATORS, DOCTORS AND LAWYERS, BUT NOT HAVING ACCESS IN-STATE TUITION RATES MAKES IT NEARLY IMPOSSIBLE TO CONTINUE THEIR EDUCATION AFTER HIGH SCHOOL. AS A RESULT, THEY ARE DENIED WHAT THEY DESERVE, AN OPPORTUNITY, AN OPPORTUNITY TO REACH THE AMERICAN DREAM, AND TO GIVE BACK. HB 2145 IS A WIN-WIN SITUATION FOR EVERYONE; THE STUDENT, THE UNIVERSITY, THE STATE OF KANSAS, AND OUR HISPANIC COMMUNITY AND SOCIETY AS A WHOLE AS DESERVING STUDENTS ARE GIVEN ACCESS TO EDUCATION AND THE OPPORTUNITY TO CONTRIBUTE.

THIS LEGISLATION WOULD IMPACT ALL NONPERMANENT RESIDENT STUDENTS IN KANSAS, REGARDLESS OF RACE OR ETHNICITY. AS LATINO IMMIGRANT COMPROMISE THE VAST MAJORITY OF ALL KANSAS IMMIGRANTS, HOWEVER, THEY WOULD BE THE POPULATION GROUP MOST DRAMATICALLY IMPACTED. HISPANIC STUDENTS CURRENTLY HAVE THE HIGHEST DROPOUT RATE OF ANY POPULATION GROUP, MORE THAN DOUBLE THE STATE AVERAGE OF 2.2%. WHILE MANY FACTORS IMPACT A STUDENT'S DECISION TO DROP OUT OF SCHOOL, SEVERAL STUDIES HAVE ILLUSTRATED THAT, FOR LATINO IMMIGRANT STUDENTS, CONTEXTUAL FACTORS, INCLUDING PERCIEVED LACK OF POST-GRADUATION OPPORTUNITIES, ARE AT LEAST AS POWERFUL AS PERSONAL FACTORS SUCH AS FAMILY PRESSURES OR SCHOOL FAILURE. THESE STUDENTS ACKNOWLEDGE THAT, NO MATTER HOW HARD THEY WORK, THEY WILL STILL BE REGULATED TO LOW-PAYING JOBS, OR, WORSE, NO JOBS AT ALL. THESE BELIEFS ARE TRANSLATED INTO ACTIONS. DISAFFECTED STUDENTS WITHDRAW FROM ACADEMIC PURSUITS, ACT UP IN CLASS, IGNORE ASSIGNMENTS AND HOMEWORK, CUT CLASSES, AND EVENTUALLY DROP OUT. STUDENTS' UNWILLINGNESS TO PARTICIPATE COMES FROM THEIR ASSESSMENT OF THE COSTS AND THE BENEFITS OF PLAYING THE GAME. IT IS NOT THAT SCHOOLING WILL NOT PROPEL THEM UP THE LADDER OF SUCCESS; IT IS THAT THE

CHANCES ARE TOO SLIM TO WARRANT THE ATTEMPT. REDUCING THE DROPOUT RATE, AN ANTICIPATED CONSEQUENCE OF CREATING GREATER INCENTIVES FOR CONTINUING EDUCATION, WOULD SAVE THE STATE SIGNIFICANTLY, AS IT IS ESTIMATED THAT STATES SPEND APPROXIMATELY \$250,000 FOR EACH DROPOUT IN SUPPORTIVE EDUCATIONAL SERVICES, JUSTICE SYSTEM COSTS, PUBLIC BENEFITS, AND OTHER COSTS. ATTAINMENT OF HIGHER EDUCATION BENEFITS THE STATE LONG AFTER THE STUDENT GRADUATES FROM COLLEGE, AS WELL; A HIGH SCHOOL GRADUATE EARNS ON AVERAGE ONLY 56% OF WHAT A COLLEGE GRADUATE EARNS, AND PAYS FAR LESS TAXES OVER HIS/HER LIFETIME.

OUR CONCERN HERE TODAY IS WITH THOSE STUDENTS WHO HAVE NOT YET BECOME PERMANENT RESIDENTS BY THE TIME OF THEIR HIGH SCHOOL GRADUATION. AFTER HAVING OVERCOME MANY OBSTACLES TO GRADUATE FROM HIGH SCHOOL, MANY STUDENTS FIND THE FINANCIAL BURDEN OF OUT-OF-STATE TUITION TO BE AN INSURMOUNTABLE BARRIER. FOR EXAMPLE, AT KANSAS STATE UNIVERSITY, OUT-OF-STATE TUITION IS \$9,191 PER YEAR COMPARED TO \$2,415 FOR A KANSAS RESIDENT. THESE DIFFERENTIAL TUITION RATES SERVE TO FACILITATE THE ENROLLMENT OF KANSAS TAXPAYING STUDENTS, AND THESE IMMIGRANT FAMILIES ARE PAYING TAXES: SALES TAXES, PROPERTY TAXES, INCOME TAXES, SOCIAL SECURITY TAXES, AND MEDICARE TAXES.

FEDERAL LAW IS CLEAR THAT THERE IS NO PROHIBITION ON ALLOWING UNDOCUMENTED STUDENTS TO ENROLL AND, IF STUDENT CITIZENS RECEIVE THE SAME BENEFITS, TO BE CHARGED THE EQUIVALENT OF INSTATE TUITION AT PUBLIC COLLEGES AND UNIVERSITIES. HB2145 HAS BEEN, WITH THE ASSISTANCE OF THE KANSAS BOARD OF REGENTS, CAREFULLY WORDED TO ENSURE COMPALIBILITY WITH SECTION 505 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

THIS LEGISLATION IS FAR FROM A TOTAL SOLUTION TO THE EDUCATIONAL CHALLENGES FACING IMMIGRANT STUDENTS. IMMIGRANT STUDENTS WOULD STILL HAVE TO OVERCOME SIGNIFICANT CHALLENGES TO GRADUATE FROM HIGH SCHOOL AND POSITION THEMSELVES TO ENROLL IN COLLEGE, AND, UNTIL WE CAN REDUCE DROPOUT RATES AMONG THIS POPULATION, THIS WILL REMAIN AN ALL-TOO-RARE ACHIEVEMENT. IN FACT, REALATIVELY FEW STUDENTS IN KANSAS WOULD BE ELIGIBLE TO BENEFIT FROM THIS LEGISLATION: APPROXIMATELY 1,280 FROM U.S. CENSUS ESTIMATES. ASSUMING THAT COLLEGE ENROLLMENT PATTERNS FOR THIS POPULATION REFLECT STATEWIDE TRENDS, IT IS ESTIMATED THAT 78% OR 998 OF THESE STUDENTS WOULD ENROLL IN A 2-YEAR OR 4-YEAR POSTSECONDARY EDUCATION PROGRMAM, COMPRISING LESS THAN 1% OF THE 2002 ENROLLMENT IN KANSAS' PUBLIC COLLEGES AND UNIVERSITIES. THIS IS SIMILAR TO OTHER STATES' EXPERIENCES; IN CALIFORNIA, FEWER THAN

1% OF STUDENTS IN THE UNIVERSITY OF CALIFORNIA SYSTEM WERE UNDOCUMENTED ONE YEAR AFTER THE PASSAGE OF LEGISLATION SIMILAR TO HB2145.

THIS LEGISLATION IS FAR FROM A "FREE RIDE" TO IMMIGRANT STUDENTS. THEY MUST STILL QUALIFY FOR ADMISSION TO A POST-SECONDARY EDUCATIONAL PROGRAM. THEY MUST STILL PAY FULL INSTATE TUITION WITHOUT THE BENEFIT OF FEDERAL FINACIAL AID. HB2145 DOES NOT APPLY TO ANY STUDENT HERE ON FOREIGN STUDENT VISA, AND IT IS IN NOW WAY INCOMPATIBLE WITH HOMELAND SECURITY CONCERNS. IN FACT, HB2145 IS ABOUT EDUCATION, NOT ABOUT IMMIGRATION. THESE STUDENTS WILL LEGALIZE THEIR STATUS AND INTEND TO STAY IN THE UNITED STATES. WE THEN ARE FACED WITH THE QUESTION: "WILL THEY BE EDUCATED CITIZENS OR UNEDUCATED ONES?"

IN CLOSING, WE NEED OUR GOVERNMENT AND EDUCATIONAL SYSTEM TO IMPOWER OUR HISPANIC YOUTH TO CONTINUE THEIR HIGHER EDUCATION; HB2145 DOES JUST THAT. AS MEMBERS OF THE LEGISLATIVE BODY, YOU HAVE THE POWER TO HELP AND MAKE THE MANY DREAMS OF MANY TALENTED IMMIGRANT STUDENTS COME TRUE. DREAMS THAT MY CONSIST OF THEM BECOMING THE NEXT TEACHER, DOCTOR, LAWYER, MEMBER OF CONGRESS, OR U.S. SENATOR. WHAT A SHAME THAT WOULD BE IF THEY CONTINUE TO BE DENIED ACCESS TO THAT EDUCATIONAL OPPORTUNITY THAT THEY SO DESERVE.

AGAIN, THANK YOU VERY MUCH FOR THE OPPORTUNITY TO APPEAR BEFORE YOU THIS AFTERNOON.



Senate Education Committee  
Senator Umbarger, chair

March 11, 2003  
Kim Voth, Counselor  
Wichita Public Schools

Mr. Chairman and members of the Committee, I appreciate the opportunity to appear in support of House Bill 2145. This bill would allow Kansas high school graduates the opportunity to be eligible to attend college and pay in-state tuition regardless of their immigration status if they have lived in Kansas for three years and have graduated from a Kansas high school or received a GED.

The federal government and Supreme Court have ruled that the public school system will be responsible for educating children, K-12, of illegal immigrants. Texas, California, Arizona, Utah, and Illinois have passed a tuition law much like Bill 2145. There are currently at least six other states in the process of passing similar laws.

I would like to tell you about a few of the students in my high school that would be affected by Bill 2145:

Christian came to the United States when he was two years old with his mother. He is now a senior at East High School. For the past two years he has made extremely high grades and has been active in talking with both middle and high school students about making good choices, staying in school, and educating students about the dangers of gang involvement. Christian lives on his own and receives no help from his mother. He has a full-time job, but desperately wants to attend college, and has even considered moving out of state in order to do so. Christian is interested in becoming an architect. He spoke to me in the hall last week, gave me a hug and said, "I appreciate all you are trying to do in Topeka to help me get into college. I will never forget you and I promise I'm going to make you proud of me."

Victoria is another student at East High School who wants to go to college to become a counselor and work with other students who are struggling in school. When I told her that because of her citizenship status, the expense would be great, she started to cry. "How will I ever be able to make my dreams come true? I just want to go to college and help other people." After holding her in my arms while she cried, I decided I would do everything in my power to try to help her and all the other students that want to attend college and make this world a better place.

Another senior, Hector, has a 4.00 grade point average and has been in the United States since he was seven years old. He wants to attend college to be a doctor. He is a very serious, quiet student who loves his studies. I didn't even know Hector until he introduced

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Attachment 3*





himself to me during a meeting at school where we were discussing the events that are taking place in Topeka related to Bill 2145. The decisions that you make regarding this bill will determine whether Hector does or does not attend college next year.

These students' stories are not unusual. Many of the high school students that I work with have been in the United States ever since they can remember. They consider Kansas to be their home. They have attended Kansas' elementary, middle, and high schools alongside your children or grandchildren. Some of these students are not even aware of their citizenship status until they apply for college admissions and have difficulty. There are many students across the state that are just like Christian, Hector, and Victoria. They have high grade point averages, are leaders in their school and community, and are fluent in English. Their dream is to continue their education, attend college, and make a positive difference in the lives of others.

The opportunity to attend college would be an incentive for many students to stay in school and graduate. I have had teachers share with me that since this Bill has been discussed at school, they are actually seeing a number of students starting to work harder and care more about their studies. They now have a reason to try because the doors of higher education may soon be opened to them.

I wish you could meet the students that I work with everyday. They are great kids. They have overcome language barriers, economic barriers, and struggles you wouldn't believe. I so much want to be able to go back to Wichita and tell Christian, Victoria, Hector and many others that our Topeka legislators believe in you and all the assets you have to offer the great state of Kansas.

Thank you for allowing me to speak and for your consideration of Bill 2145.

3-2

March 11, 2003

Chairman Umbarger and Honorable Members of the Senate Education Committee,

At the age of nine or ten, we all have dreams set of who we want to be, but some of us don't know how are we going to accomplish these. I know I didn't. I knew I was going to study. I never thought that college was going to be denied to me. I went through school with that goal set in mind. Until I got to my freshman year, when I realized that I would need certain numbers to work, to fill out an application, to have credit, to have an identity, to go to college. I listened to other students talk about college, grades. I didn't open my eyes. Even if I was a good student, I wouldn't have the chance to stay in school.

So I didn't care about school. I won't lie. I only passed what I need to. I was not going to college. I skipped school and thought about dropping out. Why should I stay in school when I have no future? Why bother to have a 4.0 or even a 3.0? I never took my ACT's. When I thought about taking them, the fear of some one telling me or writing me "you are not eligible" would always come to me. I waited four years to become at least a resident but my parents never got it. They are still waiting. This 21<sup>st</sup> of May it will be two years exactly since I graduated High School. I graduated two weeks after my seventeenth birthday. I worked hard to graduate. I worked ten hours a day on the weekends. I went to regular school and to night school. I was Captain of the JV cheerleading squad. I went to Uni-Town as a counselor and to other things and all in my senior year to at least have the thought that I did some thing during school. But it didn't matter.

In 2002, I became pregnant. Today I am a single mom with a two-month-old baby boy. He is not a mistake; he's my little gift from God, to help open my eyes. To ask myself what I have to offer. Maybe if I would had been in school, I would not be in this situation. Maybe I would but at least I would have something to offer him besides "you want fries with that?" In my life I can't do much with out my social security. I can't identify myself nor drive because we don't have that right. I would like my son to say, "That's my mom sitting in that office, or out there changing some one's life. She is more than a mom, she is a hero to all those kids who need help. I would like to major in child psychology and or in social work. Helping those that need my help from study and life itself. I would like my son to go to college, but if I don't give him that example, he will not want to go. I think that if he has that opportunity he shouldn't let it pass. I know I would not. It's important to have an education so you won't have to depend on others.

I could back to Mexico to study, but guess what? It would be even worse. They would not let me in school, because I have not lived there for about eight years. I lost count. I came here when I was six or seven years of age. I will turn nineteen on May eighth, two months from now. It's funny. I speak English and Spanish and can read and write both with no problem, and there are jobs that need people like me, but I can't get them. I have the will to learn unlike others that don't feel the necessity to even bother to look for a job.

Senate Education  
3-11-03  
Attachment 4



Honorary members of the Senate Judiciary Committee,

My name is Crystal Sanhueza and I teach Spanish and a Native Speakers class at Newton High School. For the past 15 years I have watched intelligent and academically strong young students graduate from Newton High School and move on to factory and construction jobs. Higher education in Kansas was not an option for these talented undocumented young people.

If we truly believe the statement "No Child Left Behind", we must re-consider our current Kansas Laws. The young people this bill will effect have studied here in Kansas elementary schools, middle schools and high schools. They worked double to learn academic English and the required course work for their High School diploma. Many of these students graduate at the top of their class. As Kansas educators, we struggle to reduce the high drop out rate of our Hispanic students. These young people see no reason to stay in school if they have no chance to attain a university degree because of their legal status. Let's not continue to throw away the hours of time Kansas educators have dedicated to the success of these Kansas students.

These student's parents settled in Kansas with the dream to improve life for themselves and their children, only to watch their children's educational dreams come to a dead end once they graduated from high school. By continuing to deny undocumented students higher education in Kansas, we are depriving ourselves of future bi-lingual teachers, bi-lingual engineers, veterinarians, fighter pilots and the list goes on. I have with me letters my students have written, who for the first time are actually seeing a reason to dream. These young adults can improve our communities with educated economic potential, as well as provide social, political and cultural leadership in our Kansas communities.

I know the process of citizenship takes years, but let's work to give these young students educational opportunities and an extra incentive to their parents to work at processing their children's paper work, as they strive to be quality United States citizens.

Crystal Sanhueza  
Newton High School  
316-284-6280 ext. 2525  
[csanhuez@newton.k12.ks.us](mailto:csanhuez@newton.k12.ks.us)

Senate Education  
3-11-03  
Attachment 5



1528 N. Broadway, Wichita Ks 67214  
(316) 264-9972 - Fax: (316) 267-3580  
info@sunfloweract.com - www.sunfloweract.com

Good afternoon, my name is Javier Magdaleno; I am a member of Sunflower Community Action Hispanos Unidos chapter and a student at Jardine Edison School. My reading and writing teacher nominated me to go to Washington, D.C. and I was selected to represent Kansas and Jardine Edison middle school at the Junior National Young Leaders Conference. We have been doing fundraisers to raise money. I am determined to go and to take the opportunity to learn more about our government.

I want to thank all of you members of this committee for giving us the opportunity to be heard.

I am here representing all the students from Wichita to ask you to allow every single one of them to be able to reach the dream to be a good citizens and professionals that can serve our country by bettering our selves.

So they can be your doctor, attorney, scientist, teacher etc. Instead of being on the streets graffiting on walls or being part of a gang because after high school they couldn't attend college because they aren't blessed with the fact of being born on this country. I don't fully understand the laws but I can see the difference they make. I have my older sister that was not born here. But she has been her sense she was two years old this is her country at least that's what she feels until she graduates from high school and trying to be a child sociologist and finds out that she could not attend college because she is not a permanent resident yet. But she is still on process to be a legal resident. We saw the sadness and trouble this caused to my family because not even privet college will take her. But thanks to the people who pass the bill for the visa V.that allow people that are in process to have a social security to study and a work in this beautiful country.

So She is now attending college and working to cover her college cost and I am sure she will be a child sociologist thanks to our government that hear our needs and pass laws that will build better students and citizens.

We believe that bill 2145 offers a solution that assures we can continue believing in our dreams to go to college or university. To be able to be a better student and to make our parents, teachers and this country feel proud of us. Please we are asking for your support to this legislation, we are hoping that you positive answer will allow every young resident of the USA that has made the decision to go to college.

Thank you

Senate Education  
3-11-03  
Attachment 6





November 13, 2002

Mr. Javier Magdaleno  
814 N. Chataqua  
Wichita, Kansas 67214

Dear Javier,

Congratulations! As a result of your outstanding academic achievements and demonstrated leadership potential, you have been selected to represent Jardine Edison Middle School and the state of Kansas at the Junior National Young Leaders Conference (JrNYLC) this spring in Washington, D.C.

You were nominated by your teacher, Ms. Patricia Mandala, who recognized you as an outstanding individual who has achieved academic excellence and possesses strong leadership potential. When you accept your nomination to become a Junior National Scholar, you join a select group of middle school students from around the country as Delegates to our nation's capital for the educational experience of a lifetime.

Together with these other high-achieving students, you will take part in an event that will help shape your future and introduce you to American leadership and history as you have never experienced it before. You will travel to Washington, D.C., and attend a special congressional reception just for JrNYLC Scholars; explore Colonial Williamsburg, where the early days of our country are reconstructed and relived; and even attend a sleepover at the Maryland Science Center. You will experience the presidents and first ladies at the Museum of American History, investigate The United States Capitol, The Supreme Court and the presidential and memorial monuments and receive a VIP view of this historic city.

You will have the opportunity to meet and learn from some of today's leaders on Capitol Hill, and you will be motivated and inspired by the stories of high achievers from the past. As you discover the important role of leadership throughout history, you will further develop these qualities within yourself at your school, in your community and into your future.

M. Javier Magdaleno

November 13, 2002

Page Two

You will also meet students from all over the nation who, like you, have a commitment to excellence and a drive to succeed. You will learn valuable lessons in collaboration and make friendships that will last long after you've returned home. Upon your successful completion of the Conference, you will be awarded an official Certificate of Merit as a testament to your hard work and dedication.

This is an important opportunity that is only being offered to the nation's most outstanding 6th and 7th graders, so please discuss the enclosed materials in detail with your parents. These include an application form, which must be completed and returned in the envelope provided by January 8, 2003. Applications are processed as they are received, and space is limited, so please return your application immediately.

If you have any questions, please call me at 202.777.0533.

Once again, I congratulate you on your achievements and I look forward to meeting you personally in Washington, D.C. this spring.

Sincerely,

*Heather Sherman*

Heather Sherman

Director of Admissions

P.S. The Junior National Young Leaders Conference is dedicated to honoring our nation's most promising 6th and 7th grade students and preparing you for the wealth of opportunities that lie ahead.

At the Conference, you will join other outstanding young men and women from across America who share your dreams and determination for a once-in-a-lifetime experience.

Space in the Conference is necessarily limited and enrollments are accepted in strict order of receipt. I encourage you to discuss this once-in-a-lifetime experience with your parents and return your registration materials immediately.

# Kansas Senate

## Education Committee Hearing

### **HB 2145 The Dream Act**

#### Committee Members

Dwayne Umbarger, Chair  
William Bunten  
Jay Scott Emler  
Dave Corbin  
Christine Downey  
Anthony Hensley  
Janis Lee  
Lana Oleen  
Jean Schodorf  
Ruth Teichman  
John Vratil

Tuesday, March 11, 2003

Summary of Testimony by

Mira A. Mdivani

Attorney, Immigration Law Practice  
The Law Firm of Klamann & Hubbard, P. A.  
7101 College Blvd., Suite 120  
Overland Park, KS 66210  
(913) 327-7600 [www.kh-law.com/immigration](http://www.kh-law.com/immigration)

*Senate Education  
3-11-03  
Attachment 7*

**Kansas Senate**

**Education Committee Hearing**

**HB 2145 "The Dream Act"**

**March 11, 2003**

**Testimony of Mira A. Mdivani<sup>1</sup>  
Immigration Attorney, Klamann & Hubbard, P.A.**

1. Undocumented Status is Not the Fault of the Children

Many undocumented children are brought to the United States by their parents when they are small. They do not take part in their parents' decision to cross the border without a visa, to overstay their visa or to fail to comply with the terms of the issued visa. These children grow up in America thinking that they belong to this country, dreaming the American Dream.

Even the federal law recognizes that it is not the children's fault.

A. Children Do Not Accumulate Any Unlawful Presence Until They Are 18 Years Old

Under 8 U.S.C. §11182(a)(9)(b)(iii), children who are brought in the country without visas or who overstay their visas do not accumulate any unlawful presence until they are 18 years old. This means that the 3/10 bars do not apply to such children, and they can apply for their green cards, if they are eligible through their parents or otherwise, without leaving the U.S.

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<sup>1</sup>A member of the American Immigration Lawyers Association, Mira A. Mdivani practices immigration law with the law firm Klamann & Hubbard, P.A. in Overland Park, Kansas. Her expertise includes employment immigration and family-based immigration. Ms. Mdivani is licenced to practice in Kansas and Missouri. She has been invited to speak on issues of employment immigration law by the Kansas City Metropolitan Bar Association, Missouri and Kansas Bar Associations, and the National Business Institute. Ms. Mdivani publishes an on-line bulletin, *Latest Immigration News*, at [www.kh-law.com/immigration](http://www.kh-law.com/immigration). She is a frequent guest speaker at the Internet's immigration portal, [www.ilw.com](http://www.ilw.com). Ms. Mdivani co-chairs the Pro Bono Committee of the Missouri-Kansas Chapter of the American Immigration Lawyers Association.



or needing any special laws such as Section 245(i) of the Immigration and Nationality Act.

B. Humanitarian Parole is More Readily Available in Children's Cases

In cases where no other relief is currently available for a child who would eventually be eligible for a green card, humanitarian parole under section 212(d)(5) of the Immigration and Naturalization Act may be available to temporarily address their need to stay in the U.S.

2. Most Undocumented Children Have a Chance to Obtain Legal Status in the United States

Studies show that the overwhelming majority of immigrants have some connections to this country. Many of them come here because of available jobs, and the majority of the immigrant population comes to the U.S. to join their relatives. For example, a local study of the Hispanic population conducted in Kansas City, Kansas in 2002, indicated that 85% of immigrants live in "mixed" families, meaning that some members of the family have legal status, such as a green card or citizenship. This means that other members of the family who are currently undocumented, eventually may be eligible for obtaining legal status, i.e. green cards in the United States. In addition to obtaining legal status through families, children may also benefit if their parents are sponsored for green cards by their employers. When the undocumented children grow up, if they have not yet become eligible for green cards through their families, they themselves may be eligible to obtain green cards through marriage or they can be sponsored by employers who can prove that their skills are in short supply.

3. Obtaining Legal Status in Many Cases Takes Years. The Delay is Beyond Control of Parents and Their Undocumented Children

The system of eligibility to apply for a U.S. green card mandated by the U.S. Congress is complex and not entirely logical. It creates long delays and unfair results in many cases. Let us look at the current State Department Visa Bulletin, which explains who is eligible to apply for a green card at this time. Exhibit 1. Congress allocates a certain number of immigrant visas for each category of immigrants. There are not enough immigrant visa numbers for all eligible immigrants. This creates long delays in the process of legalizing undocumented immigrants. For example, we have a child who is 5 years old. His grandfather is a U.S. citizen. His mother is from El Salvador. Grandfather sponsors his mother for a U.S. green card by filing a I-130 immigrant visa petition. The Nebraska Service Center, which has jurisdiction over his petition, will take about 6 to 12 months to adjudicate the petition. See, Exhibit 2. However, the mother cannot obtain her green card then. The mother is in the third family-based category, and it will take her about 6 years to be able to apply for her green card. When she gets her green card, the child will not be eligible for anything and cannot legally come to the U.S. with her. Meanwhile, civil war rages in El Salvador. So, the mother takes her immigrant visa and her now 12 years old child and brings him to the U.S. illegally. She has a green card, he is undocumented. The mother is eligible to file an I-130 immigrant visa petition for her child, in the 2A family category.

If she files now, it will take the child another 6 years to become eligible to file for his green card (i.e. when an immigrant visa number becomes available to him), by which time the child may be 18 years old. After the child applies for his green card, depending on where the child resides, it may take him from 1 to 5 years to actually receive it and become a legal permanent resident of the United States. See Exhibit 3 for local green card processing times (look under I-485). Meanwhile, by the time the process is completed the child whose family began working on his legal immigration at the time he was 5, may be 25 or older. The situation is equally bad in refugee/asylee cases, where eligible refugee children if they apply for their green cards now, may be able to receive their green card after approximately 11-12 years of wait. See, Exhibit 4. There is nothing that the family can do to speed up the process, even if they do everything right from the point of view of the U.S. immigration law. In some states, bills similar to this include language such as “. . . eligible for in-state tuition as long as he or she promises to apply for legal status in the United States.” What this language fails to account for, is that no matter how badly an immigrant child or the child’s family wants to speed up the process of becoming eligible for legal status, there is nothing they can do to move their case in front of all the others, at a time when Congress does not allocate enough immigrant visa numbers for eligible immigrants.

4. Children Whose Parents Pay Taxes in the State of Kansas Should be Able to Have Access to College Education Through Paying in-State Tuition at Kansas Colleges and Universities

In some cases, parents of undocumented children are employed in the United States without work authorization. In many cases, they are employed in low paid jobs. These parents pay income and employment taxes every time they receive their paychecks. They also pay property taxes and sales taxes. However, because of their undocumented status, they cannot claim a tax refund from the government. Again because of their undocumented status, their children are not eligible for any federal financial aid, such as Pell grants or educational loans. Out of state tuition is twice and in some cases, three times as high as the in-state tuition. If not allowed to pay in-state tuition, these children have no chance to receive a college education: there is no tax refund that their parents can use to pay a tuition bill, and there is no way to obtain a federal grant or an educational loan. These children who identify themselves with this country, who lived here for the most part of their lives, who speak excellent English and who have worked hard in school in order to go to college, deserve for their dream to come true. Please consider moving this bill to the floor. As parents and responsible citizens of Kansas, please consider allowing bright and hard working kids to have access to a college education.

# Exhibit 1

**U.S. Department of State**  
*Bureau of Consular Affairs*  
*Visa Services*



## Visa Bulletin

*Number 55*  
*Volume VIII*  
*Washington, D.C.*

### IMMIGRANT NUMBERS FOR MARCH 2003

#### A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during March. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Naturalization Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by February **10th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:



## FAMILY-SPONSORED PREFERENCES

**First:** Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

**Second:** Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

**Third:** Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

**Fourth:** Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

## EMPLOYMENT-BASED PREFERENCES

**First:** Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

**Second:** Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

**Third:** Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, not more than 10,000 of which to "Other Workers."

**Fourth:** Certain Special Immigrants: 7.1% of the worldwide level.

**Fifth:** Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the

same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: MEXICO and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

**Priority Dates for Family Based Immigrant Visas**

	All Chargeability Areas Except Those Listed	MEXICO	PHILIPPINES
<b>Family</b>			
<b>1<sup>st</sup></b>	<b>22JUN99</b>	<b>01MAY93</b>	<b>01APR90</b>
<b>2A*</b>	<b>08DEC97</b>	<b>01JUL95</b>	<b>08DEC97</b>
<b>2B</b>	<b>01JUL94</b>	<b>08NOV91</b>	<b>01JUL94</b>
<b>3<sup>rd</sup></b>	<b>22FEB97</b>	<b>22MAR93</b>	<b>08DEC89</b>
<b>4<sup>th</sup></b>	<b>08MAR91</b>	<b>08MAR91</b>	<b>15DEC81</b>

\*NOTE: For March, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 01JUL95. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01JUL95 and earlier than 08DEC97. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

**Priority Dates for Employment-Based Immigrant Visas**

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	All Chargeability Areas Except Those Listed	MEXICO	PHILIPPINES
<b>Employment-Based</b>			
1 <sup>st</sup>	C	C	C
2 <sup>nd</sup>	C	C	C
3 <sup>rd</sup>	C	C	C
<b>Other Workers</b>	C	C	C
4 <sup>th</sup>	C	C	C
<b>Certain Religious Workers</b>	C	C	C
5 <sup>th</sup>	C	C	C
<b>Targeted Employment Areas/Regional Centers</b>	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at: (202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

**B. DIVERSITY IMMIGRANT (DV) CATEGORY**

Section 203(c) of the Immigration and Nationality Act provides a maximum of up to 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. The Nicaraguan and Central American Relief Act (NCARA) passed by Congress in November 1997 stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NCARA program. **This reduction has resulted in the DV-2003 annual limit being reduced to 50,000.** DV visas are divided among six geographic regions. No one country can receive more than seven percent of the

available diversity visas in any one year.

For **March**, immigrant numbers in the DV category are available to qualified DV-2003 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

### **All DV Chargeability Areas Except Those Listed Separately**

#### ***Region***

AFRICA: AF 14,150

ASIA: AS 8,400, Except: BANGLADESH 6,600

EUROPE: EU 22,500

NORTH AMERICA (BAHAMAS): NA 13

OCEANIA: OC 345

SOUTH AMERICA, and the CARIBBEAN: SA 975

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2003 program ends as of September 30, 2003. DV visas may not be issued to DV-2003 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2003 principals are only entitled to derivative DV status until September 30, 2003. DV visa availability through the very end of FY-2003 cannot be taken for granted. Numbers could be exhausted prior to September 30. **Once all numbers provided by law for the DV-2003 program have been used, no further issuances will be possible.**

### **C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN MARCH**

For **April**, immigrant numbers in the DV category are available to qualified DV-2003 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

### **All DV Chargeability Areas Except Those Listed Separately**

#### ***Region***

AFRICA: AF 16,500

ASIA: AS 10,400, Except: BANGLADESH 7,950

EUROPE: EU 26,250



NORTH AMERICA (BAHAMAS): NA 13  
OCEANIA: OC 410  
SOUTH AMERICA, and the CARIBBEAN: SA 1,140

#### **D. PHILIPPINES VISA AVAILABILITY IN THE COMING MONTHS**

Continued heavy applicant demand for numbers in the PHILIPPINES Family First, Third, and Fourth preference categories could require the retrogression of those cut-off dates later in the year. This action would be necessary to hold visa issuance within the annual numerical limits.

#### **E. OBTAINING THE MONTHLY VISA BULLETIN**

The Department of State's Bureau of Consular Affairs offers the monthly *Visa Bulletin* on the INTERNET'S WORLDWIDE WEB. The INTERNET Web address to access the *Bulletin* is:

**<http://travel.state.gov>**

From the home page, select the VISA section which contains the *Visa Bulletin*.

Individuals may also obtain the *Visa Bulletin* by FAX. From a FAX phone, dial (202) 647-3000. Follow the prompts and enter in the code 1522 to have each *Bulletin* FAXed.

To be placed on the Department of State's E-mail subscription list for the *Visa Bulletin*, please provide your E-mail information to the following E-mail address:

**[VISABULLETIN@STATE.GOV](mailto:VISABULLETIN@STATE.GOV)**

The Department of State also has available a recorded message with visa cut-off dates which can be heard at (202) 663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

The *Visa Bulletin* can also be contacted by e-mail at the following address:

**[VISABULLETIN@STATE.GOV](mailto:VISABULLETIN@STATE.GOV)**

Department of State Publication 9514  
CA/VO:February 10, 2003

[Go to the Visa Services Page](#)

# Exhibit 2

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## Processing Time Report

March 1, 2003

Form	We are Processing cases with receipt notice dates on or before:
I-90 to replace lost, damaged or destroyed I-551	4/9/2002
I-90 to renew expiring I-551	4/11/2002
I-102 for replacement/initial nonimmigrant arrival/departure form	2/1/2002
I-129 for H1B classification	1/8/2003
I-129 for H2A classification	2/15/2003
I-129 for H2B classification	1/24/2003
I-129 for H3 classification	12/26/2002
I-129 for L classification	1/28/2003
I-129 for Blanket L petition	1/27/2003
I-129 for O classification	1/9/2003
I-129 for P classification	1/20/2003
I-129 for Q or R classification	12/23/2002
I-129 for TN classification	1/24/2003
I-129F (fiancée)	9/27/2002
I-130 for spouse, parent or child (under 21) of a United States citizen	5/21/2002
I-130 for son or daughter (over 21) of a United States citizen	4/17/2001
I-130 for brother or sister of a United States citizen	4/17/2001
I-130 for spouse of a lawful permanent resident	4/12/2001
I-130 for unmarried child under 21 of a lawful permanent resident	4/17/2001
I-130 for unmarried son or daughter over 21 of lawful permanent resident	4/17/2001
I-131 for Advance Parole	1/9/2003
I-131 for Advance Parole for HRIFA principal applicant	4/17/2002
I-131 for Reentry Permit	5/21/2002
I-131 for Refugee Travel Document	1/30/2003
I-140 A (extraordinary ability)	10/2/2002
I-140 B (outstanding professor or researcher)	10/2/2002
I-140 C (multinational executive or manager)	1/3/2003
I-140 D (professional holding adv. degree/alien of exceptional ability)	11/27/2002
I-140 E (skilled worker or professional)	11/19/2002
I-140 I (National Interest Waiver)	10/24/2002
I-140 G (other worker)	11/23/2002
I-212 permission to reapply for admission after deportation/removal	9/12/2002
I-360 petition for Amerasian, widow(er), or Special Immigrant	10/30/2002

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Suite 120  
Overland Park, K  
[Send e-mail](#)[Member of Ameri](#)  
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I-485 Asylum-based	2/1/1999
I-485 Refugee-based	8/1/2001
I-485 Employment-based	8/1/2001
I-485 Haitian Refugee Immigration Fairness Act (HRIFA)-based	12/27/1999
I-526 Immigrant Petition by Alien Entrepreneur	not processed at the NSC
I-539 for extension of stay for F or M non-immigrant	2/15/2003
I-539 for extension of stay for J non-immigrant	1/10/2003
I-539 for extension of stay for L or H non-immigrant	12/30/2002
I-539 for extension of stay for other non-immigrant	10/29/2002
I-539 to change nonimmigrant classification to F or M	11/18/2002
I-539 to change nonimmigrant classification to J	1/23/2003
I-539 to change nonimmigrant classification to L or H	1/2/2003
I-539 to change to other nonimmigrant classification	9/4/2002
I-612 waiver of foreign residence requirement	9/23/2002
I-730 Refugee/Asylee Relative Petition	7/26/2002
I-751 Petition to Remove Conditions on Residence	5/27/2002
I-765 for initial asylee or asylum applicant authorization	1/20/2003
I-765 for employment authorization associated with Hurricane Mitch TPS	
I-765 for employment authorization associated with El Salvador TPS	8/27/2002
I-765 for employment authorization while I-485 is pending	12/15/2002
I-765 for all other employment authorization	12/13/2002
I-817 Application for Family Unity Benefits	10/18/2002
I-821 for El Salvador	8/27/2002
I-821 for Hurricane Mitch countries	12/23/2002
I-824 Application for Action on an Approved Application or Petition	4/17/2002
I-829 Petition by Entrepreneur to Remove Conditions	not processed at the NSC
I-914 Application for T Non-Immigrant	not processed at the NSC
I-131 HRIFA BLOCK F	1/10/2000
I-485 INDOCHINA	2/15/2003

# Exhibit 3



# Report Card on INS Adjudications

Processing Times in Days

District or Suboffice	Permanent Residence Filing Until Approval I-485	Naturalization Filing Until Swearing In	Advance Parole Approval	Work Authorization Approval
Albuquerque	365-540	300-365	30-60	30-60
Atlanta	456-517	243-365	60-90	60-90
Baltimore	365-486	243-365	30-60	60-90
Boston	120-180	180-270	1	1
Buffalo	150-180	240	14-21	1-14
Charlotte	243	426	30	30-50
Cherry Hill, NJ	300	180-240	3-7	60-90
Chicago	183-548	183-365	30	45-90
Cincinnati	98-120	60-90	30-60	1
Cleveland	150-190	500-530	75-120	75-120
Dallas	240-430	240-365	30-60	30-60
Denver	425-500	240-300	10-30	1
Detroit	365-380	365-400	60-90	60-90
El Paso	270	300	120	14
Harlingen, TX	1138	820	162	91
Hartford	274	334-365	20	90
Honolulu	334	243-274	30	1
Houston	425	365	30	90
Indianapolis	213-243	243-274	14-21	1
Kansas City, MO	150-210	210-240	1-21	60-90
Las Vegas	365-426	365-426	90	80-90
Louisville	365	365	60	60
Los Angeles	183	243-304	28-42	50
Memphis	334	365	40-56	60
Miami	210-270	210-240	3-4	80-110
Milwaukee	150	210	60	30
Newark, NJ	120	300	1	60-90
New Orleans	180-360	270-540	3-15	14-90
New York	669	243-426	125-130	90-95
Oklahoma City	150-180	180-210	30-60	30-60
Omaha	240-365	300-365	30-60	14-21
Orlando	730	365	120	100
Phoenix	910	334	120	120
Philadelphia	270	365	7-10	15-30
Pittsburgh	122	365	3-10	1
Portland, OR	180	270	30-60	60
Sacramento	150-180	180	10-14	1
Salt Lake City	365-547	274-365	10	1-30
San Antonio	180-660	120-180	30-60	30-90
San Diego	243	213	1	1
San Francisco	183-213	304	30	30
San Jose	183-243	243-365	21-28	21-28
Santa Ana	152	243-304	30	49
Seattle	365	243	30-40	30
St. Paul	122-183	183	7	1
Tampa	400-450	180-270	30-40	45-60
Wash, DC (Arlington)	365-396	213-365	30-90	60-90
Wichita, KS	n/a	210-240	n/a	30-90

\*n/a = not available

[Editor's Note: Statistics are reported by AILA Chapter monitors around the country and reflect average processing times or ranges of processing times as of December 2002. This report is based on observations of the monitors, and has not been approved for publication by INS.]

# Exhibit 4

## INS Processing Time Information on Asylee Adjustments

Cite as "Posted on AILA InfoNet at Doc. No. 02072140 (July 21, 2002) ."

### Adjustment of Status for Asylees

By law, only 10,000 asylees can adjust status to Lawful Permanent Resident per year; however the Service is receiving 15,700-28,200 applications per year. As a result, as of May 10, 2002, approximately 96,600 asylee adjustment applications were pending. Through September 30, 2002, we are processing applications received on or before June 9, 1998. We anticipate that we will process the remaining pending applications according to the following schedule:

### Date Received Timeframe to be Processed

Date Received	Timeframe to be Processed
June 10, 1998-Feb. 1, 1999	Oct. 1, 2002-Sept. 30, 2003
Feb. 2, 1999-Sept. 14, 1999	Oct. 1, 2003-Sept. 30, 2004
Sept. 15, 1999-Mar. 13, 2000	Oct. 1, 2004-Sept. 30, 2005
Mar. 14, 2000-Aug. 3, 2000	Oct. 1, 2005-Sept. 30, 2006
Aug. 4, 2000-Dec. 27, 2000	Oct. 1, 2006-Sept. 30, 2007
Dec. 28, 2000-Apr. 30, 2001	Oct. 1, 2007-Sept. 30, 2008
May 1, 2001-Aug. 16, 2001	Oct. 1, 2008-Sept. 30, 2009
Aug. 17, 2001-Nov. 26, 2001	Oct. 1, 2009-Sept. 30, 2010
Nov. 27, 2001-Feb. 20, 2002	Oct. 1, 2010-Sept. 30, 2011
Feb. 21, 2002-undetermined	Oct. 1, 2011-Sept. 30, 2012

We emphasize that these dates are **APPROXIMATIONS**; unforeseen occurrences may delay processing. In September 2002, we will determine and publish the received dates to be processed between October 1, 2002 and September 30, 2003 more precisely.

If you move, please notify us by sending a letter or Form AR11 to PO Box 87865, Lincoln, NE 68508-7865. Please note that **only address changes will be processed at this address**. For all other inquiries, call the National Customer Service Center at 800-375-5283. Non-address-change inquiries received at the PO Box cannot be answered. Also be aware that notifying the Center of an address change for a pending application **DOES NOT** satisfy the requirement to notify the Service of your whereabouts. Instructions for that notification can be found at <http://www.ins.usdoj.gov/graphics/formsfee/forms/ar-11.htm>.

While your I-485 is pending, you are permitted to travel outside the US; however you must have a valid Refugee Travel Document to reenter the country. You can apply for a refugee travel document by filing Form I-131. Due to new security procedures, allow for 90 to 120 days prior to beginning travel to obtain a travel document.

As an asylee, you are authorized to work in the United States incident to your status. If you wish to receive a document from the INS that can serve as evidence of both your work authorization and identity, file Form I-765 with the service center that serves your location. Allow for a 90-day processing time.

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1528 N. Broadway, Wichita Ks 67214  
(316) 264-9972 - Fax: (316) 267-3580  
info@sunfloweract.com - www.sunfloweract.com

Good afternoon my name is Veronica Castañeda, I am a member of Sunflower Community Action, Hispanos Unidos Chapter. I am also a student at Wichita State University.

I would like to thank all of the members of this committee, for giving us the opportunity to be heard.

We know that all of you must make tough and wise decisions these days, under the current atmosphere that we are living. We will respect those decisions, if they will make our country a safe and better place; yes I say our country because it is also our home. However, we urge not to make your decisions based on founded fear and ignorance.

In the past I was in the same situation that many undocumented students of Kansas are today. Therefore, I know how it feels to live in fear and sadness of having worked hard through high school, have excellent grades, knowing that graduation is near, that you will be honored at that graduation for your accomplishments, but that your dreams of a better future end after that graduation ceremony. Dreams of having a career, a career that would help build a stronger community and that would help keep the nation strong. The dream ends after graduation, not because students don't want to attend college or a university, but because they are not admitted. Now, that I am a documented student, an active member of my community, a productive member of society and a human being that has gone through the same terrible situations these undocumented students are going through...I ask each and everyone of you in this Committee, to allow others students who are in the same situation that I was, to have an opportunity to continue with their education, accomplish their dreams, have a career and serve this Nation, which is also their Nation. It's also their Nation and home because they were brought here by their parents having no other choice, and so far they have only made the best of it. They have lived here most of their lives, they have worked hard through their school years, they are not going to go back to a country they don't know, they are staying, they're not leaving.

We believe that Bill 2145, offers the solution to these undocumented students, it also assures that we as Americans continues to believe in "...liberty and justice for all." Justice and equality for these students who are undocumented and only want to go to a college or a university for the same price as any other students in Kansas. To better their lives, to make their parents and teachers proud, to become professionals and be all that they can be, to keep this Nation Strong.

Thank You.

Veronica Castañeda

*Senate Education*  
3-11-03  
Attachment 8



Adult Basic Education  
315 S. Market  
620-341-2450

Alternative School  
1001 Commercial  
620-341-2251

Butcher Children's School  
1200 Commercial  
620-341-5301

Emporia High School  
3302 W. 18th  
620-341-2365

Emporia Middle School  
2300 Graphic Arts  
620-341-2335

Flint Hills Special  
Education Cooperative  
216 W. 6th  
620-341-2325

Flint Hills Technical College  
3301 W. 18th  
620-341-2300

Head Start Center  
1211 Stanton  
620-341-2260

Logan Avenue Elementary  
521 S. East  
620-341-2264

Lowther North  
Intermediate School  
216 W. 6th  
620-341-2350

Lowther South  
Intermediate School  
215 W. 6th  
620-341-2400

Mary Herbert Elementary  
1700 W. 7th  
620-341-2270

Maynard Elementary  
19 Constitution  
620-341-2276

Village Elementary  
2302 W. 15th  
620-341-2282

Walnut Elementary  
801 Grove  
620-341-2288

William Allen  
White Elementary  
902 Exchange  
620-341-2294

March 11, 2003

Mr. Chairman and Committee Members

Thank you for giving me the opportunity to testify at this hearing.

I am here to advocate the passage of House Bill 2145 passed by the House on February 28, 2003. It will benefit undocumented young men and women who have graduated from public and private high schools, or have received their GED in the State of Kansas. These graduates will be able to continue their education in state institutions of higher learning such as technical colleges, community colleges and universities. This is good for our state; this legislative change will grin between 1,000,000 to 1,500,000 to Kansas's institutions.

In Emporia, Kansas US District 253 has seen an increase in the Latino student population from 7% in 1990 to 37% in 2000. These students are bilingual and bicultural, often identifying themselves as Americans rather than with their country of birth. Some were born in the United States; others have lived in Kansas for several years. Many of these students qualify upon graduation from high school to continue their post-secondary education. As excited as these students and their families are by the fact that the young person graduating from high school is the first one in the family to do so, this excitement soon vanishes as they are faced with the reality of prohibitive out of state college tuition.

Itzia Aparicio came to the United States seven years ago, graduated from Emporia High School and is now attending ESU as an out of state student. Last month Itzia testified before the House Educational Committee. She said that she is taking one or two classes a semester because her family can not afford to pay the full semester out of state tuition, and as it is, they are making monthly payments to the university. Her eyes filled with tears when she mentioned that her brother, a Freshman at Emporia High School who is in the Enrichment Program (gifted), said to her, "I don't know why bother about studying, I will never be able to go to College when I graduate." As these students in our communities are prevented from reaching their goals, Kansas will suffer, "An idle mind is the Devil's Work-Shop"

When these young-men and women can not continue their education and can not have jobs, they are likely to become directly or indirectly involved in activities unhealthy for the society. Often the State of Kansas will have to pay as it does now, the legal and medial expenses resulting from inappropriate behavior.

We should help these-young men and women help themselves, the alternative is very unattractive for them and troublesome for the society.

These young man and women have little to do with their parent's decision to come to the United States. In most cases what happens is that the parents are contracted to work by companies in the State of Kansas to do the work that not many of us will do. Recruited to work, BCIS (former INS) issues them an Employment Authorization

Senate Education  
3-11-03  
Attachment 9

Card and as soon as they can, these workers will bring their families so they can be close to them. There is nothing these workers can do to document their children. Being undocumented, these young man and women are treated as foreign students and as such they must pay prohibitive out of state tuition. Out of state tuition makes it impossible for them to continue their education.

The passage of House Bill 2145 will make it possible for these young-men and women in our state, where "Education Matters" to continue their education and become productive members in their communities.

This being a year of budget cuts we are not asking the State of Kansas for money. We are asking the state to give these immigrant students the opportunity of a lifetime. These young-men and women come from families who support our state through state income taxes, sales taxes and property taxes, many of the revenue streams that sustain our higher education system. Since these workers help fund higher education, lets give their children the opportunity to access in state resident tuition as the rest of the taxpayers in the State of Kansas.

Monica Hashmi  
Migrant Community Resource Coordinator

## **Testimony: Higher Education Committee**

**Elias L. Garcia, Chr.**  
**Kansas Hispanic Caucus**  
**March 11, 2003**

My name is Elias L. Garcia, I am Chairman of the Kansas Democratic Hispanic Caucus. On behalf of our organization I Thank You for the opportunity to provide testimony in support of HB 2145, a bill that would allow the students in undocumented households who graduate from a Kansas high school, the opportunity to pay resident rates at Kansas post secondary institutions.

Ladies and Gentlemen, I would like to add our voice to the many in Kansas, not just Hispanics, who know that the intent of HB 2145 is not only reasonable, but also the right thing to do.

In an era where our President's bilingual credo is that NO CHILD SHALL BE LEFT BEHIND, and our Governor who has made Education the number one priority of her administration, it only stands to reason that this body, this legislature would also support the fundamental principle that the future belongs to our youth and act accordingly to facilitate and support the educational endeavors of our leaders of the 21<sup>st</sup> century, including Hispanics.

Since 1960's, Hispanics have been the youngest and fastest growing population in the United states and on January 22, 2003, the US Census officially declared that Hispanics are the largest minority in the United States and comprise 13 percent of the population. Population growth is but one dynamic that has been used to provide some insight into the future. Ladies and Gentlemen, given the Hispanic past, present numbers and our future growth projections, it is undeniable that the Hispanics are positioned to significantly influence the American society.

Education is the key and the bridge that connects all people and all communities. It is incumbent on members of our society and indeed this body to endeavor to eliminate all barriers toward securing a post-secondary education on behalf of those students who have earned the right to succeed! As a baby-boomer addressing my fellow baby-boomers on this respective committee, I ask you to reflect on our past and appreciate the actions of past political leaders as they enacted laws to level the playing field. Specifically, Affirmative action initiatives that not only helped me but thousands of others who, but for these initiatives, would not have had the opportunity to

*Senate Education*  
*3-11-03*  
*Attachment 10*

W. Paul Degener  
518 NW 56<sup>th</sup> St.  
Topeka, KS 66617  
(785) 246-0215

Subject: HB 2145, Instate Tuition for Illegal Aliens

Mr. Chairman, Members of the committee, my name is Paul Degener, I am a resident of Shawnee County and appear before you as a concerned citizen in opposition to HB 2145. I thank you for allowing me to appear before this committee.

I think it is a well established fact that if persons from a foreign country enter this country without going through the proper procedures, they are considered to be illegal aliens. They have violated the established immigration laws of this country. What is it about illegal we do not understand?

It has been my experience that if I violate a law, I have to pay a fine or go to prison, depending on the severity of the crime. In the past I have been stopped for exceeding the speed limit and I have had to pay the fines. This is as it should be. However, this makes it difficult for me to understand why we are considering this legislation. Why are we rewarding illegal behavior. This is completely contrary to everything I have been taught throughout my lifetime. Are we considering this legislation because the federal government is threatening to withhold funds if we fail to do so? Is the pressure so great from political action groups that we have to yield to their demands? Are we simply taking the easy way out or is this just the next step toward reducing our country and our state to a third world status?

I served on active duty with the U.S. Army for fifteen years and served in the reserve components for 19 years. I took an oath to protect and defend the Constitution of the United States. Perhaps I was naïve to take that oath seriously or to believe in the rule of law. To think that our laws mean nothing is alarming. I can see nothing but disaster from this legislation. We are inviting every criminal and every terrorist to migrate to the great state of Kansas. In my opinion, anyone who votes for this legislation is guilty of aiding and abetting criminal activity.

In regard to this bill, we are providing the same benefits to illegal aliens as we are to tax paying residents of the state of Kansas. We are denying in-state tuition to those who have obeyed the immigration laws and obtained a valid student permit while providing in state tuition benefits to illegal aliens. When I was growing up we constantly heard that "Crime Does Not Pay". My, how things have changed. Why make laws and then turn right around and make more laws to circumvent existing law? I don't understand.

I have some fiscal comments:

It is estimated that there are 33,000 to 150,000 or more illegal aliens in the state of Kansas.

The fiscal note to this bill states that educational institutions would experience reduced revenue as a result of this bill.

The reduction in revenues cannot be determined. That's convenient.

Because of the possible language barrier of illegal aliens, I would expect some additional expenses to be incurred.

Examples might be:

Bi-lingual instructors

Bi-lingual handouts, tests, etc.

Remedial training

I would imagine there will be all sorts of hidden expenses if this legislation is passed into law. But not to fear, law abiding, taxpaying Kansas Citizens can be called upon once again to support an illegal, ill-conceived, exorbitant, empire building program.

Thank you for your time.



Kansas State Legislative Session  
Education Committee  
Chairperson Senator Duane Umbarger, Committee Members and Guest.  
March 11, 2003

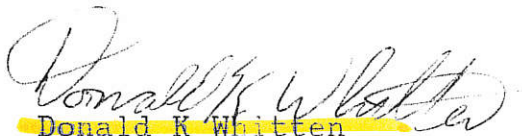
Subject: Hearing on House Bill 2145.

Your support in the granting of privileges to an illegal immigrant, and/or resident is your vote against the very judicial system originally designed to protect society as a whole.

01. State paid tuition of illegal immigrants in the State of Kansas would prove to be an unlawful burden for all School Districts of Kansas, and where as by the fact of being ILLEGAL immigrants, and/or residents of the State of Kansas, defines that individual a criminal by present Federal and State Judicial Systems, and whereas The education of non-citizen places an unlawful burden on an already financially troubled economy, so therefore be it RESOLVED the Kansas Legislative System not provide tuition for education of an illegal immigrant and/or resident.

By law, I am not at liberty to copy the proof in support of above statements, however will introduce the proof as qualified by the Judicial System of the United States of America.

I thank you, the Committee Chairperson and members for the privilege of exercising the given obligation and rights of an American Citizen.

  
Donald K. Whitten  
16525 Military Trail Road  
Wamego, Kansas 66547

Senate Education  
3-11-03  
Attachment #12



# KANSAS BOARD OF REGENTS

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TELEPHONE – 785-296-3421  
FAX – 785-296-0983  
[www.kansasregents.org](http://www.kansasregents.org)

Testimony regarding Sub. for H.B. 2145  
Senate Education Committee

March 11, 2003

Mary D. Prewitt  
General Counsel, Kansas Board of Regents

Chairman Umbarger and members of the Committee, I appreciate this opportunity to appear before you to comment on Sub. for H.B. 2145. The bill will allow some undocumented immigrants to pay tuition at resident rates at the State's higher education institutions.

The Kansas Board of Regents has not taken a position on the proposed bill believing that it is for the legislature to make the fundamental decision of who is entitled to receive the substantial benefit of attending Kansas public institutions of higher education at resident rates. This bill extends that benefit to the children of undocumented immigrants, many of whom have lived and worked productively in this state for many years.

Under the federal Illegal Immigration Reform and Immigrant Responsibility Act, undocumented aliens may not be eligible for any postsecondary education benefit that is given on the basis of residence within a state unless a U.S. citizen or national is eligible for the same benefit without regard to whether the citizen or national is a state resident. While the relevant section of the Act does not specifically mention resident tuition, language attached to the legislation by federal lawmakers makes clear that it was intended to cover the benefit of paying resident tuition rates at state institutions.

As passed by the House, Sub. for H.B. 2145 addresses the federal requirements by removing, as it must, any reliance on residency to identify the targeted beneficiaries of the bill. As a result, the bill necessarily encompasses a larger class of potential beneficiaries than just undocumented immigrants who have lived in the state for some period of time. With those amendments, the bill will provide tuition at resident rates for students who have attended high school in Kansas for three or more years and attained either a Kansas high school diploma or a GED issued in Kansas. This will result in some residents of other states, primarily Missouri, who have attended Kansas high schools, receiving the resident tuition privilege.

As the original fiscal note to the bill indicates, we are unable to provide estimates of the numbers of students that might be impacted by the bill, however, with the addition of the House amendments, we are able to provide the attached information that indicates there are approximately 65 students now enrolled in the six state universities who pay out of state tuition but have attended Kansas high schools at some time. Assuming that every one of these students

*Senate Education*  
3-11-03  
Attachment 13

met the further requirements of the bill, attending high school for three years and obtaining a Kansas high school diploma or GED certificate, the approximate fiscal impact would be the loss of \$433,636 dollars in tuition revenue. Presumably, however, additional students would be able to attend the institutions who were not previously able to, generating new tuition dollars. It should also be noted that the bill is not limited to the six state universities but also covers the states community colleges and technical schools and colleges.

During floor debate in the House, several questions were raised about how the benefits extended by this bill compare to those received by military personnel and their dependents. The following information outlines the resident fee privileges of military personnel:

- A resident of Kansas who enters the military may retain Kansas residency as long as they take no action inconsistent with maintaining an intent to make Kansas their permanent residence. Their dependents may attend Kansas institutions at resident rates regardless of where they attend high school or where their parents are currently stationed.
- A member of the military who is assigned to a full time duty station in Kansas and who lives in Kansas, and his or her spouse and dependents, are entitled to pay resident tuition at the six state universities.
- The spouse and dependent children of a military service person, who has been assigned to a full time duty station in Kansas and has lived in Kansas but is subsequently assigned to a duty station outside the United States, will continue to receive the benefit of resident tuition rates so long as they continue to live in Kansas and the service person remains outside the United States.
- Dependents of military personnel who have left the state will receive the resident fee privilege if they:
  - Have graduated from an accredited Kansas high school within six months of enrollment and
  - At the time of graduation or while enrolled in high school were dependents of a military service person within the state
  - Unless the military service person does not establish domiciliary residence in the state upon retirement from military service.
- A discharged or retired military service person and their spouse and dependent children will receive the resident fee privilege if:
  - They have been a domiciliary resident of Kansas for less than 12 months
  - They were present in the state in active military service prior to becoming a domiciliary resident of the state
  - They were present in the state for a period of not less than two years sometime during their active military service
  - And their current domiciliary residence was established within 30 days of their honorable discharge or retirement from military service.

Board of Regents Testimony on Sub. For H.B. 2145  
Senate Higher Education Committee  
March 11, 2003  
Page 3

The Board appreciates this effort to enhance the likelihood that students who either graduate from Kansas high schools or earn state issued GEDs will attend one of the state's institutions of higher education. This state needs a highly educated workforce if it is to reach its full potential. Measures that remove barriers to access are helpful and important in that regard.

I will be happy to address any questions the Committee members may have.

Attachment: Chart - Estimated Tuition Revenue Reduction From Waiving Non-Resident Tuition  
Of Non-Resident Kansas High School Graduates Enrolled in Academic Year 2002-2003

Substitute for House Bill 2145

Estimated Tuition Revenue Reduction  
From Waiving Non-Resident Tuition  
Of Non-Resident Kansas High School Graduates  
Enrolled in Academic Year 2002-2003

Fulltime, Undergraduate Students

	Estimated Number of Students	Non-Resident Tuition Differential	Estimated Tuition Revenue Reduction
KU	28	\$7,202	\$201,656
KSU	13	\$7,260	\$94,380
WSU	7	\$6,776	\$47,432
ESU	9	\$5,292	\$47,628
PSU	5	\$5,412	\$27,060
FHSU	3	\$5,160	\$15,480
TOTAL	65		\$433,636





# Inter-Faith Ministries

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## Testimony for the Senate Education Committee March 11, 2003 Regarding Substitute for House Bill 2145

Inter-Faith Ministries supports this bill because it will improve the lives of youth and young adults in Kansas, and will help to develop Kansas' resource of educated and skilled workers.

During the past ten years, Kansas has seen an influx of ethnically diverse immigrants. Some of these immigrants are not documented, some are. Regardless of their legal status, many immigrants experience grinding poverty and are among the very poorest of the working poor. In addition, many immigrants experience racial or ethnic prejudice, cruelty, and violence.

Inter-Faith Ministries has served immigrants regardless of documentation through our hunger and homelessness prevention programs, and in some cases, we have helped them attain the required documentation to remain legally in the United States.

We have seen both a high work ethic and a dedication to volunteer service among the children of immigrants. Until they are 21, there is nothing these young people can do on their own to change their immigration status. These children, who have no control over their legal status, have excelled in school, shown dedication to their families and community, and have performed at an exceedingly high level during internships and voluntary positions with Inter-Faith Ministries.

These children of immigrant parents display exactly the qualities that our communities and our state most want to build and retain in our children. These children exemplify what we want for our future.

For decades, Kansas has worked to encourage our best high school students to attend Kansas colleges and universities, knowing that people who attend college in Kansas are more likely to remain in Kansas to contribute to the workforce and economy. Inter-Faith Ministries believes that this policy should apply across the board to all highly-qualified, hard working young adults, regardless of who their parents are.

As a state, we can not afford to limit the educational opportunities of our emerging workforce. Nor should we allow racial stereotypes to limit the future of our communities.

*Working to build inter-religious understanding, promote justice, relieve misery, and reconcile the estranged.*

*Senate Education  
3-11-03  
Attachment 14*



**Testimony by Raúl R. Guevara, Buena Gente**  
**Before the**  
**Senate Education Committee**  
**March 11, 2003**

Honorable Chairman Dwayne Umbarger and Distinguished members of the Senate Education Committee, I appreciate the opportunity to submit this statement in support of House Bill 2145 to redefine "state resident" for the purpose of in-state tuition in Kansas postsecondary institutions.

My name is Raúl R. Guevara and I am a member of Buena Gente. I have served on the Kansas Advisory Committee on Hispanic Affairs, Governor's Policy Office, Topeka Police and Fire Civil Service Commission, Kansas Society of Certified Public Managers, National State Publishing Association, English as a Second Language instructor at Hutchinson Community College, founded a LULAC Chapter as an Instructor at KSU in Manhattan and a Golden Gloves boxing gym in Topeka, Kansas. I have also served numerous other organizations dedicated to help disenfranchised groups earn & realize the promises, principles and benefits of democracy by empowering, promoting and providing leadership development, and maximizing civic awareness and educated participation in the electoral process.

Unfortunately, as a Public Service Executive and Bureau Chief of Support Services, I have a conflict in schedule and will be meeting with the KDOT Secretary Deb Miller on March 11 during your hearing on HB 2145 Tuesday afternoon. I apologize for not appearing in person. Nevertheless, I desire to express my passionate sentiments in support of social justice, improving the Kansas economy and the welfare of its people.

Educating K-12 children of illegal immigrants is constitutionally required. It is just plain good business & in Kansas' economic interests because it results in a better educated, productive, competitive work force and lower social-service costs. Enhanced benefits apply to higher education. Students will rise to their level of expectation when you have dedicated teachers that serve as role models that believe in & respect students.

Life is not fair. Eliminate discriminatory educational barriers. As a migrant worker from Northern Mexico-the great state of Texas, I was required to consult with a Hutchinson HS counselor prior to selecting my courses. This educator had the audacity to tell me "You and people like you are not college material. You people are good with your hands, so I recommend you take vocational courses." I became a meat cutter and undefeated Kansas-Oklahoma Regional Golden Gloves Champion. My point is that discrimination still exists for American citizens. Combat and eliminate artificial barriers and judge people by the content of their character and not the color of their skin as they pursue their dreams. Imagine the egregious abuse students of illegal aliens are experiencing. Social change will come about when you work hard to rise above the challenges & overcome the inequities of 2<sup>nd</sup> class citizenship, xenophobia, & ignorance.

Fight inequity; eliminate poverty and the widening gap between the rich and poor in the self-interest of Kansas and America. When people are left behind economically, the market place suffers because they lack education, food, health, training, basic human and political rights. Stand & deliver immigrants with these basic fundamental human rights, and you will see them empowered to share the tremendous opportunities stemming from a market economy and globalization.

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Love thy neighbor! Mexicans are Americans. America is a geographical description. All citizens from Alaska to the southern tip of Argentina are Americans! Some are South, some are Central and the rest are North Americans (Mexico is part of North America). In a global economy, sooner rather than later, somebody else's poverty soon ends up being the Sunflower state's problem: of lack of educational opportunities or markets for one's products, illegal immigration, pollution, contagious disease, insecurity, fanaticism, and terrorism.

I urge and encourage you to support and expedite House Bill 2145 through the legislative process and get the governor's signature on it. Creating a truly democratic system and educational opportunities is the right thing to do for Kansas to defeat the evils of conflict and poverty.

Kansas High School grads should receive in-state tuition. That's a sound investment worth making on behalf of workforce development, high-skilled, well educated, productive workers, improved wages and living standards.

By making college more expensive for talented young Hispanic students, Kansas might waste brainpower that could help retool the state's economy for the 21st century. That's bad for business. Education is the key that unlocks the door to a better future as well as democratic and economic advances. Support globalization and take advantage of your bilingual resources. Studies show that children who have the benefit of a second language develop stronger problem-solving & analytical skills, increase their vocabulary & command of the English language-an advantage that lasts a life time. Their young minds are like sponges, effortlessly soaking up new words & language concepts.

These students are "Americans." They are required to have studied in Kansas for at least 3 years to be eligible under this law. They have to speak English to get into a Kansas university. They are hard-working, committed to bettering themselves, who have earned the right to be considered Kansas students. Permit them to pursue the American Dream. These students will contribute and enhance Kansas economically, socially, culturally, and politically. They deserve the opportunity to study and fulfill their dreams. These students will become U.S. citizens. The process takes a long time, but there are ways to become legal residents, and then, U.S. citizens. The issue is whether we want immigrant students to be educated, contributing members of our society or costly social problems?

Until the federal government revamps its cumbersome and lengthy immigration process, there is a need to open the doors to higher education for children who are, in effect, in-state residents, attending high schools in Kansas. Do not let the nation's inept immigration process stand in the way of Kansas youth's educational dreams.

The Hutchinson News, Garden City Telegram, Newton Kansan, Lawrence Journal-World, and the Topeka Capital-Journal acknowledge the logic of redefining residency for purposes of tuition at postsecondary educational institutions and came out supporting HB 2145 in the following editorials and articles attached FYI: [http://www.thekansan.com/stories/021403/fro\\_0214030011.shtml](http://www.thekansan.com/stories/021403/fro_0214030011.shtml)  
<http://www.gctelegram.com/opinion/2003/february/17/edit.html>  
[http://www.cjonline.com/stories/021303/leg\\_tuition.shtml](http://www.cjonline.com/stories/021303/leg_tuition.shtml)  
<http://www.ljworld.com/section/stateregional/story/121735>  
<http://www.hutchnews.com/past/02-17-2003/region/region1.html>

Our ancestors have made significant contributions to the growth & development of Kansas, the U.S. & the world in exploration, math, physics, chemistry, science, astrology, geology, mining, agriculture, architecture, medicine, literature, art, education, law, sports, military, entertainment, music, revolutions & freedom.

The Aztec built the last & greatest Indian empire in Mexico during the mid 1400's. From 1492 to 1542, Hispanics circumnavigated the earth, chartered the oceans, islands, crisscrossing America by foot, raft, ship, & by horse. In one generation Hispanics established over 200 towns & cities in America, acquired more new territory than Rome conquered in five centuries. Never in the history of humankind has this ever been repeated.

The numbers are out & Hispanics are in. Five years earlier than expected, the Latino population has surpassed 35.3 million or about 13% of the U.S. population and is now the largest minority in the nation. Such a formidable national presence should serve as a wake up call for mainstream America. Hispanics are here to stay. Inclusion in every aspect of our society is a key factor to our economic prosperity.

Hispanics are a community that will play a big role in the American future. We are a huge part of the workforce now & in the future in spite of the employment & promotion problems of Hispanics in the government workforce.

Hispanics tend to work in low paying jobs. In 2000, almost 1 in 5 (19.4%) Latino workers are employed in service occupations, such as food preparation, personal service & maintenance jobs.

1 in 8 Americans is Hispanic & Latino children are among America's most precious resources. If we improve their educational outcomes & overall well being, we are not only addressing issues important to the Latino community, we are laying a cornerstone for Kansas and the nation's economic prosperity.

Our community has a purchasing power of nearly \$500 billion, our more than 1.4 million Hispanic businesses generate over \$200 billion in annual receipts & in addition to our strong impact on the new economy, we continue to make significant contributions to the political, cultural & social landscape of this country.

Mexico is the second largest consumer of American products. In 1999 alone, Mexico bought \$130 billion in U.S. products. More than 5 million U.S. tourists visit Mexico each year.

Immigrants have enriched & energized this country. The U.S. has drawn strength from our diversity.

The Dean of the Kansas Senate manifests the growing number of elected officials. Since 1980, Hispanic attitudes toward politics have changed, developing a sense of the possible. Voter registration drives added hundreds of thousands of Hispanics to the rolls. More candidates supported by Hispanics were elected to office. We now constitute an influential voting block that can effectively promote our concerns & interests in both political parties.

Mexican food is handed through fast food drive-up windows in all 50 states. Salsa outsells ketchup. Hundreds of towns, forests, & even shopping centers & hotels bear the names of explorers providing a permanent record of our ancestors' exploits. Spanish language broadcasts fill the airwaves, & we have



Spanish Yellow Pages. Latinos send representatives to Congress & mayors to city hall, record hit songs, paint murals, play major league baseball & teach history.

Hispanics are entering colleges and universities in growing numbers to pursue professional careers as doctors, lawyers, engineer, architects, scientists, artists, and writers.

Hispanics no longer feel that you have to hide your cultural heritage or give up their beautiful language for fear of being rejected by the dominant culture.

Our goal is to influence history instead of merely observing it. Work remains to build the kind of America envisioned by our founding fathers.

It does not matter what boat people took to come to the U.S., whether it was the Nina, Pinta, Santa Maria, Mayflower, a cruise ship or a slave ship. We are all in the same boat now & we will either sink or swim together.

Politics is the art of making possible what appears to be impossible. We can do what seems impossible if we have the vision, the passion, & the will to do it together.

The more bilingual students graduate from college, the stronger our Kansas community, the stronger America becomes through grass roots involvement & collaborative problem solving. Passionate political activism can bring about necessary social change for underrepresented populations.

This is a country founded on equal opportunity, equal justice, mutual respect, & everybody having a chance to fulfill the American Dream. Positive things happen to positive thinkers. Dreams accomplish wonderful things.

Hispanics have a Rich Cultural Heritage, Language & Traditions. Value the diversity & strengths of the various cultures. We have more in common than we have differences. However, our unique differences make us so much stronger than any country in the world. A garden of daisies is pretty. However, a garden of daisies, iris, tulips, orchids, carnations, sunflowers, poinsettias, and roses is beautiful & awesome to behold.

No one spoke in opposition to the bill in the House Higher Education Committee. Make college more affordable for talented students who live in Kansas. Demonstrate your commitment to educating Kansas children, diversity, inclusion, globalization and economic prosperity by supporting HB 2145.

Please let me know if you have any questions or need any additional information.

If you plan to vote against the bill, please let me know why. Otherwise, thank you for your support!

Please share your support and exercise your persuasive skills to convince your colleagues to support HB2145 on the Senate floor.

March 11, 2003

Distinguished Representatives of Kansas,

I had planned to be present to share these statements with you, but a broken leg has stranded me in Lawrence. Thank you for allowing me to share my support for HB2145. I have had close contact with Latino or Hispanic immigrants in various facets of my career, all overwhelmingly positive and inspiring, and today I speak as an independent university professor and administrator. I have taught anthropology in five universities and colleges around the United States, from an elite Liberal Arts College of Grinnell, Iowa, Temple University in Philadelphia, to KU, and wherever I have taught, a key ingredient for a dynamic classroom has been cultural diversity. One of the defining objectives of anthropology is to garner appreciation of cultural diversity and thereby not take one's own cultural practices for granted. Readings, classroom lectures, and videos are the standard means of communicating different cultural perspectives, but these teaching methods cannot match face to face interaction, collegiality, and friendships with the practitioners of different cultures themselves.

That a diverse student population enriches campus life and contributes to the education experience is well understood throughout the United States. Nationwide, federal and state governments and universities, including those of Kansas, spend much resources and effort sending students abroad to learn about other cultures. The college experience, in fact, may be a student's only opportunity to meet and make friends with people outside their local or regional ethnic communities. In other words, enabling Kansas immigrants to attend public universities is a benefit to native Kansans. It is also important for students and university personnel to know that all Kansas residents are getting an equal chance at a college education, and that more recent arrivals that often occupy the bottom of the wage scale are not left out. Kansas' university students should reflect the Kansas' work force. It is essential for Kansas to maintain its reputation as a land of opportunity for all people and promote a sense of loyalty from all.

Immigrants are also a population that Kansas cannot afford to lose. Speaking of the Latino population with whom I am most familiar, it is hard for me to imagine a group of people who are more family-oriented, hard working, and desiring to be a part of Kansas. They gladly do work for low salaries that native Kansans reject. This is a population for whom the American Dream is not just a cliché. They believe in America more than many of our natives do, and many have suffered incredible hardships to make it here. Nevertheless, the odds that their children will successfully make it through primary and secondary education and qualify for a college education are tremendously steep. As children who often look, speak, and eat differently from the general population, and who may change schools frequently, excelling in school and maintaining high academic aspirations are extraordinary. Those immigrants who overcome daunting obstacles to become prepared for college are the kinds of devoted students we want in our college classrooms. As NAFTA has created a boom in trade between Kansas and Mexico, there is a need for university-educated professionals who are fluent in both U.S. and Latin American cultures. To deny immigrants

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students economically an college education would be a tragedy for them and for Kansas generally.

In summary, in-state tuition for immigrant residents of Kansas will provide our colleges and universities with diversity, create higher educational settings that better reflect our working population, afford opportunities to those who have truly earned them, give hope and training to students that will play a vital role in Kansas' future, and build a more inclusive, thriving state.

Sincerely,

Dr. Brent Metz  
Associate Director  
Latin American Studies  
University of Kansas

### El Centro, Inc. Administrative and Computer Learning Center

650 Minnesota Avenue  
Kansas City, KS 66101  
913-677-0100  
913-362-8513 fax  
www.ElCentroInc.com

March 11, 2003

Chairman Umbarger and Honorable Members of the Senate Education Committee,

### Academy for Children

1330 South 30th Street  
Kansas City, KS 66106  
913-677-1115  
913-677-7090 fax

### Academy for Children, Choo Choo Child Care

219 South Mill Street  
Kansas City, KS 66101  
913-371-1744  
913-371-1866 fax

### Academy for Children, Donnelly College

608 North 18th Street  
Kansas City, KS 66102

### ECI Development, Inc.

2100 Metropolitan Avenue  
Kansas City, KS 66106  
913-677-1120  
913-677-0051 fax

### El Centro, Inc. Argentine

1333 South 27th Street  
Kansas City, KS 66106  
913-677-0177  
913-362-8250 fax

### El Centro, Inc. Family Center, Johnson County

9525 Metcalf Avenue  
Overland Park, KS 66212  
913-381-2861  
913-381-2914 fax

### Macias-Flores Family Center

290 South 10th Street  
Kansas City, KS 66102  
913-281-1186  
913-281-1259 fax

### Woodland Hills, Inc.

1012 Forest Court  
Kansas City, KS 66103  
913-362-8155  
913-362-8203 fax

### Executive Director

Richard Ruiz

### Funding Agencies:

Archdiocese of Kansas City in Kansas; City of Overland Park; Commerce Bancshares Foundation; Dollar General; Fannie Mae Foundation; Good Samaritan Project; Heart of America Family Services; Juvenile Justice Authority; Kansas Department of Human Resources; Kansas State Department of Education; Kauffman Foundation; Kemper Foundation; Local Initiatives Support Corporation; Monello Family Foundation; National Council of La Raza; Neighborhood Reinvestment Corporation; Partnership for Adult Learning; Rachel Hennigh Foundation; Sprint Foundation; Unified Government Office of Community Development; Unified School District 500; United Way of Johnson County; United Way of Wyandotte County; Wyandotte Health Foundation; Wyandotte/Leavenworth Area Agency on Aging

I urge you to vote in favor of HB2145 and wish to provide you with some background information about how this legislation would, and would not, impact the state of Kansas. I believe that, with HB2145, Kansas has an important opportunity to provide enhance educational opportunities, increase human capital, and improve economic competitiveness, while also demonstrating its commitment to justice for all.

This legislation would impact all nonpermanent resident students in Kansas, regardless of race or ethnicity. As Latino immigrants comprise the vast majority of all Kansas immigrants, however, they would be the population group most dramatically impacted. Hispanic students currently have the highest dropout rate of any population group, more than double the state average of 2.2%.<sup>i</sup> While many factors impact a student's decision to drop out of school, several studies have illustrated that, for Latino immigrant students, contextual factors, including perceived lack of post-graduation opportunities, are at least as powerful as personal factors such as family pressures or school failure. These students "realize that, no matter how hard they work, they will still be relegated to low-paying jobs, or, worse, no jobs at all. These beliefs are translated into actions. Disaffected students withdraw from academic pursuits, act up in class, ignore assignments and homework, cut classes, and eventually drop out. Students' unwillingness to participate comes from their assessment of the costs and benefits of playing the game. It is not that schooling will not propel them up the ladder of success; it is that the chances are too slim to warrant the attempt."<sup>ii</sup> **Reducing the dropout rate, an anticipated consequence of creating greater incentives for continuing education, would save the state significantly, as it is estimated that states spend approximately \$250,000 for each dropout in supportive educational services, justice system costs, public benefits, and other costs.<sup>iii</sup> Attainment of higher education benefits the state long after the student graduates from college, as well; a high school graduate earns only 56% of what a college graduate earns, on average, and pays far less in taxes over his/her lifetime.<sup>iv</sup>**

A Supreme Court ruling in 1982<sup>v</sup> determined that public schools must admit all students who live within the district's service area, regardless of immigration status. Our concern here today is with those students who have not yet become permanent residents by the time of their high school graduation. After having overcome many obstacles to graduate from high school, many students find the financial burden of out-of-state tuition to be an insurmountable barrier. For example, at the University of Kansas, out-of-state tuition is \$8099 per year instead of \$2336 for a Kansas resident. **These differential tuition rates serve to facilitate the enrollment of Kansas taxpaying students, and these immigrant families are paying taxes: sales taxes, property taxes, income taxes, Social Security and Medicare taxes.**

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**Currently, Texas, Utah, New York, and California allow these immigrant students to be admitted as instate residents, paying the same tuition and fees as other taxpaying resident students. Similar legislation is rapidly advancing in the legislatures of Oklahoma, Illinois, and Washington.** Federal law is clear that there is no prohibition on allowing undocumented students to enroll and, if citizen students receive the same benefits, to be charged the equivalent of instate tuition at public colleges and universities. HB2145 has been, with the assistance of the Kansas Board of Regents, carefully worded to ensure compatibility with Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

This legislation is far from a total solution to the educational challenges facing immigrant students. Immigrant students would still have to overcome significant challenges to graduate from high school and position themselves to enroll in college, and, until we can reduce dropout rates among this population, this will remain an all-too-rare achievement. In fact, relatively few students in Kansas would be eligible to benefit from this legislation: approximately 1280 from U.S. Census estimates.<sup>vi</sup> **Assuming that college enrollment patterns for this population reflect statewide trends, it is estimated that 78%, or 998, of these students would enroll in a 2-year or 4-year postsecondary education program, comprising less than 1% of the 2002 enrollment in Kansas' public colleges and universities.**<sup>vii</sup> This is similar to other states' experiences; in California, fewer than 1% of students in the University of California system were undocumented one year after the passage of legislation similar to HB2145.

We do not know how many students are currently paying out-of-state tuition solely because of their immigration status, because of difficulties in the way that institutions collect and can share this data, but we know that it is rare. This means that, in light of the state fiscal benefits from reducing the dropout rate and improving Kansas' human capital, HB2145 would likely have a null or positive fiscal impact on the state. **While the Kansas Director of Budget lacked the data necessary to conclusively arrive at an estimation of the fiscal impact, other states that conducted extensive analyses in preparation for their legislation, including Utah and Texas, found no net impact on tuition receipts and a net positive impact on long-term tax revenue projections.**

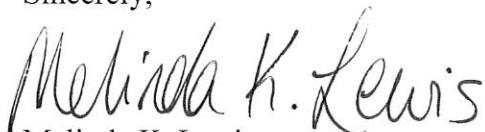
This legislation is far from a "free ride" to immigrant students. They must still qualify for admission to a post-secondary education program. They must still pay full instate tuition without the benefit of federal financial aid. And they must:

- Have attended a high school in Kansas (public or private) for at least three years, *and*;
- Have graduated from a Kansas high school or attained the equivalent of a high school diploma in Kansas.

HB2145 does not apply to any student here on a foreign student visa, and it is in no way incompatible with homeland security concerns. In fact, HB2145 is about education, not about immigration at all.

These students will legalize their statuses and intend to stay in the United States. We then are faced with the question: "Will they be educated citizens or uneducated ones?"

Sincerely,



Melinda K. Lewis  
Special Projects Coordinator  
El Centro, Inc.

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<sup>i</sup> Kansas State Board of Education. 2000-2001 School Year statistics. Available from: [www.ksbe.state.ks.us](http://www.ksbe.state.ks.us)

<sup>ii</sup> Mehan, H. (1997). Contextual Factors Surrounding Hispanic Dropouts. Hispanic Dropout Project. See also Suarez-Orozco and Suarez-Orozco. (2001). The Children of Immigration. Cambridge, MA: Harvard University Press.

<sup>iii</sup> House Research Organization analysis of Texas House Bill 1403 (2001), [www.capitol.state.tx.us](http://www.capitol.state.tx.us)

<sup>iv</sup> Kansas State Board of Education. (2002). Economic Returns of Education. Available from: [www.ksbe.state.ks.us](http://www.ksbe.state.ks.us)

<sup>v</sup> Supreme Court decision Plyer v. Doe, 487 U.S. 202 (1982)

<sup>vi</sup> Based on 2000 Census data. Contact [mlewis@elcentroinc.com](mailto:mlewis@elcentroinc.com) for the formula used to arrive at this figure.

<sup>vii</sup> Figures obtained from Kansas State Board of Education and the Kansas Board of Regents. (2002). Available from: [www.ksbe.state.ks.us](http://www.ksbe.state.ks.us) and [www.kansasregents.org](http://www.kansasregents.org)



Written Testimony in Opposition to Sub HB# 2039 and HB# 2145

by Ann E. Meritt, a concerned Kansas Citizen,  
who could not be present due to health concerns

We the members of the Kansas Legislators and Senators, who vote to support these bills HB#2039 and HB#2145, wish to welcome every terrorist, criminal illegal immigrant with drugs, illegal immigrant's illiterate children, and potential illegal immigrant deadly disease carriers to destroy Kansas because we want your "illegal" votes to stay in office and we are intimidated by the illegal Hispanic Caucus and its members and friends to the drug cartels in South America, Latin America, and Mexico.

Is this what you really want Kansas Citizens, who voted for you as lawmakers to uphold your oath of office to think about you????

Poll for poll the loyal Citizens are speaking out and over 80% are saying enough is enough. Kansas in just the last 5 years has had an increase of over 380% of illegal immigrants and their families. In Wichita, Kansas alone there are over 50,000 illegal immigrants who are training for jobs or are taking jobs away from those same loyal Kansas Citizens who voted some of you into office.

The illegals boast that they are legally here because of their country's \$29.00, no criminal background check, identity fraud card, the "Matricula Consular Card," which is supposed to give them amnesty to stay in this country called "stealth amnesty cards." This is the same fraudulent card that banks are stupidly allowing the illegals to use to open bank accounts and to obtain credit cards. But guess what those same banks are having trouble now with more identity fraud and maxed-out credit cards that are not being paid, by whom, they don't know for sure! They don't know who these illegal immigrants are. Why? Because these cards have the same pictures, but many different names.

Secretary of State Collin Powell said, "... that these cards are the biggest national security threat in the history of this nation." The Federal General Administrative Services Offices are not accepting them now pending further investigation.

Did you know that even the banks in Mexico will not accept these cards because of the fraud they can cause. Some of these accounts are being used to launder smuggling money and drug money directly to the government officials of foreign countries and known to be corrupt countries. And you are going to let these illegals use their country's identity cards to obtain drivers licenses in Kansas?

Did you know that identity fraud is the biggest crime going on in our nation and in Europe too! Did you know that you can buy someone else's birth certificate on the Internet for \$12.00, a passport complete with your picture can be bought for \$250.00, or how about stealing someone's utility bill or how about a fake tax return because they are not supposed to be working here. Illegal immigrants rarely give out any information about where they live for fear of being deported.

Most illegal immigrants that come here do not know enough English to understand simple safety standards like handling standard cleaning solvents for business building cleaning services. You now think by providing driving classes and understanding Kansas Highway signs and insurance information and how our laws work is going to make them safe drivers of a semi loaded with hazardous materials.

Well, as I understand it from a survey of auto insurance companies here in Kansas, that these companies consider these illegal immigrants high-risk drivers. Why do these companies feel this way? Because of what has happened in other states like Tennessee, Georgia, Virginia, and others? In some of those states where these illegal immigrants have gotten their drivers licenses, those individuals have turned out to be the terrorists of 9/11. Some illegals have dropped their insurance because it's too costly like health insurance. Some illegals, who caused injury accidents, just fled across the

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to get back into their country, because their countries do not accept our laws for their citizens. This is why they are considered high risk in the insurance business.

What if your loved one was involved in a collision with an illegal immigrant whom you gave our Kansas Driver's License, called the "temporary resident worker license," and that driver could only speak rudimentary English if any at all? This has actually happened here in Kansas and in many other states.

These illegal immigrants are not planning on being temporary in Kansas when they have smuggled in their families. So these so called licenses are a joke on Kansas Citizens and you all know it. Three years to drive uninsured semis, trash trucks, pickups, automobiles, SUVs, and other motorized vehicles either at work or going to and from work most will be uninsured. This gives them the right to drive to all parts of our state and to take more smuggled illegals to live in all parts of our state. These illegals just keep on coming who have just been smuggled in - thanks to our inept president who won't shut down our borders with the military.

Kansas is being invaded by hundreds of illegal immigrants like Arizona, Texas, Nevada, and California and now Oklahoma on a monthly basis. They are destroying our state's public schools, hospitals, and social services. These illegal immigrants are bringing their elderly and disabled into this state to draw SSDI and we the taxpayers are paying dearly for it.

Are you ready for a citizen tax payer's revolt?? Are you ready for the increase of crime all over our state?? Are you going to be the ones that the citizens of Kansas will point a finger at and say that's the person who sold out Kansas for these illegal immigrants???

Now lets discuss the giving of instate tuition for higher education to the illegals' children, who attend at least 3 years of our public schools for free paid for by the Citizen Kansas Taxpayers. Have any of you noticed that the school districts are receiving less and less tax money back to run their schools?

Have any of you noticed that the Kansas Budget is not covering all the expenses in our state? School districts are banging heads and fighting against consolidation like wild cats. Does it make sense to give free educations to illegals' children at the expense of Kansas Citizen's Children. And how about your children or your children's children will they have to be denied a college education because of higher and higher tuition costs and lack of placement?

Define illegal immigrant and now define illegal immigrant's child? What part of illegal does it mean that we allow some to get free college educations on the backs of our children? Allowing instate tuition for the child of a so called "temporary resident worker" is not only going to bring in more illegals' children by the hundreds because its the fact they will be more eligible for the Pell Grants and other grants due to their low income status or number of dependents at home.

We've even heard our duly elected Senator Sam Brownback will be sure they can get free college educations if you pass this free instate tuition bill for whomever's illegal immigrant child? Yes, these poor social outcasts in their own country these illegals' children will be guaranteed a free college or technical institute career.

Now, why would we want to allow these smuggled illegal children to have a free college education? Oh yeah, its supposed to make them less likely to become a social problem in our state. Aren't they going to cause social problems for our state, if we don't give them free higher educations? These children will throw their weight around and stick it in the face of our children "that we got a free college educations and that were provided by your sucker taxpayer parents, Hah!" We're going to get a good career that you can't have now cause we got it for free. We're going to start businesses with our free degrees and only hire other illegals' children or make you and your parents have to learn our language to remain in Kansas, say in less than 10 years from now!

Just how many professional jobs are there in Kansas now? How many companies are laying off 20 year veteran workers? What has happened to our state that we prize illegal immigrants, from corrupt



countries, who want to take over our nation, more than we do our own God fearing citizens and their children?

Who really is more important to you? Are you doing this for the approval of illegal votes? Are you doing this for fear? Ask your self why and then look at each other and think about the consequences and long term effect your vote will cause good Kansas Law Abiding Citizens and their families.

Is it worth their jobs? Is it worth your country's language? Is it worth the lives of all the citizens being denied their rights for theirs?

Remember what you do on these bills now will have very long consequences on Kansas Citizens and their families. Will our children know the right to be free from fear of being destroyed from within by these invaders and their so called "temporary resident worker" illegal families?

Sincerely,

Ann E. Meritt,  
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