

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on February 1, 2006 in Room 313-S of the Capitol.

All members were present except:

Representative Kenny Wilk- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Secretary

Conferees:

Representative Hutchins

Chris Kobach, Professor UMKC School of Law
Paul Degener
Dorothy Shoup
Donald Whitten
Reggie Robinson, President Board of Regents
Elias Garcia, Kansas Hispanic & Latino American Affairs Commission
Janis McMillen, Kansas League of Women Voters
Mark Desetti, KNEA
Sister Therese Bangert, Kansas Catholic Conference
Melinda Lewis, ElCentro
Nancy Clark, United Methodist Women
Roque Riojas
Rudy Padilla
Sharon Stauth
Thea Britton
Cindy Perez
Mira Mdvani
David Trevino
Joaquin Sumaya
Jim Edwards, Kansas Association of School Boards

Others attending:

See attached list

Chairman Edmonds opened the floor for bill introductions. Seeing none, he opened the meeting for public hearing on **HB 2615** - Colleges and universities; fees and tuition, undocumented non-citizens.

Representative Becky Hutchins came before the committee in support of **HB 2615** stating that in her opinion the issue is "Government by Rule of Law." This is not a racial issue and should not be presented as such. She further stated that the principle is LEGAL verses ILLEGAL status. (Attachment 1)

Kris Kobach, Professor of Constitutional Law University of Missouri (Kansas City), addressed the committee in support of **HB 2615**. Professor Kobach served as Counsel to U.S. Attorney General John Ashcroft at the U.S. Department of Justice. The Professor explained how **K.S.A. 76-731a**, entitled *Certain persons without lawful immigration status deemed residents for purpose of tuition and fees*, violates federal law and the U.S. Constitution. He further explained that the statute actually harms its intended beneficiaries more than it helps them. It makes it unlikely that these aliens will ever become U.S. citizens and realize the American dream. (Attachment 2)

Mr. Paul Degener, a concerned citizen from Topeka, Kansas, supports **HB 2615**. It is his opinion that it is not the states place to use tax dollars to provide the illegal immigrants special privileges. He urges the passage of this legislation. (Attachment 3)

Dorothy Shoup, a long-time school teacher from Scranton, Kansas, addressed the committee supporting **HB**

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 1, 2006 in Room 313-S of the Capitol.

2615. She opined that formal education is a very worthy process, and illegal immigrant students (undocumented non-citizens) should not be favored financially over students who are citizens, no matter what state they call home, insofar as college fees, tuition, etc. are concerned. (Attachment 4)

Donald Whitten, a constituent from the 1st District, encourages the passage of **HB 2615** with the concern that careless manipulation of the Immigration Policy, by yielding to the demands on behalf of the illegal immigrant population, and parties that sanctions such activities. He further express the opinion that in-state tuition is a cost and burden, Kansas citizens can not support. (Attachment 5)

Written testimony supporting **HB 2615** was submitted for committee review by Rhonda Johnson, CPA (Attachment 6), Faye Clements (Attachment 7), Columnist, Nicholas Sanchez (Attachment 8), John O'Donnell (Attachment 9), Cynthia Mancillas (Attachment 10)

With no further proponents of **HB 2615**, Chairman Edmonds opened the floor for opponents of the bill and introduced Reginald Robinson, President & CEO, Kansas Board of Regents.

Doctor Robinson related that the Board supported **HB 2145** because:

- it believed that enactment of that provision would work to enhance the likelihood that students who either graduate from Kansas high schools or earn state-issued GED certificates will attend one of the state's institutions of higher education
- it believed that given the remarkably competitive and increasingly global economic environment that confronts us, the state truly needs a highly educated workforce if it is to remain competitive and reach its full potential.
- the board believes in the final revision of **HB 2145** it represented a carefully-crafted piece of legislation that could achieve the goals previously outlined, yet it remains consistent with Federal law in this area.
- **HB 2145** was supported by The Board because it concluded that the fiscal consequences flowing from the provision would be minimal and likely positive.

Dr. Robinson further communicated that for all the reasons the Board supported the enactment of **HB 2145**, it must now oppose **HB 2615**. (Attachment 11)

Executive Director of the Kansas Hispanic & Latino American Affairs Commission, Elias Garcia, presented testimony in opposition to **HB 2615**. He stated that this bill seeks to turn back the clock on Kansas progress, and intends to repeal sub. for **HB 2145** which was passed in the 2004 Legislature. He further related that Kansas needs a well educated and productive population now and even more in the future. (Attachment 12)

Janis McMillen, speaking on behalf of League of Women Voters, gave their opinion in opposition to **HB 2615**. The law at issue here was enacted in 2004, following debate, discussion, and amendment over the course of two legislative sessions. Since that time, over 200 eligible students have been able to further their education in Kansas. If law stands, Kansas is gaining a better educated work force, economic contributions, university benefits, new citizens, and commitment. (Attachment 13)

Representing the KNEA (Kansas National Education Association) in opposition to **HB 2615** was Mark Desetti. In his testimony, he related that passage of **HB 2615** will deny many young people of the chance to pursue their dreams and to live that life well. The urge that these high achieving, hard working students continue to be rewarded. (Attachment 14)

Jim Edwards, Governmental Relations Specialist, Kansas Association of School Boards, presented testimony opposing **HB 2615** which, he explained, would repeal the statute that has allowed more than 20 Kansans to affordably pursue their dreams of continuing their education beyond K-12 in Kansas. KASB believes that Kansas' economic future and the continued growth of our citizens depends on an education system that is not only well rounded, but also never-ending. (Attachment 15)

Kansas Catholic Conference was represented by Sister Therese Bangert, S.C.L.. In her testimony, Sister

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 1, 2006 in Room 313-S of the Capitol.

Therese Bangert, stated that since the passage of **HB 2145** in 2004, the United States Conference of Catholic Bishops has launched the *Justice for Immigrants Campaign*. This is an initiative by the church to raise awareness of the problems with our current immigration policies and to encourage support for comprehensive immigration reform. The Catholic Bishops of Mexico and the United States issued a joint statement titled: *Strangers No Longer: Together on the Journey of Hope*, and Sister quoted from that document. They ask that to affirm the good policy that **HB 2615** be rejected. (Attachment 16)

Melinda Lewis, Director of Policy Advocacy and Research for ElCentro, Inc., the center for continuous family improvement, spoke for the organization in opposition to **HB 2615**. Ms. Lewis summarized that immigration undocumented immigrations, are controversial and complicated forces shaping the future of our state, our communities, and our nation. These students, and their desire for an education, are neither complicated nor controversial. As they work towards U.S. citizenship, we must put aside our feelings about their parents' decision to come here and simply answer the question: "Will they be well-educated citizens or less educated ones?" (Attachment 17)

Representing the United Methodist Women was Nancy Clark. This organization is also opposed to **HB 2615**. The United Methodist Women understand all children to be our children and our responsibility. They ask that all children continue to be treated with justice and equality. It was their thought that it would be unfair if only some of them had the chance to go to college, because our legislature failed to live up to its ability to look upon all of our children with justice and equality. (Attachment 18)

Roque Riojas, WW II Veteran, addressed the committee regarding opposition to **HB 2615**. Mr. Riojas said that the future of our great nation is in the hands of the next generation and it is up to us to guide them through education. He encouraged young Latinos not to get discouraged, keep their grades up, choose what they want to do and do their best to attain that goal. (Attachment 19)

Next to come before the committee in opposition to **HB 2615** was Rudy Padillo. In his testimony, Mr. Padillo stated that many of the immigrant students want an affordable education and most have surpassed more obstacles in their young lives than many of us as adults. It asked that we be flexible and treat them as we would like to be treated. (Attachment 20)

Sharon Stauth, a bi-lingual public accountant in Wichita, rose in opposition to **HB 2615**. Ms. Stauth stated that she owns the largest Hispanic tax office in the state with a 2,000 client base. Ms. Stauth presented a chart showing the that Kansas Hispanics do pay a lot of taxes. Her final statement was "Please Help Kansans Reach Their Potential By Keeping *The Dream Act*" (Attachment 21)

Thea Britton, who teaches English Language Learners in Olathe, Kansas spoke giving opposition to **HB 2615**. Ms. Britton stated that she represents the heart of Kansas teachers, and they would like to suggest that the Kansas Legislature spend no time even considering the repeal of our instate tuition law. She urges that the law be left as it is and move on to fixing laws and situation in Kansas that are not working. (Attachment 22)

Cindy Perez opposes **HB 2615**. She gave an account of her life to the current point and the work has put into finally becoming a freshman student at Pittsburg State University. Her wish is to be able to afford her education and succeed in accomplishing her goals. (Attachment 23)

Mira Mdivani, practices immigration law in Overland Park, Kansas and addressed the committee opposing **HB 2615**. Ms. Mdivani submitted a comprehensive testimony covering myriad of topics relating to immigration law and the education of non-citizen immigrants. (Attachment 24)

David Trevino, a descendant of migrant farmworkers, came before the committee opposing **HB 2615**. In his testimony, he related that if non-U.S. citizens are willing to work for low wages, pay taxes, raise families, and if necessary, die to preserve their way of life, why should this state hinder their ability to prosper for a country and a way of life for which they are willingly sacrifice. He opined that repealing **HB 2145** provides no real benefit to anyone but would result in untold future losses. (Attachment 25)

Joaquin Sumaya from Garden City, Kansas, came before the committee not as a student who can take

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 1, 2006 in Room 313-S of the Capitol.

advantage of our immigrant tuition law, but as a recent college graduate who understands the trouble of college finances. He further related that the students taking advantage of this law are not terrorists or hardened criminals, but rather students who have a dream of being educated to some day improve their status for their family, community and for themselves. He opposes **HB 2615**. (Attachment 26)

With no further opponents to the bill, Chairman Edmonds closed the public hearing on **HB 2615**.

Written testimony in opposition to **HB 2615** was submitted by: Kathy Cook, Executive Director, Kansas Families United for Public Education (Attachment 27); Crystal Sanhueza, teacher (Attachment 28); Andrea Pardo, student at the College of Architecture at K-State University (Attachment 29); Columnist, Nicolas Sanchez (Attachment 30); Faye Clements (Attachment 31); Rhonda Johnson, C.P.A. (Attachment 32); John O'Donnell (Attachment 33); Cynthia Mancillas (Attachment 34); and Winston Brooks, Superintendent, Wichita Public Schools (Attachment 35)

With no further business before the committee, Chairman Edmonds adjourned the meeting.

FEDERAL AND STATE AFFAIRS

GUEST LIST

Date 2-1-06

Jim Edwards	KASB
Melinda Lewis	EL Centro, INC.
Jarvis Mc Miller	Ks Bureau of Women's Center
Howard Smith	Pittsburg State University
Rogues Rojas	A.G.I.F.
Rudy Padilla	Am. GI Forum
Elisa Cardenas	Am. GI Forum
Don W. Gitten	Concerned Citizen
Paul Dejenes	Concerned Citizen
Jack W. Wolf	Citizen
St. Therese Banquet	Ks. Cath Conf.
Paul Johnson	Ks Catholic Conf
BEN LEWIS	EL CENTRO, INC.
ANA RUIZ	Wyandotte High School
Maria Sandoval	Summer Academy
Juan Banuelos	Summer Academy
Linda Geller	Rep Owens
David P. Sullivan	KU School of Law
Jennifer Lyon	Proper, Smith, and Associates
Engho Clark	guest - Rep. Ann Wolk
Junie Rose	KACCT
Kevin Drugg	House Maj Leader
Richard F. Kenes	CONF
Nancy Alarcon	HALO - Washburn University
Maria Carton	HALO at Washburn University

BECKY HUTCHINS
 REPRESENTATIVE, FIFTIETH DISTRICT
 JACKSON AND SHAWNEE COUNTIES
 700 WYOMING
 HOLTON, KANSAS 66436
 (785) 364-2612



TOPEKA

HOUSE OF
 REPRESENTATIVES

ROOM 502-S
 STATE CAPITOL
 TOPEKA, KANSAS 66612-1504
 (785) 296-7698

COMMITTEE ASSIGNMENTS
 CHAIR: TOURISM AND PARKS
 MEMBER: EDUCATION
 FEDERAL AND STATE AFFAIRS
 JOINT COMMITTEE ON STATE
 TRIBAL RELATIONS

TESTIMONY ON HB 2615
 February 1, 2006

Chairman Edmonds and members of the House Federal and State Affairs Committee:

Thank you for the opportunity to speak before you today in support of HB 2615.

The issue before you today in my opinion is "Government by Rule of Law." This is not a racial issue and should not be presented as such. The principle is LEGAL verses ILLEGAL status.

Federal law 8 U.S.C. 1623 (a): "Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident." This federal statute was signed by President Clinton in 1996.

However, Kansas is NOT giving the same subsidy to U.S. Citizens from the other 49 states. There is a fundamental equal protection problem when a U.S. Citizen is denied the opportunity to get something that an illegal immigrant can get - that being in-state tuition at postsecondary institutions in Kansas.

I am not an attorney, however, Kris Kobach, a professor at the University of Missouri Law School, will provide testimony with regard to the lawsuit that he has appealed to the U.S. Court of Appeals for the Tenth Circuit.

From a lay person's point of view I do think Mr. Kobach has a valid case against the State of Kansas. The question arises as to what happens if the Tenth Circuit Court finds in favor of the plaintiffs - those **U.S. CITIZENS** that have been required to pay out-of-state tuition to attend postsecondary institutions in Kansas? The State of Kansas may be required to compensate U.S. Citizens whose "equal protection rights" have been violated during the period of time the State of Kansas has unequally favored **ILLEGAL** immigrants.

It is my understanding that of the nine states that have passed in-state tuition for illegal immigrants, Utah is looking at repealing their statute. I have recently been contacted by a representative from Texas that plans to introduce similar legislation when their legislature meets in January 2007.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 1

HB 2615 is an opportunity for Kansas taxpayers to contact their elected officials and voice their opinion on whether the current statute allowing illegal immigrants in-state tuition at postsecondary institutions be repealed or not.

Thank you, and I'll stand for questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Becky Hutchins".

Becky Hutchins
Representative, 50th District

8 U.S.C.A. § 1623

▷

Effective: September 30, 1996

United States Code Annotated Currentness

Title 8. Aliens and Nationality (Refs & Annos)

☞ Chapter 14. Restricting Welfare and Public Benefits for Aliens

☞ Subchapter II. Eligibility for State and Local Public Benefits Programs

→§ 1623. Limitation on eligibility for preferential treatment of aliens not lawfully present on basis of residence for higher education benefits

(a) In general

Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

(b) Effective date

This section shall apply to benefits provided on or after July 1, 1998.

CREDIT(S)

(Pub.L. 104-208, Div. C, Title V, § 505, Sept. 30, 1996, 110 Stat. 3009- 672.)

HISTORICAL AND STATUTORY NOTES

Codifications

Section was enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Omnibus Consolidated Appropriations Act, 1997, and not as part of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which comprises this chapter.

Effective and Applicability Provisions

1996 Acts. Title V of Div. C of Pub.L. 104-208 effective on Sept. 30, 1996, see section 591 of Pub.L. 104-208, set out as a note under section 1101 of this title.

Severability of Provisions

If any provision of Division C of Pub.L. 104-208 or the application of such provision to any person or circumstances is held to be unconstitutional, the remainder of Division C of Pub.L. 104-208 and the application of the provisions of Division C of Pub.L. 104-208 to any person or circumstance not to be affected thereby, see section 1(e) of Pub.L. 104-208, set out as a note under section 1101 of this title.

8 U.S.C.A. § 1623

LIBRARY REFERENCES

American Digest System

Aliens ☞ 3.

Colleges and Universities k9.25.

Key Number System Topic Nos. 24, 81.

RESEARCH REFERENCES

Encyclopedias

Am. Jur. 2d Aliens and Citizens § 20, Generally; Public Charge Exclusion.

Am. Jur. 2d Aliens and Citizens § 2197, Education Benefits.

NOTES OF DECISIONS

State regulation or control 1

1. State regulation or control

Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) provision prohibiting public post-secondary educational institution from granting in-state tuition benefits to illegal aliens unless such an institution also grants in-state tuition to out-of-state United States citizens, while reflecting congressional awareness that illegal aliens may be attending some public colleges and universities, did not occupy field of alien access to post-secondary educational institutions, and did not pre-empt policy of state post-secondary educational institutions to deny admission to illegal aliens. *Equal Access Educ. v. Merten*, E.D.Va.2004, 305 F.Supp.2d 585. Colleges And Universities ☞ 9.15; States ☞ 18.25

8 U.S.C.A. § 1623, 8 USCA § 1623

Current through P.L. 109-169 (excluding P.L. 109-162 through P.L. 109-164)
approved 1-11-06

Copr. © 2005 Thomson/West. No. Claim to Orig. U.S. Govt. Works

END OF DOCUMENT

© 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

**Statement of
Kris W. Kobach
Professor of Constitutional Law
University of Missouri (Kansas City)**

**Regarding H.B. 2615
February 1, 2006**

Mr. Chairman and Members of the Committee, I come before you today in my capacity as a Professor of Constitutional Law, Legislation, and Immigration Law at the University of Missouri (Kansas City). During 2001-2003, I served as Counsel to U.S. Attorney General John Ashcroft at the U.S. Department of Justice. In that position, I was the Attorney General's chief advisor on immigration law. Additionally, I am an attorney representing the plaintiffs in the case of *Day v. Bond*, currently before the 10th Circuit U.S. Court of Appeals, which challenges the legality and constitutionality of K.S.A. 76-731a, the Kansas statute granting in-state tuition to illegal aliens, which H.B. 2615 would repeal.

I am here today to explain how K.S.A. 76-731a, entitled **Certain persons without lawful immigration status deemed residents for purpose of tuition and fees**, violates federal law and the U.S. Constitution. Passed in 2004 by the state of Kansas, that statute is plainly in conflict with federal law. That in and of itself, is adequate reason to pass H.B. 2615 as soon as possible. However, there are two other reasons to act quickly in correcting this problem—the State of Kansas is currently exposed to significant liability as a consequence of K.S.A. 76-731a, and it is bad policy that actually hurts those individuals it seeks to help.

Violation of 8 U.S.C. 1623

Kansas's provision of in-state tuition rates to illegal aliens plainly violates two separate federal statutes. The most direct conflict with federal law concerns 8 U.S.C. 1623. In 1996, Congress passed a federal statute specifically prohibiting state governments from giving in-state tuition to illegal aliens. That provision was part of the larger Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). In that Act, Congress declared that no state may give in-state tuition benefits to illegal aliens unless the state extends the same tuition benefits to out-of-state U.S. citizens. The specific text of 8 U.S.C. 1623 was clearly intended to prohibit what Kansas did in 2004:

Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

The intent of Congress in passing 8 U.S.C. 1623 was unmistakable and unequivocal. Senator Alan Simpson, sponsor of the Senate version of the bill, summarized the provision simply: "Illegal aliens will no longer be eligible for reduced in-State college tuition." 142 Cong. Rec. S11713 (1996). The House Conference Report accompanying this federal statute explained Congress's intent clearly: "This section provides that *illegal aliens are not eligible for in-state tuition rates* at public institutions of higher education." Conference Report 104-828, H.R. 2202 (Sept. 24, 1996)(emphasis added).

FEDERAL AND STATE AFFAIRS

Date 2-1-06
Attachment 2

Violation of 8 U.S.C. 1621

The second federal statute violated by K.S.A. 76-731a was also passed in 1996. It was the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), popularly known as the “welfare reforms” of 1996. In that Act, Congress sought to eliminate federal, state, and local governmental benefits that might serve as an incentive for aliens to enter the country illegally. It served two ends: eliminating a magnet that induced lawbreaking, and saving taxpayer dollars at all levels of government.

8 U.S.C. 1621(a) states that an illegal alien “is not eligible for any State or local public benefit.” The definition of a benefit includes “...any... postsecondary education... or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.” 8 U.S.C. 1611(c)(1)(B). This sweeping language is very clear. Moreover, Congress only provided States with a single loophole by which an alien who is not lawfully present in the United States could be made eligible for a State or local public benefit. And the conditions of that loophole are not met by the Kansas statute.

Violation of the Equal Protection Clause of the U.S. Constitution

K.S.A. 76-731a violates the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution in two ways: by discriminating against the U.S. Citizens who pay out-of-state tuition at Kansas Universities, and by discriminating against lawfully-admitted foreign students. The first form of discrimination is simply this: out-of state U.S. citizens and illegal aliens are similarly situated in that neither group possesses legally-recognized domicile in the state of Kansas. Yet Kansas now gives the illegal alien group in-state tuition, while denying that benefit to out-of-state U.S. citizens. State laws that discriminate against U.S. citizens and in favor of illegal aliens in the extension of educational benefits are evaluated by the courts under what is called “heightened” review. Under this form of review, a state’s discriminatory treatment can only withstand constitutional challenge if it serves important governmental objectives and is substantially related to those objectives. *Craig v. Boren*, 492 U.S. 190, 197 (1976). Discriminating against U.S. citizens in favor of illegal aliens in the provision of postsecondary education benefits does not serve any important government objective. Indeed, awarding valuable benefits to individuals whose presence in the United States constitutes an ongoing violation of federal law plainly undermines the general governmental objective of promoting the rule of law. Moreover, any purported government interest in encouraging higher education in the state’s workforce is unpersuasive, because the illegal alien recipients of such postsecondary education benefits are not legally eligible to remain in the State of Kansas after completing their courses of study.

A second Equal Protection Clause claim arises from the fact that K.S.A. 76-731a also discriminates against lawfully-admitted aliens. Subsection (c) of the Kansas statute states that the benefit of in-state tuition “shall not apply to any individual who ... [h]as a valid student visa.” In other words, under the terms of K.S.A. 76-731a, if you are an alien in the state of Kansas, you are only eligible for in-state tuition if you are here *illegally*. If you go to the trouble of following the law, obtaining a visa, and entering the country legally, you must pay out-of-state tuition. That is, to say the least, a perverse incentive. It is also unlikely to survive judicial scrutiny. I think it is also an aspect of K.S.A. 76-731a that some Kansas legislators may not have recognized when they voted in favor of this innocuous-sounding provision in 2004.

Violation of the U.S. Constitution—Interference with Federal Power to Regulate Immigration

The second constitutional violation arises from the fact that K.S.A. 76-731a interferes with a power exclusively reserved by the U.S. Constitution to Congress—the power to regulate immigration. K.S.A. 76-731a requires officials of Kansas postsecondary educational institutions to define, determine, and adjudicate the application of immigration classifications and procedures in ways that are not recognized by federal law. The provision of K.S.A. 76-731a requiring an affidavit that the illegal alien will file an application to legalize his status as soon as he is eligible to do so is completely out of step with federal immigration law. Under federal law, if an alien is present illegally, his continuing presence represents a continuing criminal or civil violation that does not go away with time. Consequently, signing such an affidavit is meaningless—an utterly empty gesture.

K.S.A. 76-731a also impermissibly encourages, induces and abets illegal aliens to remain in the United States in violation of federal immigration law, in order that such aliens may engage in the federally prohibited action of enrollment and study without federal authorization at a Kansas public postsecondary educational institution. This plainly conflicts with the intent of Congress expressed in 8 U.S.C. 1601(6): **“It is a compelling government interest to remove the incentive for illegal immigration provided by the availability of public benefits.”** This is an area of exclusive federal authority—in which it is impermissible for states to regulate in ways that defeat federal objectives. Such state statutes violate the Supremacy Clause of Article VI of the U.S. Constitution. Although it is constitutionally possible for a state to pass a statute affecting immigration that reinforces federal law, the U.S. Supreme Court has made clear that it is impermissible for any state to pass a statute that stands in conflict with federal objectives.

The Status of the Challenge to K.S.A. 76-731a in Federal Court

In July 2004, a group of out-of-state U.S. citizens students brought a federal lawsuit challenging K.S.A. 76-731a. I am the lead attorney representing those students. The Kansas Attorney General, agreeing that the Kansas law was in probable violation of federal law, declined to defend the Kansas law. The Board of Regents is instead being represented by private counsel. In July of 2005, the Federal District Court in Kansas held that the U.S. citizen students in the suit lacked standing to bring their case. That decision is on appeal before the 10th Circuit U.S. Court of Appeals.

Some interest groups who favor open borders and lax enforcement of immigration laws have mischaracterized that decision in the press—saying that the court rejected the challenge to K.S.A. 76-731a. Those interest groups either do not understand the concept of standing, or they are intentionally attempting to deceive legislators. A judicial decision on standing in no way addresses the merits of the challenge. It merely concerns the technical question of whether the plaintiffs before the court are the appropriate plaintiffs to bring the lawsuit. The District Court judge expressly declined to issue any opinion regarding whether or not Kansas is violating federal law and the U.S. Constitution. We expect to prevail on the question of standing before the Court of Appeals and have the case sent back to the District Court later this year.

Developments in Other States

Utah. Utah is one of the eight other states that followed California’s lead (in 2002) and passed statutes similar to K.S.A. 76-731a. Legislators in the state now realize that their statute violates federal law. Utah is now poised to repeal its in-state tuition law. In the Summer of 2005, a joint interim committee of the Utah legislature passed a bill repealing the law giving in-state tuition to illegal aliens.

California. In December 2005, a law firm in California filed a class action lawsuit in the Yolo County court challenging California's law giving in-state tuition to illegal aliens. That case differs from the Kansas case in that it is in state court and in that it is a class action lawsuit seeking substantial damages, in the hundreds of millions of dollars. However, it is based on the same legal provisions.

There are many attorneys around the country looking at the offending states with the intention of suing for damages. *Day v. Bond* is not such a case. It is in federal court, and is intended merely to invalidate the K.S.A. 76-731a. It is important to note that 8 U.S.C. 1623 creates a federal statutory right that is held by all out-of-state U.S. citizen students in any state that attempts to give in-state tuition to illegal aliens—the right to in-state tuition. Because it is phrased this way, out-of-state students have a right to sue to recover the extra tuition and fees that they have paid. The extra tuition and fees paid by out-of-state students at Kansas universities and community colleges is undoubtedly in excess of \$20 million per year. Those students could bring a suit in state court seeking to recover this amount, not only for the current academic year, but for the prior academic year in which K.S.A. 76-731a was in effect. Thus the total liability of the state of Kansas will only increase every year that K.S.A. 76-731a remains part of the Kansas code.

Policy Considerations

Proponents of K.S.A. 76-731a when it was before the Kansas legislature argued in 2004 that it would help educate future members of the Kansas workforce. What those proponents evidently failed to realize is that the illegal aliens students **cannot legally work in Kansas after they graduate**. Indeed, they cannot legally work anywhere in the United States. Moreover, the companies that look for college-educated employees are much more careful about observing federal immigration laws than are employers who rely on unskilled illegal alien labor. As the *Wall Street Journal* reported in May 2005, the illegal alien students coming out of California's universities after benefiting from in-state tuition were unable to find employment for precisely this reason.

In addition, it is important to understand that the K.S.A. 76-731a actually harms its intended beneficiaries more than it helps them. It makes it unlikely that these aliens will ever become U.S. citizens and realize the American dream. Essentially, the state of Kansas is luring these young adults to stay in Kansas with the promise of taxpayer-subsidized tuition. What the aliens are not told is that they end up committing a serious and continuing violation of federal immigration law. They accrue four years of unlawful presence in the United States, which bars them from obtaining a visa for ten years and makes it virtually impossible for them ever to obtain a visa after that. Kansas is leading them down a dead-end road. They would be much better off returning to their country of origin when they reach the age of eighteen, staying with family members there, and applying for student visas to attend college in the United States legally. Thereafter a lawfully-admitted alien can seek to adjust his status, become a permanent resident, and eventually seek citizenship.

In conclusion, K.S.A. 76-731a is a very destructive and problematic law. It only hurts the illegal aliens that it seeks to help. It provides taxpayer-subsidized education to aliens who cannot lawfully work in Kansas—a very poor investment of taxpayers' dollars. And, most importantly, it violates federal law. The violations of federal statute and the U.S. Constitution are clear. Consequently, the exposure of the State of Kansas to liability is significant, and it will only grow the longer K.S.A. 76-731a remains in effect. Therefore, I strongly urge this committee to recommend H.B. 2615 favorably.

W. Paul Degener
518 NW 56th St.
Topeka, KS 66617
(785) 246-0215
w.degener@sbcglobal.net

SUBJECT: HB 2615 - Repeal of In-State Tuition for Illegal Aliens

Mr. chairman and members of the committee, my name is Paul Degener, I am here in support of HB 2615.

I would like to start by stating that I am not opposed to legal immigration.

It is unfortunate that there are so many young people in this state who desire to attend one of our institutions of higher learning but find themselves in an illegal status. However, I want to say that it is not my fault, and it is not the fault of the state of Kansas that this situation exists. In my opinion, had the federal government protected our borders, as any other country would do, these people would not find themselves in this predicament. I also place blame on the parents of these young people for bringing them to this country knowing that their actions were illegal. I know that many of them are here in an attempt to better themselves, however, they have to face the reality that they broke our laws.

I do not feel that it is the states place to take my tax dollars to provide these people special privileges. It is not your money to give. I have grandchildren who are citizens of the United States residing in other states. I know that under existing law, my grandchildren would be discriminated against were they to attend a university in this state. They would be required to pay out-of-state tuition while persons in this country illegally are allowed to pay in-state tuition. This is unconscionable.

When the state of Kansas passed legislation allowing illegal aliens to pay in-state tuition to attend our colleges and universities we created a magnet drawing more of them into the state of Kansas. A condition was created that is discriminatory to United States Citizens.

I urge you to stand in favor of this legislation and correct this wrong.

Thank you for your time.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 3

2/1/06

Representative John Edmonds, Chairman, and
Members of the Federal and State Affairs Committee:

Re: HB 2615 (Repeal of 2004 HB 2145) -
College + University Fees and Tuition -
Undocumented Non-Citizens.

After hearing a news item on this topic, I phoned
the Bill Status office for more information. A staff mem-
ber gave me the gist of the bill in question.

It seems to me that while, as a long-time teacher, I
view formal education as a very worthy process, illegal
immigrant students (un-documented non-citizens) should
not be favored financially over students who are citizens,
no matter what state they call home, insofar as college
fees, tuition, etc. are concerned.

It is logical that the more benefits available in this coun-
try to illegal immigrants, the more attractive it will be for
them to come here. I suggest that HB 2145 be repealed at
this time, and that, instead, we approach this country's
present illegal immigrant situation -

- ① through the driver's license procedure (I under-
stand that a driver's license is an earned privilege,
not a right);
- ② through working with those most closely con-
cerned, to cut down on use of forged legal docu-
ments; and
- ③ through fines, etc., making it less financially at-
tractive, even tempting, for employers to hire
illegal immigrants (and all too often, finan-
cially and shamefully exploiting their illegal
employees' [illegal] status).

The fact that there is no simple answer to a problem
does not mean we should ignore it, hoping it will go away,
does it?

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 4

473 W. 189th

(RFD) Scranton, Kansas 67001-1
(785)-793-2347

Dorothy Shoup
Dorothy H. Shoup

Kansas State Legislature
Federal and State Affairs
Rep Edmonds Chairperson
February 01, 2006

Testimony: HB 2615.
Subject: Repeal Educational provision authorizing in-state
tuition for the illegal immigrant student.

Chairperson *Rep Edmonds* committee Members, and Guests.

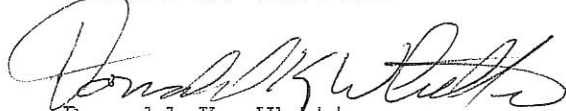
I am Don Whitten, a constituent of the 1st Dist., represented by Senator Dennis Pyle. My concern is the careless manipulation of the Immigration Policy, by yielding to the demands on behalf of the Illegal immigrant population, and parties that sanctions such activities.

During the 80s to present time, very little has been done to control the immigration traffic, rather it has been encouraged by the support of government, industrial negotiations, and oversight by the Judicial branch of government. INS's inability or practiced neglect to control immigration of various ethnic groups is once again causing many concerns; such as the actions that have developed the past few weeks along the southern boarder. This is the illegal side of immigration you are asking Kansas to educate. The educational cost generated by illegal immigrants coupled with Social Security, health care, and welfare far out distance any positive gain to the American economy. Our leadership accepting demands as set forth by religious, non-religious groups, illegal and legal immigrants and various sympathetic groups, lobbyist, and or individuals, is contradictory to the welfare of this Nation's economy and security.

Granting ILLEGAL IMMIGRANTS in-state tuition is a cost, and burden, Kansas citizens can not accept. Therefore; the granting of Illegal Immigrants in-state tuition needs to be repealed in accordance to HB 2615, author, Rep. Becky Hutchins.

Thank-you for your consideration in the above matter.

Donald K. Whitten



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

lged0106

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 5

RHONDA S. JOHNSON

CERTIFIED PUBLIC ACCOUNTANT
205 N. DELLROSE
WICHITA, KANSAS 67208

(316) 683-4367

January 26, 2006

The Federal and State Affairs Committee
Representative Jim Edmonds, Chairperson

Dear Representative Edmonds:

This letter is in support of House Bill 2615, to repeal the 2004 Kansas law giving illegal immigrants the in-state tuition rate.

The 2004 Kansas law may appear benign.

But it is not.

The 2004 Kansas law gives the in-state tuition rate to illegal immigrants provided, in part, that the illegal immigrant has attended a Kansas high school for at least three years and has graduated from high school or earned an equivalent diploma in Kansas.

Therefore, the illegal immigrant surely is aware that:

- 1) he/she is in violation of US immigration law by being in the US.
- 2) other US laws have been broken by entering, remaining, and/or working in the US either by the illegal immigrant and/or his/her parents.
- 3) the dollars spent by the taxpayers of the State of Kansas and the US for his/her education exceed the taxes paid by his/her parents.
- 4) the US is a nation of law. It is contrary to all we believe that one can knowingly break the law and profit from it.

The 2004 Kansas law substitutes this basic belief-that one cannot knowingly break the law and profit from it-with the concept "knowingly break the law; gain a benefit."

This is unconscionable and it is dangerous.

Many states have enacted legislation attempting to blunt the economic and social impact of more and more illegal immigrants on education, healthcare, corrections, and citizenship.

In stark contrast, the 2004 Kansas law may actually suggest to the illegal immigrant community that Kansas will accept and reward the violation of the law and this may prompt more illegal immigrants to move to Kansas and/or remain in Kansas.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 6

Yes, this is personal.

I earned a BS in Business Administration and Economics from KU and a MS in Accounting from WSU. I completed all requirements as set forth by the Kansas State Board of Accountancy and became a CPA. I practiced public accounting as a CPA in Wichita for about 20 years.

I can no longer practice.

In 2000 I was involved in an auto accident. The driver of the other car received three citations. My attorneys and I believe the other driver was/is in the US illegally. My doctors and I believe my injuries will never completely heal. I am now 54.

I have paid a very high price for the failure of the rule of law.

I encourage the repeal of the 2004 Kansas law giving illegal immigrants in-state tuition rate.

Very truly yours,


Rhonda S. Johnson, CPA

From: Faye Clements

Subject: Illegal immigrants

Dear Mrs.Hutchins I am writing in reference to the proposal to repeal in-state tuition credit to any person who is ILLEGALLY in this country/state in the first place. Please let the committee know of our feelings. The key word here is:ILLEGAL. As a family, we have worked hard all our lives and we managed to get 3 sons through the University of Kansas at one stage or another in their studies. We are still re-paying student loans and debts incurred and will gladly do so. But in so saying, to think that someone who is here illegally benefits from our system makes me ill. There has to be a way to enlighten legislator's minds to the fact that we must get a handle on the problem of rewarding illegal behavior. The majority of Kansas citizens are outraged about this issue and want it stopped immediately. Please continue your good fight in speaking for what we, your constituents, desire. We are tired of working so hard and then to have our efforts filtered to non-citizens. Where was the Immigration officials when bus loads appeared to get this law passed previously? Are we serious about the issues or not? In order to ensure our safety, illegals immigrants must be removed from our state but if here, definitely should be denied tuition assistance and all other rights of US and Kansas citizenship.

Thank you, Faye Clements Topeka, Ks

Faye Clements

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 1

Don't reward illegal immigrants with tuition break

By Nicolas Sanchez
GUEST COLUMNIST

The argument has been made that we, the American taxpayers, should subsidize illegal immigrants' children to the tune of an extra \$10,000 when they attend public colleges in our Commonwealth. It is said that these children should not be blamed for the illegal behavior of their parents. And anyone who disagrees with this argument has a mean-spirited attitude.

The above is re-enforced with a victim's story: poor Hector, who came to this country illegally at the age of 7, has spent 12 years attending our schools, has done well academically, and can't afford the extra 10 grand to attend UMass-Boston. But do not cry for him: cry for the American taxpayers, their children and our democracy!

Suppose that 100 illegal children had showed up in our Framingham schools 12 years ago. The true economic costs of education then – taking into account not only what was paid out to teachers and administrators, but including all capital costs, and expenses paid out by the town – was in excess of \$8,000 per child. All these costs must and have been paid out by taxpayers. I will use a fixed \$8,000 figure to simplify the calculations.

One hundred students at \$8,000 each, for 12 years, and assuming a low interest rate of 5 percent, turns out today to be approximately \$12.7 million, in today's money. These subsidies do not include expenses for kindergarten, visits to the emergency room at the hospital, policing and court costs if any of these kids turns out to be maladjusted, etc.

College costs are dramatically higher than costs at lower educational levels. In 2001, for example, it was estimated that the cost of education at Williams College was \$75,000 per student. This included all the capital costs. So, if we increase those costs to \$80,000 today, and assume that UMass-Boston's costs are half the costs of such an elite institution, per student cost of education at UMass would amount to roughly \$40,000. Liberals want taxpayers to subsidize each illegal student (paying in-state tuition) with \$32,000 per year, for four years. (This figure, of course, is quite different from the \$10,000 that they present to the public.)

Let us now return to poor Hector. We, the taxpayer, have already subsidized him with \$127,337 for his first 12 years here (in today's money). Liberals want us to subsidize him with an additional \$113,470 (again, in today's money and using the same 5 percent discount rate). If we assume that only 10 out of the 100 illegal students who entered our educational system go on to college, that means that our educational subsidies to the 100 illegal children amount to more than \$13.8 million. No wonder liberal writers declare: "this is not about money" – while we bow in respect to their lack of financial acumen. And you better bow, for otherwise you will be accused of having a mean-spirited attitude!

How relevant is this argument for Framingham taxpayers? Well, I do believe that 100 young Hectors have been and continue to enter the school system as illegal immigrants every year, and every year we are subjected to at least a \$12 million dollar increase in educational costs (in today's money, and making heroic assumptions that the true educational costs have remained fixed at \$8,000.) I also believe that the families of these children have not paid out \$12 million in taxes. These families, in fact, hide their income and send their savings abroad. (For the U.S. as a whole, these transfers reach into many billions of dollars – call it Framingham-style outsourcing!)

At the state level, I can predict that many more than 400 illegal immigrants will take advantage of in-state tuition, if this were granted. Who could refuse a \$113,470 handout? What I find most disturbing, however, is the demands that are made on us, the American citizens and taxpayers. The mainline press has failed to cover the demonstrations in Boston by illegal immigrants. But why not, since it does not even defend its own copyright material, which is snatched by the foreign language press!

Where does this leave our American children in Massachusetts? Their parents are at least \$12 million poorer every time 100 illegal children join any school system in our state. The tax burden on state

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 8

taxpayers will increase significantly while politicians make every effort to hide the burden, calling it additional help for our cash-strapped schools. I call these burdens a punishment on our American children and on the middle class, which pays most taxes. On top of it all, we are rewarding lawbreakers.

When we welcome legal immigrants, we extend to them not only a welcome mat, but huge subsidies. We do so because our elected representatives have felt, wisely or unwisely, that these immigrants will make a difference to the future of our country. We may agree or disagree with the extent of legal immigration, but the decision has been made through the democratic process. This is not the case with illegal immigrants, who have made a mockery of our system of laws.

Yes, what part of illegal is it that supporters of illegal immigration do not understand?

Nicolas Sanchez, Ph.D., is professor of economics at Holy Cross College.

17 Intervale Rd.
Livingston, NJ 07039
jodonnell@livingstonnj.org
January 30, 2006

Kansas State Capital
300 SW 10th
Topeka, KS 66612-1504

Re: HB 2615, An Act repealing K.S.A. 2005 Supp. 76-731a; relating to tuition and fees for certain persons attending postsecondary educational institutions.

Dear Chairman Edmonds and members of the House Federal and State Affairs Committee:

I am writing to urge you and your fellow representatives to vote for the passage of HB 2615. My daughter Colleen is a sophomore at KU and believe it or not, a "Jersey girl" has found her perfect match at the University. This semester we absorbed a tuition hike of 5%, which I do not feel is out of line with the value and education we are receiving. I do feel that as an out-of-state tuition paying family I am certainly entitled to the same considerations as an illegal alien. When our daughter Colleen moved off campus and into an apartment she was still considered an out-of-state student for tuition purposes. I can't seem to get the same treatment even though she lives in Kansas. I have many more thoughts and ideas but, for the purpose of brevity I will stop here.

Thank you for taking the time to read this and I hope you will consider my position.

Regards,

John O'Donnell

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 9

From: Becky Hutchins
To: Carol Doel
Date: 1/18/2006 9:44:28 AM
Subject: Fwd: Thank you

Carol, Please distribute to Fed & State Committee Members RE: HB 2615

>>> Cynthia Mancillas <cyn_mancillas@sbcglobal.net> 1/18/2006 9:20:13 AM >>>
Dear Rep. Hutchins -

Thank you for your efforts to reverse the law allowing in-state tuition for illegal immigrants. We weren't allowed to vote state-wide on the issue, and I think the outcome would have been different if citizens were allowed to vote on the issue.

I am not a bigot. My husband and children are Mexican - legal third generation citizens. And I am Catholic. Our bishop in the Archdiocese of Kansas City in Kansas has put out much effort toward making it an issue of conscience to ignore the legal status of citizens.

Like you, and as a parent, I can't believe in rewarding illegal behavior, either. It is a very simple moral standard. Play fair.

This year, KU has sent a letter to in-state students saying that they will not be awarding scholarships based on ACT/SAT scores. I can try to get you a copy of it, if you would like to see it. K-State is still doing it this year, but if the trend is away from rewarding good behavior, we assume that will change.

So, again, thank you for your efforts. I'm sure you will be vilified, misunderstood, and shunned. But you are doing the right thing. Ideally, all lawmakers would be defined by your willingness to stand up and work for what may not be the most popular beliefs in Hollywood.

Cynthia Mancillas
10556 Bluejacket
Overland Park, KS 66214
913-449-6902

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 10



KANSAS BOARD OF REGENTS

1000 SW JACKSON • SUITE 520 • TOPEKA, KS 66612-1368

TELEPHONE – 785-296-3421

FAX – 785-296-0983

www.kansasregents.org

Testimony Regarding HB 2615 House Federal and State Affairs Committee

February 1, 2006

Reginald L. Robinson
President & CEO, Kansas Board of Regents

Chairman Edmonds, Ranking Member Burroughs, and Members of the Committee, I appreciate this opportunity to appear before you to offer views on behalf of the Kansas Board of Regents regarding HB 2615 – legislation that would repeal current law, which allows certain undocumented immigrants to attend the state's public post-secondary institutions at in-state tuition rates. I know you have many Conferees to hear from today, so I will keep my testimony brief.

As members of this Committee know, the Kansas Board of Regents strongly endorsed the adoption of HB 2145 (now codified at KSA Section 76-731a) when it was being considered in the 2004 Legislative session.

The Board supported the legislation because, in the Board's view, this provision embodied the concept of expanded educational opportunity for people who live in our state, and who seek to enhance their ability to contribute to the well-being of our state and its economy.

The Board supported HB 2145 because it believed that enactment of that provision would work to enhance the likelihood that students who either graduate from Kansas high schools or earn state-issued GED certificates will attend one of the state's institutions of higher education.

The Board supported HB 2145 because it believed further, that given the remarkably competitive and increasingly global economic environment that confronts us, the state truly needs a highly educated workforce if it is to remain competitive and reach its full potential. The Board believed additionally that measures such as HB 2145, which remove barriers to higher education access, are critically helpful and important in that regard.

The Board supported HB 2145 based upon its belief that in the provision's final form, it represented a carefully-crafted piece of legislation that could achieve the goals I outlined above, yet still remain consistent with Federal law in this area. I would note, parenthetically, that there is pending federal law that would make it easier for states to achieve the goals I've outlined. That pending legislation, the Development, Relief, and Education for Alien Minors (or DREAM) Act, has obtained the support of the United States Senate Judiciary Committee, and United States Senator Sam Brownback has long supported the proposal.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 11

The Board supported HB 2145 because it concluded that the fiscal consequences flowing from the provision would be minimal and likely positive. The students who benefit from this provision are students who, but for the opportunity this law presents, would be unable to pay the out-of-state tuition that would be required of them. Some who are concerned about the impact of this law have considered the in-state tuition being paid by this category of students, and have concluded that as a result of the opportunity those students are seizing to attend our institutions at in-state rates, the institutions are "losing" the marginal dollars represented by the gap between that in-state tuition figure and the out-of-state rates these students would otherwise be required to pay.

As I've said, the reality is that confronted with the prospect of those out-of-state rates, these students would be unable to bear those costs. They would lose their opportunity to advance their education, the institutions would lose the in-state tuition that they are currently collecting from these students, and the state would lose the many benefits from the enhanced contributions these students would make as a result of the education they would obtain. Information regarding the number of students currently benefiting from the law is attached to my testimony.

For all of the reasons that the Board supported the enactment of HB 2145, it must now oppose HB 2615. The Board's embrace of HB 2145 was enthusiastic and unanimous. The Board is pleased that this door to educational opportunity has been partially opened. And in that regard, I would note that I have offered my perspective regarding what HB 2145 IS. As you consider the piece of legislation before you today, I think it is also critically important for everyone to understand what HB 2145 is NOT.

Contrary to what I have heard from many –

HB 2145 is NOT a law that allows undocumented immigrant students to attend public post-secondary institutions for free. These students who come from our state's high schools must still pay tuition. They must pay the same tuition that their high school classmates pay as they attend our state's colleges and universities.

HB 2145 does NOT relieve any students who seek to benefit from the provision of the obligation to fully and completely satisfy institutional admissions requirements. Like all of the Kansas high school graduates who attend our institutions, these students must demonstrate their capacity to do the work.

Finally, HB 2145 does NOT make any of these undocumented immigrant students eligible to receive ANY state or federal student financial aid. Unlike their high school classmates, these students are not eligible to receive any of that support, no matter how evident or significant their financial need.

The Board of Regents believes that HB 2145 represents an important step in helping our state to produce the kind of workforce it will need to maintain the economy and quality of life we want in our state. The Board supports the continued operation of HB 2145, and opposes any effort to repeal it.

Thank you for giving me the opportunity to appear before your committee today, Mr. Chairman.

KANSAS - Number of Students Enrolled Under the Provisions of K.S.A. 76-731a

Note: Data Self-Reported By Institution

Public Higher Education Institutions (36 total)	Academic Semester	
	<i>Fall 2004</i>	<i>Fall 2005</i>
Universities (7)	7	35
Community Colleges (19)	30	181
Technical Colleges (6)	0	4
Technical Schools (4)	0	1
Total:	37	221

Note: K.S.A. 76-731a became law July 1, 2004.

<u>Institutions</u>	<u>Academic Semester</u>	
	<i>Fall 2004</i>	<i>Fall 2005</i>
Emporia State University	0	4
Fort Hays State University	1	1
Kansas State University	3	4
Pittsburg State University	0	1
University of Kansas & KUMC	2	4
Washburn University	0	0
Wichita State University	1	21
University Total:	7	35
Allen County Community College		0
Barton County Community College		3
Butler County Community College		14
Cloud County Community College		0
Coffeyville Community College		4
Colby Community College		0
Cowley County Community College		2
Dodge City Community College		0
Fort Scott Community College		0
Garden City Community College		5
Highland Community College		0
Hutchinson Community College		2
Independence Community College		0
Johnson County Community College		51
Kansas City KS Community College		4
Labette Community College		0
Neosho County Community College		1
Pratt Community College		1
Seward County Community College		94
Community College Total:	30	181
Flint Hills Technical College		3
Manhattan Area Technical College		0
North Central KS Technical College		0
Northeast KS Technical College		0
Northwest KS Technical College		0
Wichita Area Technical College		1
Technical College Total:	0	4
Kansas City KS Area Technical School		1
Kaw Area Technical School		0
Salina Area Technical School		0
Southwest Area Technical School		0
Technical School Total:	0	1
TOTAL:	37	221

House Federal and State Affairs Committee
Re: HB 2615 (Repeal of HB 2145 - Immigrant Tuition Bill '04)

Testimony

Elias L. Garcia, Exec. Director ,
Kansas Hispanic & Latino American Affairs Commission

Mr. Chairman and honorable members of the committee, my name is Elias L. Garcia, Executive Director of the Kansas Hispanic & Latino American Affairs Commission (KHLAAC) and I thank you for the opportunity to speak in opposition to HB 2615, a bill that seeks to turn back the clock on Kansas progress, and intends to repeal sub. for HB 2145 a bill passed during the 2004 legislative session

You may remember that since it was first introduced January of 2003, sub. for HB 2145, the Kansas legislature gave this bill its full attention and careful consideration, there was no "rush" to pass this legislative initiative. It was thoroughly discussed, debated, and dissected by committees of the Kansas house and senate and ultimately it was passed by an approximate 2/3 majority in each of those chambers.

But even after its passage, there was still a group of dissenters, fostered by the Federation Americans Immigration Reform that sought to challenge the legality of sub. For HB 2145 and filed a lawsuit in federal court. However, much like our Kansas Legislature, the court carefully considered the merits of the lawsuit before it ultimately handed down its decision to dismiss the case July 5, 2005.

Yet as we look back since the passage of HB 2145 and all think back to all those negative statements and projections that were made by opponents of this bill (the same arguments that are being made today) I would ask, can any community representative, leader, activist, etc. submit a preponderance of evidence that would lead a reasonable person to conclude that this in fact was and is a bad piece of legislation? Are there credible stories, documentation from complainants that demonstrate that large numbers of persons in our respective Kansas communities have been overlooked, denied access, displaced or otherwise suffered damages as a result of HB 2145? I am not aware that there is.

When legislators passed sub for. HB 2145 into law, Kansas policymakers understood that Kansas' greatest asset is its human capital. Legislators understood then, as they understand now, that Kansas needs a well educated and productive population, we need it now and will need it even more in the future. Legislators also understood the alternatives to not passing the bill, one which promotes a large population of uneducated and untrained workers — I would suggest to you that this is a frightening and potential outcome of HB 2615.

At last count, we estimate that there are approximately 221 students enrolled in Kansas colleges (the majority - 181 -in community colleges) who are the beneficiaries of HB 2145. Young people who, through education, are investing not only in their futures but in the future of Kansas. These are the students we talked about in legislative hearings back in 2003 and 2004. Students who at an early age were transplanted into our communities by their parents. Students who have had to travel far, overcome hardships, and yet all the while they shared that same desire, that same vision, that common dream so many of us in this room share, the American dream.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 12

Who in this room will say that Kansas has enough college graduates in this state and these 221 students should not be allowed to go to college.. HB 2145 has afforded Kansas the opportunity to benefit from 221 new college students who will one day soon be our next generation of nurses, teachers, doctors, etc. Again, can we honestly say that we do not need any more nurses (1 million needed), teachers, doctors, lawyers?

If HB 2145 is anything, it represents a fundamental source of hope for our youth. It affords them a hope and a chance to one day become full partners in our American society and perhaps one day realize what many of us take for granted --- our American Dream. Honorable committee members, there is no going back. Kansas simply cannot afford not to utilize every resource available to us --especially our most valuable resource, our human capital.

In closing I will remind you that sub. for HB 2145 was passed by significant majorities in both chambers of this legislature. It was upheld in federal court and I would suggest to you that HB 2145 is in fact, settled law. It is time to move on and the way to do that is once again vote in favor of Kansas and vote against HB 2615 .

I will leave you with the words of Coretta Scott King, the most revered first lady of the civil the rights movement who passed away earlier this week, who once said, "we must all continue working for justice, equality, peace and for reconciliation of our total human family." Thank You.



LEAGUE OF WOMEN VOTERS® OF KANSAS

February 1, 2006

The Honorable John Edmonds, Chair
Federal and State Affairs Committee
The Kansas House of Representatives

Chairman Edmonds and members of the Committee:

President
Janis McMillen
Overland Park

1st Vice President
Sharon Aillsieger
Wichita

2nd Vice President
Doris Slocombe
Emporia

Secretary
Carol Snyder
Overland Park

Treasurer
Leonore Rowe
Overland Park

Directors
Mary Ann Bradford
Topeka

Emma Doherty
Salina

Gwen Elliott
Topeka

Ellen Estes
Wichita

Linda Johnson
Manhattan

Bob Kruh
Manhattan

Carrie Moore
Lawrence

Bill Powell
Salina

I appreciate the opportunity to speak on behalf of the League of Women Voters today, in opposition to HB 2615.

The law at issue here was enacted in 2004, following debate, discussion, and amendment over the course of two legislative sessions. Since then, over 200 eligible students have been able to further their education in Kansas.

If this law stands, what are we gaining, as a state and as a country?

- ✓ **A better educated work force.** We all understand, I believe, the very close tie between education, economic development and economic prosperity. It seems counter-productive to deliberately deny eligible students the opportunity to further their education.
- ✓ **Economic contributions.** The parents, as well as most of the would-be students, are working and paying taxes. They pay taxes on their purchases, on their incomes and on their homes or rental property. It is recognized that, on average, a college-educated workforce with better paying jobs returns more to the economy than a lower-income workforce.
- ✓ **University benefits.** More students will be entering public colleges and universities in Kansas, thus paying tuition to those institutions. Most, if not all, of the students taking advantage of this law would be unable to attend college if required to pay out of state tuition. These students are displacing no one, as our public colleges do not place limits on enrollment. Thus it is favorable financially for the universities to have this in-state tuition.
- ✓ **New citizens.** This law facilitates a more timely effort for the students to seek citizenship. Although the parents of many of these students are currently in the very long queue to gain US citizenship, the student must file an affidavit stating they have filed an application to legalize their immigration status, or they must file for US citizenship, or their parents must have filed such an application.
- ✓ **Commitment.** If students know that going to college can become a reality for them, this can only further their involvement in their schools and in their communities. Many of them came here as very young children and their native homeland is but a distant memory for them, with little or no sense of identity with that country. America has become their home and it is in their best interest, and that of their family, to become involved and contribute to their communities.

I urge you, for the benefit of these students and for the benefit of this state, to leave this law as it now stands.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 13

Janis McMillen

618 S. Kansas Ave., Suite B1
Topeka, KS 66603

Phone: 785-234-5152
E-mail: lwwks@aol.com



Mark Desetti, Testimony
House Federal and State Affairs Committee
House Bill 2615
February 1, 2006

Mr. Chairman, members of the committee, thank you for the opportunity to come before you today to speak in opposition to **House Bill 2615**.

Kansas NEA opposes passage of this bill because it is the wrong thing to do to high-achieving young people.

Despite what some may say, current law does not reward illegal activity; it does not let the children of undocumented immigrants attend our universities for free or at a reduced rate; and it is not a handout.

Children stay with their parents and that fact is no different for the children of undocumented workers than it is for your children or mine. I've moved several times since becoming a parent and it never occurred to me that my children could or would not move with me. It is no different for these children. Their parents came to the United States for a chance at a better life – the same reason my family left Losine, Italy for Monongahela, Pennsylvania in 1901. Their children came with them and those children did not ask, "Are we going there legally?" They just came with their parents.

Under legislation passed by this Legislature, those children of undocumented workers who have attended one of our Kansas high schools for three years and graduated from a Kansas high school or received a GED in Kansas, are eligible to pay in-state tuition rates provided they sign an affidavit stating that they are pursuing or are planning to seek legal status in the United States.

Their families have been here for at least three years. They have shopped in our stores and paid our sales taxes. They have paid property taxes either directly or indirectly through their rent. Other taxes have been withheld from their paychecks. And some of these children are even United States citizens having been born in this country.

These children did not come here consciously violating our immigration laws. They came with their parents. They attended our schools. They struggled and succeeded in learning English. They worked hard to get the kind of grades needed to enter our universities. They deserve a chance to get a post secondary education. These young people are committed to life in this great nation.

Passage of HB 2615 will deny these young people the chance to pursue their dreams and to live that life well. We urge you to continue to reward these high achieving, hard working students for a job well done. It's not about how their parents came here; it's about what those kids did once they got here.

We urge you to oppose HB 2615.

FEDERAL AND STATE AFFAIRS

Date 2-1-06
Attachment 14

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony on **HB 2615**
before the
House Federal and State Affairs Committee

by

Jim Edwards, Governmental Relations Specialist
Kansas Association of School Boards

February 1, 2006

Chairman Edmonds and Members of the Committee:

I appear in front of you today to oppose **HB 2615**, which would repeal the statute that has allowed more than 20 Kansans to affordably pursue their dreams of continuing their education beyond K-12 in Kansas. KASB believes that Kansas' economic future and the continued growth of our citizens depends on an education system that is not only well rounded but also never-ending.

The students addressed in the statute this bill would repeal are persons that have already been participants in our K-12 system for at least three-years and in most cases, could not have started the application process to legalize his or her immigration status until after they had graduated.

According to reports from the Board of Regents, the provisions passed by the Legislature in the 2004 session have made it possible for more than 20 undocumented students to attend either a Kansas Regents institution or a community college or vocational school at an in-state tuition rate. During their continued schooling, these persons will continue to strengthen their ties to Kansas and become strong citizens and workers necessary for economic growth.

I thank you for the opportunity to appear before you today and would be happy to answer any questions you might have.

FEDERAL AND STATE AFFAIRS

Date 2-1-06
Attachment 15

Testimony – February 1, 2005
House Federal and State Affairs
By Sister Therese Bangert, S.C.L.



6301 ANTIOCH • MERRIAM, KANSAS 66202 • PHONE/FAX 913-722-6633 • WWW.KSCATHCONF.ORG

Testimony in Opposition to H.B. 2615

Chairman Edmonds and members of the committee:

Since the passage of HB 2145 in 2004, the United States Conference of Catholic Bishops has launched the *Justice for Immigrants Campaign*. Justice for Immigrants is an initiative by the church to raise awareness of the problems with our current immigration policies and to encourage support for comprehensive immigration reform. Details about this campaign can be found at www.justiceforimmigrants.org

Following are some quotes from recent documents promulgated by the United States Conference of Catholic Bishops:

In January of 2003, the Catholic Bishops of Mexico and the United States issued a joint statement titled: **Strangers No Longer: Together on the Journey of Hope.**

I quote from this document:

The building of community with migrants and new immigrants leads to a growing sense of solidarity. . . . As leaven in the society, pastoral agents (of the Church) can be instruments for peace and justice to promote systemic change by making legislators and other government officials aware of what they see in the community. Working closely with other advocates for workers and with non-governmental organizations, the Church can be instrumental in developing initiatives for social change that benefit the most vulnerable members of the community. (#43)

The document further states the necessity of the Catholic Church being part of “ . . . confronting attitudes of cultural superiority, indifference, and racism; accepting migrants not as foreboding aliens, terrorists, or economic threats, but rather as persons with dignity and rights, revealing the presence of Christ . . . ” (#40)

FOR I WAS HUNGRY – (Catholic reflections on Food, Farmers, and Farm workers) was released by the Bishops in November 2003. The section on U.S. Agricultural Workers states and I quote: “To participate fully in the community where they reside and work, farm workers and their families need access to services and mobility in those communities. We are encouraged by the enactment of laws in several states, supported by many state Catholic conferences, that would provide to undocumented immigrants access to in-state tuition rates and driver’s licenses.” (Emphasis added)

We ask you to affirm the good policy that you passed with HB 2145 and reject HB 2615.

Peace be with you.

MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.
DIOCESE OF DODGE CITY

MOST REVEREND JOSEPH F. NAUMANN, D.D.
Chairman of Board
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MOST REVEREND PAUL S. COAKLEY, S.T.L., D.D.
DIOCESE OF SALINA

MOST REVEREND MICHAEL O. JACKELS, S.T.D.
DIOCESE OF WICHITA

MICHAEL P. FARMER
Executive Director

FEDERAL AND STATE AFFAIRS

MOST REVEREND EUGENE J. GERBER, S.T.L., D.D.
BISHOP EMERITUS - DIOCESE OF WICHITA

MOST REVEREND GEORGE K. FITZSIMONS, D.D.
BISHOP EMERITUS - DIOCESE OF SALINA

Date 2-1-06
Attachment 16

El Centro, Inc.

The Center for Continuous Family Improvement

**Administration and
Computer Learning Center**

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

February 1, 2006

Chairman John Edmonds
House Federal and State Affairs Committee
Kansas State Capitol, 143-N

The Academy for Children

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

**Academy for Children,
Choo Choo Child Care**

219 S. 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
913-281-1700

Casa de Rosina Apartments

851 Barnett
Kansas City, KS 66101

ECI Development, Inc.

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

El Centro, Inc. Argentine

1333 S. 27th Street.
Kansas City, KS 66106
913-677-0177
913-362-8520 fax

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

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

Macías-Flores Family Center

290 S. 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



Chairman Edmonds and Honorable Members of the House Federal and State Affairs Committee,

It is disappointing to return, yet again, to the discussion of whether all Kansas high school graduates should have a chance at their dreams of a college education. As you know, Kansas changed the law in 2004 to allow Kansas high school graduates with at least three years in Kansas schools to be eligible for in-state tuition rates provided that they, if not already U.S. citizens, had already begun the process of applying for citizenship or committed, under penalty of perjury, to do so as soon as they became eligible. This decision came after two years of debate, seven public hearings, and five full-chamber votes. At the time, those opposed to the bill made several claims foretelling its undoing, all of which have turned out to be completely false. They claimed that it exposed Kansas to considerable legal liability, but their lawsuit was entirely rejected in federal court. They claimed that a flood of immigrant students would displace citizens, yet the 221 students currently enrolled (some of whom are U.S. citizens) represent 0.16% of the total student body in our public postsecondary institutions. They claimed that these students would be a financial burden for Kansas, yet the new tuition dollars they pay will add more than \$480,000 to our postsecondary institutions in the 2005-2006 school year.

By any measure, then, this law has been highly successful. Its goals were to provide educational opportunities to all Kansas high school graduates, to ensure that our best-qualified students are able to enroll at in-state tuition rates in our colleges and universities, and to continue our progress towards a well-educated, diverse future workforce. The students themselves are the best evidence of our success. One student was awarded national leadership recognition from President Bush shortly before enrolling at Kansas State University. Another received his Lawful Permanent Residency halfway through his first (all 'A') semester. Another was among only 10 students in the U.S. to be recognized as a Hitachi Foundation scholar. Their institutions are delighted to have them and our state is much enriched by the education they are achieving on their way to full U.S. citizenship.

I recognize that there are complicated issues surrounding immigration, and that confusing messages about this policy and the students it affects most directly have contributed to difficulties in discussing it with colleagues and constituents. It has, unfortunately, become entangled with the highly complex and controversial issue of illegal immigration and the important debate occurring in Congress over how to effectively reform our immigration laws. I have had to clarify that Kansas does not give immigrant students advantages over U.S. citizens, provide financial aid or "free college" to undocumented students, or step into federal territory by legislating immigration policy. And while it is frustrating to have these same conversations again, it is the task of those of us who care about Kansas' future to ensure that we continue policies that are so obviously working as intended, rather than throwing up our hands in quick defeat and, in the same motion, sentencing some very hard-working, bright students to a lifetime of denied possibilities. As we enter this debate again, then, we must begin with an honest accounting of the tax contributions of undocumented immigrants and their families. We must consider the long-term ramifications of having a large segment of our population that is bright and talented but uneducated. And we must, above all, refrain from mean-spirited attacks on our most precious resource, our children.

FEDERAL AND STATE AFFAIRS

A few clarifications about Kansas' current policy:

Date 2-1-06

Attachment 17

Mission Statement: The purpose of El Centro and its subsidiaries is to create and

family

1. This is not about 'illegal' students. The children who would be impacted by passage of HB2615 include U.S. citizens and those who have not yet become permanent residents by the time of their high school graduation. Educated in the U.S. and growing up in Kansas, these students are bilingual and bicultural, often identifying more with this country than with that of their birth. They intend to stay in the U.S. and have much to offer. Some are undocumented; others have other, nonpermanent immigration statuses that, while making it legal for their parents to work in the United States, do not qualify them for in-state tuition without the provisions that HB2615 would repeal. Many have been waiting for the U.S. Citizenship and Immigration Services (formerly BCIS, formerly INS) to process their families' paperwork for years. What they share in common as a group is their preparation for higher education, their willingness to find a way to finance higher education at in-state rates, and their commitment not to let twelve years of investment in their education go to waste as they work towards their goal of U.S. citizenship.

2. These children were not in our post-secondary institutions before 2004, and they will not be able to continue their college careers if HB2615 passes. The differential in-state and out-of-state tuition rates serve to facilitate enrollment by Kansans whose families, as Kansas taxpayers, have supported our public colleges and universities. These students fit that description. Regardless of their immigration status, they pay sales taxes, income taxes, and property taxes. After having overcome many obstacles to graduate from high school, including learning English and mastering academic subjects, most of these students find the financial burden of out-of-state tuition an insurmountable barrier, as evidenced by their lack of enrollment before the law change in 2004.

3. This is not immigration policy. The state of Kansas cannot address immigration challenges comprehensively, as immigration policy (regulating who can come in, in what numbers, when, and how) is the exclusive purview of the federal government. However, states across the country have increasingly taken steps to address immigrant policy, determining how immigrants are received once they come to the United States and what their likelihood of success is. In addition to Kansas, Texas, Utah, Washington, Illinois, New York, California, New Mexico, and Oklahoma allow immigrant students to be admitted as in-state residents, paying the same tuition and fees as other taxpaying resident students, provided that these students have attended school in the state for at least two or three years, depending on the state's specific legislation. 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 in-state tuition at public colleges and universities.

4. If this discussion is about 'fiscal priorities,' then passing HB2615 is the wrong step towards a healthy Kansas economy. It is estimated that states spend approximately \$250,000 for each dropout in supportive educational services, justice system costs, public benefits, and other costs over his/her lifetime, and dropout rates are likely to increase if immigrant students have no real hope of post-graduation education.¹ 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.¹ In addition, having a highly-educated workforce will help Kansas to attract and retain quality jobs, a cornerstone of our economic development.

5. Kansas' current in-state tuition policy is not a 'referendum' on illegal immigration, and support for the law does not connote support for unauthorized migration. Kansans share other Americans' frustration with the serious problems in our current federal immigration policies. Obviously, we need reforms in Congress. Passing HB2615, however, does nothing to address these problems.

Immigration and, in particular, undocumented immigration, are controversial and complicated forces shaping the future of our state, our communities, and our nation. These students, and their desire for an education, are neither complicated nor controversial. As they work towards U.S. citizenship, we must put aside our feelings about their parents' decision to come here and simply answer the question: "Will they be well-educated citizens or less educated ones?"

Sincerely,



Melinda K. Lewis, Director of Policy Advocacy and Research, El Centro, Inc.

Nancy Clark
517 New York
Holton, KS 66436

January 30, 2006

Dear Chairman John Edmonds and Honorable Members of the House Federal and State Affairs Committee:

In 2004 the Kansas Legislature demonstrated its commitment to justice and equality for Kansas high school graduates when it passed an instate tuition policy for immigrant students. That measure, known as HB2145, allows students who have attended a Kansas high school for at least three years to attend our colleges and universities at instate tuition rates.

My representative has now introduced a bill to repeal the 2004 action, stating the repeal is necessary for budget reasons. However, statistics show that the law enacted two years ago has not resulted in a financial burden for our state. Therefore, the proposed repeal cannot be justified on those grounds. The issue of offering opportunities in higher education to all of our students remains one of fairness and equality.

I represent more than 6,000 United Methodist Women in the Kansas East Conference of the United Methodist Church, organized in 256 units in local churches in the eastern portion of our state. Many of us contacted our state legislators in 2004, encouraging passage of the instate tuition policy for our immigrant students. For 136 years United Methodist Women and our predecessor organizations have worked to bring justice and equality to the lives of children in our country and in our world. Which of our Kansas high school graduates should acquire a college education at instate tuition rates is an issue of justice and equality. We understand all children to be our children and our responsibility. And we ask that all children continue to be treated with justice and equality.

I also represent my daughter, a wonderful teacher in Great Bend, who devotes much of her life to making the lives of her students better with no thought to citizenship status. She witnesses on a daily basis the ways in which college in the future is a tremendous incentive for her students, encouraging them to stay in school and to excel. She sees the response to college preparatory classes when college attendance is unlikely. She says, "We must show kids we have faith in them." And she's speaking of all kids. Offering instate tuition to all of these kids shows we have faith in them – and shows we recognize the value of the phrase, "justice for all."

While the financial future of our state can certainly withstand the impact of the current instate tuition policy, without this law many individual families cannot possibly allow their children to even dream that college might be a part of their future. Some of our students came to Kansas for an education through circumstances over which they had no control. For this state to single them out and raise the financial bar far beyond what their families can pay demonstrates a severe absence of justice in our moral fabric.

When I first began to think about writing to my representative about her proposal, some images came to mind – kids coming to my door trick-or-treating, little girls coming to my door to sell Girl Scout cookies, little boys coming to my door to sell Boy Scout popcorn – and hundreds, by now thousands of kids walking on the sidewalk in front of my house – we live on the same street as the high school. And then I began to think about these kids in terms of the impact repealing the current bill might have on them. And I thought how unfair it would be if only

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 1B

some of them have the chance to go to college, because our legislature failed to live up to its ability to look upon all of our children with justice and equality.

I respectfully ask you to vote against HB2615.

Most sincerely,

Nancy G. Clark

Roque Riojas Testimony – against HB2615 – February 1, 2006 – Topeka, KS.

Hello. I am Roque Riojas. I am a WWII Veteran and I was asked to say a few words, and they will be few.

Regarding the further education of our younger Latino generation whether they are from immigrant parents or not. I understand there is a conflict from an organization called “Federation for American Immigration Reform” - or called F.A.I.R..

Now briefly, we veteran’s of WWII fought and died so that this country, meaning all of you could, say and, go, and yes – I said “say” what was on your mind without fear of persecution. That is how some organizations like FAIR started. If only they would realize that the future of our great nation will be in the hands of this generation. But it is up to us to guide them. How? Through education and that is where HB2145 comes in. I will read the first paragraph...

Many years ago, as a student in the Public School system of Kansas City, Kansas, life was difficult for a Hispanic. Let us not go back.

So I urge you all in the senate to say NO, NO, NO to HB2615 and put more muscle into HB2145. For all young Latino students, I say do not get discouraged. Keep your grades up, choose what you would like to be or do and do your best to attain that goal...

In closing, I will say that I was with the famous 34th Infantry Division, THAT HAD THE DISTINCTION OF NOT ONLY BEING THE FIRST DIVISION TO GO INTO COMBAT IN EUROPE, BUT HAD THE MOST DAYS OF COMBAT (Over 600 days) than any other division of WWII.

I am a lifetime member and now I am the first Latino to hold the position of Senior Vice-President and in September of this year, I will become the President of the 34th Division Association. The 34th Infantry Division became an Association in January, 1946.

Thank you for your time and God Bless America.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 19

Rodolfo (Rudy) Padilla – Testimony against HB2615 – February 1, 2006 – Topeka, KS.

Thank you all for allowing me to speak before you today. The American GI Forum is a Veteran's family organization, founded in 1948 by Dr. Hector P. Garcia. I understand, the video "Justice for my People," is available in the public library. This video presents a good picture of why the organization was started. I am presently the American GI Forum (AGIF) Kansas State Commander. We have the same standing in the U.S. Congress as the American Legion. I also am a member of the American Legion.

In December, 1994 the American Legion magazine had a well-documented census report, titled "Who Is America?" The article included information about the U.S. which stated the comment that "the median age of 32.9, is shockingly old, by global standards."

As you are well aware, the Hispanic in the U.S. median age is much younger. We will need workers in the future to pay into our pension plans and of course to serve in the military to protect us. We would be well-served to educate all our youth who reside in the state.

I personally am very interested in Education. When I was young (many years ago), I excelled in school as a student in a rural school, west of Bonner Springs. That came to a cruel end when I started to attend a parochial school in Kansas City, KS. I was shocked to learn how far behind I was in education. Let us help students who wish to be students.

Many of these immigrant students of which we speak, want an affordable education. Most have surpassed more obstacles in their young lives than many of us as adults. Many of them are college material. Let's not make more obstacles for them. They are in a situation in most cases that are not their fault. Let's be flexible. Let's treat them as we would like to be treated – if we were in their situation.

When I was 20 years of age, I voluntarily joined the military. I had a good-paying job then, but I wanted to have the experience of being a U.S. Veteran and serve, as my older brothers had served. I also, lost 3 relatives in the summer of 1968 while serving in Vietnam - Two U.S. Marines and one U.S. Army. My nephew, Raymond Mora came to Kansas from Monterrey, Mexico at the age of 12. He would lose his life seven years later in Vietnam as a Lance Corporal.

I retired from the federal government in 1996 as a Computer Specialist. Recognizing that many of our students in our schools today are Hispanic, I as State Commander of the AGIF, have recently developed an American GI Forum Training Seminar for Teachers and School Administrators. The title of the seminar is "The Hispanic in North America." I am of the firm belief that because of past instances in the U.S. and Mexico history, we need a better perspective on why we continue to see an increase of Hispanic immigrants. I would be pleased to send you more information concerning the Seminar. I can be reached by Email at opkansas@swbell.net.

Rudy Padilla (913) 381-2272. God Bless America.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 20

My name is Sharon Stauth, and I am a bi-lingual public accountant, in Wichita, KS. I own the largest Hispanic tax office in the state, called Confidential Tax Service, with a 2,000 client base. In my 25 years of experience, preparing individual and business taxes for a broad spectrum of clients, I began to notice trends concerning statistics about federal and state taxes. I am against the actions of Ms. Becky Hutchins, R-Holton, who is trying to repeal "The Dream Act", because it just does NOT make good economic sense. (I am also embarrassed that she claims to be a member of my favorite Republican party!)

1. It does not make good economic sense to hinder the enrollment at our Ks. colleges. (KSU is my alma mater). Why would a college president want to turn away 10 good students, standing in line to enroll, and who each are holding \$1,200+ cash, in their hand? (Do the math: that \$12,000 would pay for ¼ of a college professor's salary for a year!)

2. Regardless of legal status, our Kansas Hispanics do pay lots of taxes:

José the ditch digger..... <i>Average Family Income</i>		José the administrator:	
\$23,500	(education: 9 th grade)	\$40,000	(education: 4 yrs.college)
	\$500.....	House Property Taxes.....	\$1,000
	\$120.....	Auto Property Taxes.....	\$ 440 (2 cars)
	\$220.....	Kansas Income Taxes.....	\$ 800
(\$10,000 disposable income)	\$730.....	Kansas Sales Tax.....	\$1,460 (\$20,000 disposable income)
	\$300.....	Various gas, phone, utility tax.....	\$ 500
		\$1,870.....	<i>Taxes paid to Kansas</i>\$4,200
<i>Each Year, per Family</i>			

x 55,000 Families..(somebody is lacking documents).. x 55,000 Families

Millions \$\$\$:	\$102,850,000.....	<i>Annual Contribution to Kansas</i>	\$231,000,000
-------------------------	--------------------	--	---------------

In conclusion, it is easy to see that an **opportunity to achieve higher education** definitely **PAYS OFF DOUBLE-FOLD to Kansas's tax funds**. Just plain 'ole horse sense says that the family making \$40,000/year is going to pay a lot more taxes, that the family that just makes \$20,000/yr. Kansas legislators would be cutting off their right hand (the one that reaches into the pocketbook), with erroneous legislation that would try to push down our vibrant immigrant population. In Wichita, there is a well-known statement, by a former mayor, that every dollar earned goes around the community 7 times. Imagine taking these numbers above and multiply by 7 times! **PLEASE HELP KANSANS, REACH THEIR POTENTIAL, BY KEEPING "THE DREAM ACT"**

-submitted by: Mrs. Sharon Stauth, on Feb.1, 2006 , to KS Hou
address: 2105 N. Broadway St., Wichita, KS 67214
contact info: Fax: 316-267-6354, Office phone: 316-267-6359

FEDERAL AND STATE AFFAIRS
Date 2-1-06
Attachment 24

Tuition lawsuit should be tossed out

Freshman year of college is anxious enough for most young people. There are exams, missing home, dealing with roommates, keeping up with classes and often a job.

Thirty young students in Kansas have an additional worry.



MARY SANCHEZ

They fear their college degrees — their futures — will be derailed by a misguided lawsuit.

The lawsuit attacks the students' ability to earn a degree because their parents entered the country illegally. Next week, the case goes before a federal judge in Kansas. The case is being watched nationally.

With luck, it will be a short legal battle — case dismissed.

Kansas, like nine other states, had the foresight to offer the children of illegal immigrants the option of paying in-state tuition fees rather than out-of-state rates, which can be three times higher.

In Kansas, the students have to meet the criteria of spending three years at a Kansas high school and graduating, in addition to the usual requirements of grades and, of course, paying the tuition.

The young people are not asking for a free ride. They qualify for no state or federal loans or grants. The number of students is low, because the reality is that few people in their situation can rise above poverty, the other extremes of their lives, to enter college.

The lawsuit was brought by FAIR, a rather misleading acronym for Federation for American Immigration Reform. The D.C.-based group retained Kansas City law professor Kris Kobach for the case.

In the court proceedings, arguments will likely turn to semantic wrangling about subsidies and tuition breaks. But the young people are not taking anyone's spot. They are paying fees the state otherwise would not be collecting.

Higher education in Kansas is not a finite system. It is an ever-expanding system. The more young people meet the academic standards, the more people the universities accept, accord-

ing to the Kansas Board of Regents, which supported the legislation, as did school districts around the state.

The other argument is that the Kansas legislation somehow conflicts with a federal limit on what states can offer. It does not.

But the bottom line of any legislation is people — such as Andrea Pardo, a freshman in the architecture program at Kansas State University. Andrea taught herself English with a dictionary. She worked to save money for college.

The lawsuit essentially says this to such students: "You are not worthy of an education."

"I do not care what hardships you have endured."

"I do not care that your situation is not of your own making."

"I do not care that my state will likely benefit from your higher schooling."

"I condemn you to a life of hardship, because I'm unwilling to let you pay for and earn a college degree."

To their credit, Kansas legislators had a different attitude.

Mary Sanchez is a columnist for The Kansas City Star.

what is it about pushing people face down into the dirt, that (racists) don't want to understand?

Good afternoon Mr. Chairman Edmonds, Mr. Vice-chairman Siegfried and other members of this committee. Thank you for the opportunity to stand before you today and speak in opposition of HB 2615.

My name is Thea Britton and I teach English Language Learners in Olathe, Kansas. I am also a wife and a mother of three sons, all of whom attended school from kindergarten to graduation in Olathe schools and all of whom currently attend the University of Kansas. I am a member of the Olathe Bible Church and am involved as a youth sponsor. I consider myself to be fiscally conservative and socially responsible.

Since the passage of HB2145 in May of 2004, immigrant students have enrolled in Kansas colleges and universities. I have heard no horror stories as a consequence of this carefully researched and extensively debated law. I would like to reiterate the fact that students will graduate, will become educated U.S. citizens, and will contribute to our Kansas workforce and economy in a positive manner. It is redundant to mention that the parents of these students have and will have contributed to the state of Kansas in the form of taxes for at least three years. Kansas legislators have spent much time and effort to pass this tuition law and it is working well. Why do we need to repeal this law?

Each year educators welcome all students into our classrooms regardless of their immigrant status. We do our utmost to create a desire for knowledge, a love of learning and we encourage students to reach for the stars. I look into students' faces each day. I see potential. I see intellectual ability. I see children. I see our future. I see no reason to deny them the opportunity to pursue a post-secondary education.

I would like to introduce two students who have accompanied me here today. Gabriela Arano-Leon moved to Olathe as a second grader. She is now freshman in high school. Her grade point average last quarter was 3.5 out of 4. She wants to be a lawyer. Will you take away her opportunity? Ana Ballesteros also moved to Olathe in second grade. She is also in 9th grade, has a 3.8 GPA and wants to be a family lawyer. Will you take away her opportunity?

I represent the heart of Kansas teachers. We would like to suggest that the Kansas legislature spend no time even considering the repeal our instate tuition law. It is working. I urge you to leave this law as is and move on to fixing laws and situations in Kansas that are not already working.

Thank you very much for allowing me to testify in opposition of HB2615

Thea Britton
1800 W. Dennis Avenue
Olathe, Kansas 66061
(913) 706-0690

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 22

Opposing HB2615

Looking back at my life is pretty easy. I remember my first day at school, I remember going to the beaches in Mexico, I even remember my first crush. But if you were to ask me about my future, I would be stuck. I could go on and on about my ideal future, about my future dreams and aspirations. But I don't even know if they will be in my reach. Don't get me wrong or anything, I realize that no one has their future guaranteed. But most people at least know that if they try hard, they will probably accomplish their goals. But that is not my case. As hard as it is for me to admit, my future is in your hands.

With that said, I'd like to tell you a little bit about myself so that you can understand where I'm coming from. My high school years were like nothing I envisioned while growing up. I thought it was going to be so much fun and, I wouldn't really have a care in the world. I would be young, beautiful, smart, and most importantly, carefree. That's what I thought. But when I got there, I realized I was in for a rude awakening. There were so many things wrong, so many things that needed to be changed. So many people that needed to be helped. So much things to do, and so little time.

My friends started talking about whether or not they were going to go to college. I didn't understand what the big deal was, since college has always been in my plans. I couldn't imagine not going to college. But what I didn't realize was that I would have to pay out-of-state tuition, while my friends who I have grown up with, got to pay at in-state rates. And even though both of my parents work hard, my dad even has two jobs, we would not be able to afford to pay out-of-state tuition. I don't understand why anyone would make it impossible for someone to get a higher education accessible. I haven't done anything to deserve this.

I have always gotten all A's and B's, I am the ideal student. Not only am I the ideal student, but I'm also a good citizen in my community. Throughout high school, I did community service on daily basis. I helped start an after school program for Hispanics in my school district. I was very involved in lots of different things. But not only was I involved, I held office positions in every organization that I belonged to. I was a leader, a senator, an attorney, a chairperson, a Pro Tempore. But I guess none of that mattered to a lot of people. The fact that I consider Kansas to be my home, the place which I have spent well over half of my life in, the place that I have helped in many ways seemed to not care about people like me.

So I decided that I could whine or cry all I wanted or I could fight for justice. And since I've never been the type to sit back and wait to see what happens, I decided to take a stand. I wasn't about to sit at home with my arms crossed. No, not me! I spent a lot of my time informing people of the issue, telling them to take action with me. I even spent my spring break here, speaking on behalf of HB2145 while my friends were lying carefree on some exotic beach somewhere. I brought a bus load of students with me to meet with legislators. I got lots of petitions signed from all over the state. I made sure that my community was aware of the issue. And most people seemed to agree with me. But there were also those who were just confused. They thought that I was asking for to go to a university for free, or that it wasn't fair because not even natural-born citizens have that right. But I informed them that I wasn't asking for hand-outs, I was asking for equality.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 23

And that it was fair because someone from another state could move here and stay here for a year or less in order to be able to pay in-state tuition, while someone like me has to have been living here for at least 3 years. So, as you can see, it is only fair.

I can remember the day which I found out that HB2145 passed. It was right after my first hour class, I was in the hallway chatting away when my friend came up to me and told me. I was in shock, I didn't know whether or not to believe him at first. But when he grabbed me and started jumping up and down, I knew he wasn't playing around. I was screaming down the hallway "We won! We won!" As teachers hushed me and told me to go to class. It was an unforgettable day. I went home and told my parents and called everyone I could think of to let them know of the news.

Now I'm a freshman at Pittsburg State University. I'm still really involved in many organizations and community programs. I am a representative in Student Government, and I'm the president of our Hispanic organization called "Hispanics of Today." I have a 3.8 GPA and I plan on keeping it that way, if not better. I tell you all this so that you can take all my efforts into consideration when voting on this hateful bill. I mean no harm, I just want to be able to afford my education. I want to succeed and accomplish my goals. The door has been opened to me, please don't be the one to slam it in my face.

Kansas House of Representatives

Federal and State Affairs Committee Hearing

re. **HB2615**

before:

John Edmonds, Chair

Arlen H. Siegfried, Vice-Chair

Kenny A. Wilk

Anthony R. Brown

Candy L. Ruff

Steven R. Brunk

Tom Burroughs

Barbara Craft

Nile Dillmore

Tom Hawk

Broderick Henderson

Everett L. Johnson

Lance Kinzer

Melody Miller

Judith Loganbill

Ann Mah

Judy Morrison

Ray Merrick

Ray L. Cox

Donald L. Dahl

Don V. Myers

Lynne Oharah

Richard F. Kelsey

Summary of Testimony of
Mira Mdivani, Immigration Attorney

February 1, 2006

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 24

February 1, 2006

Kansas House of Representatives

Federal and State Affairs Committee Hearing

House Bill No. 2615

Summary of Testimony by

Mira A. Mdivani¹

Attorney, Immigration Law Practice

www.uslegalimmigration.com

This statement is in opposition to House Bill No 2612, Exhibit II.

I. Terrorists Do Not Need In-State Tuition - They Have Plenty of Money to Fund Tuition

Exhibit III, excerpts from Staff Report on Terrorist Financing, National Commission on Terrorist Attacks Upon the United States, clearly shows that the 9-11 terrorists had plenty of money to finance their education - more specifically, flight training, and other needs in the United States. In fact, they had more than they needed, and after their preparations for the 9-11 attack were completed, they wired thousands of dollars back to their terrorist funders.

II. First Generation Immigrants Need and Are Eligible for In-State Tuition

A. Starting A Home From Scratch

Unlike terrorists, first generation immigrants often come to the United States with desire to work hard but without much money. They have to begin their life virtually from scratch. Even if an immigrant has a good job, additional resources required to start a new life are significant. Alternative to the in-state tuition is international tuition, i.e.

¹Mira Mdivani practices immigration law in Overland Park, Kansas. Her expertise includes business immigration issues, specifically, employer immigration compliance and employment-based visas, and family-based immigration. Mira was voted Best of The Bar, Immigration Law by lawyers who read the Kansas City Business Journal in 2004 and 2005. The Kansas Bar Association has recognized her pro bono work with the Pro Bono certificate award in 2005. Mira frequently lectures and writes on immigration law for local and national bar associations. Exhibit I contains a more detailed summary of Mira's professional expertise.

three times as much as the in-state rate. Making immigrant kids pay three times as much as their neighbors effectively denies access to education to them.

B. No Access to State or Federal Educational Grants or Loans

Students that are not U.S. citizens or permanent residency do not have any access to government (state or federal) educational grants or loans. Thus, unlike U.S. citizens and permanent residents, they have to finance their education based solely on their own, often limited, resources.

C. Students Live and Parents and Working Students Pay Taxes in Kansas

1. Living in Kansas

One of the requirements to for in-state tuition under the Kansas Dream Act is that a student must show that he or she has attended a Kansas high school for at least three years. Thus, by the time the application for in-state tuition is made, a student has been living in Kansas for at least three years.

2. Working and Paying Taxes in Kansas

High school students normally live with their parents. Parents normally work. In many cases, students themselves work as well. Their employers pay employment tax, and social security tax, parents and working students pay income tax, property tax on their cars and dwellings, sales tax on everything they buy at local stores. In this respect, they are no different that any other Kansans.

3. Not Being Able to Claim Tax Refunds

In cases where parents' status is also undocumented, they cannot claim a tax refund from the government. An example of this phenomenon is that the Social Security Administration has over 3 billion dollars in funds collected from undocumented immigrants that they will never be able to receive in payments because of the social-security mis-match problem.

D. Nurturing Minority Millionaires is Good for Kansas

Wealth and education are in many cases directly related. Generally, people who have access to education are more likely to earn high income and become affluent. Immigrants are no exception. If we want immigrant population to succeed, be productive and pay a lot of taxes, helping with higher education access is the best way of doing it. See exhibit

IV, table of the Top Ten Ancestry Groups of American Millionaires showing that immigrants from minority groups top the list. This is possible in part due to ability of their groups to access education making it possible for them to succeed in the United States. Supporting immigrants in their efforts to obtain education is like planting seeds for our future tax base - be they millionaires or simply better-paid professionals. Repealing the Kansas Dream Act will prevent those immigrant children who want to do well from doing so.

III. 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 year 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 needing any waivers of unlawful presence or any special laws such as Section 245(i) of the Immigration and Nationality Act.

IV. 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 V. 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 7 years old. His grandfather is a U.S. citizen. His mother is from El Salvador. Grandfather sponsors the child's mother for a U.S. green card by filing a I-130 immigrant visa petition.

However, the U.S. law will not allow the mother cannot to apply for her green card for at least 6 years because Congress did not authorize enough numbers in the 3d family category (U.S. citizens filing for married children) 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. Thus, the mother receives her immigrant visa and has a choice: to leave her her now 14 years old child behind or bring 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 four 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

Sates. Meanwhile, by the time the process is completed the child whose family began working on his legal immigration at the time he was 7, may be 25 or older. 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.

V. 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 2005 by El Centro, Inc., indicated that approximately 75% 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. In addition, our leaders, including President Bush, recognize that our immigration system is broken and needs to be repaired. See Exhibit VI, President Bush’s January 7, 2004 speech, in which he proposed a guest worker program. Many of the children going to school under the Kansas Dream Act program will be able to work under that program even before they can obtain residency through their families.

VI. Many Students Covered By The Kansas Dream Act Are In the U.S. Under Authorization From the Attorney General

This includes students who may have no visa or initial status, such as:

- A. Students in TPS (Temporary Protected Status), such as TPS fro El Salvador, Somalia, etc.
- B. Have no visa or status but whose I-485 applications for permanent residency are pending;
- C. Have no visa or status but who are protected under Violence Against Women Act.

VII. Conclusion

For reasons stated above, I testify in opposition to House Bill 2615.

Exhibit I

Mira Mdivani

**Attorney at Law, Immigration Law Practice
THE MDIVANI LAW FIRM, LLC**

MMdivani@uslegalimmigration.com

Professional Licenses and Awards

Missouri Bar, 1999; Kansas Bar, 2000

Best of the Bar, Business Immigration Law by the Kansas City Business Journal, 2005

Firm of the Year by Association of Women Lawyers of Greater Kansas City, 2005

Pro Bono Certificate Award by the Kansas Bar Association, 2005

Best of the Bar, Immigration Law by the Kansas City Business Journal, 2004

American Jurisprudence Awards: Gender Jurisprudence 1998; Philosophy & Law 1999

Professional Affiliations

Association for Women Lawyers of Greater Kansas City
Chair, Community Support Committee, 2004 - present

American Immigration Lawyers Association
Member, 2000 - present
Chair, Pro Bono Committee for MO/KS Chapter, 2002-2004

Education

Juris Doctor
University of Missouri- Kansas City School of Law, 1999

Graduate Degree in English and French
Moscow State Institute of Foreign Languages, 1989

MIRA MDIVANI

www.uslegalimmigration.com

Page 2

Publications

Cooking with An Accent, An Immigration Lawyers Cookbook, Vertex Press, 2005

Employer Immigration Compliance Handbook

Scheduled for release on March 1, 2006 by Vertex Press

“Immigration Law Update for Employment, Corporate, and Business Lawyers” with Kathleen Harvey and Al Hupp, *Journal of the Kansas Bar Association*, Volume 74 No. 9, October 2005.

“A Note to Employers on How to Comply with Immigration Law Without Engaging in Employment Discrimination,” *Immigration Lawyer’s Weekly*, www.ilw.com, August 15, 2005

“How to Comply with Immigration Law Without Engaging in Employment Discrimination,” *AWL Link*, Volume 17, No.3, August 2005

“RICO-Enhanced Liability Versus Discrimination Issues With the Noncitizen Worker,” with Kathleen Harvey, *Journal of the Kansas Bar Association*, Volume 73, No. 10 November/ December 2004

“H-1B Dependent Employer: Wake up and Act OR What Do You Do After You Have Been Hit on the Head,” *Immigration Lawyer’s Weekly*, www.ilw.com, February 21, 2003

CLE (Continuous Legal Education) Faculty

“Outsourcing, International Outsourcing, and Domestic Alternatives”
Annual Business Law Institute CLE, The Missouri Bar,
October 7, 2005; Clarion Hotel, Kansas City, MO

“11 Million Dollar Question on Immigration Law Compliance”
Labor and Employment Law Section CLE, Kansas City Metropolitan Bar Association
September 22, 2005; KCMBA Headquarters, Kansas City, MO

“Annual Update on Business Immigration Law”
Annual CLE Conference, Kansas Women Attorneys Association
July 23, 2005; Bettany College, Lindsborg, KS

“What Business & Employment Lawyers Should Know About Immigration Law”

MIRA MDIVANI

www.uslegalimmigration.com

Page 3

Hispanic Bar Association of Greater Kansas City, CLE
June 20, 2005; Yellow Roadway Corporation, Leawood, KS

“Employment Verification Issues: Addressing Immigration Law Liability Through
Comprehensive Compliance Plans”
Missouri Bar Association, Phone CLE
April 20, 2005; Lathrop & Gage, Kansas City, MO

“Immigration Compliance for U.S. Businesses”
Lorman’s, CLE
December 14, 2004; Courtyard Inn Overland Park, KS

“Overview of Federal Immigration Law Applicable to U.S. Businesses”
Shook, Hardy & Bacon, CLE,
November 12, 2004; Shook, Hardy & Bacon, Kansas City, MO

“Immigration Law for Employers”
Annual Conference, Kansas Women Attorneys’ Association
July 16, 2004; Bettany College, Linsborg, KS

“Addressing the Unexpected Exposure Through Employer Immigration Law Compliance
Plans”
Annual Corporate Counsel Institute, Kansas City Metropolitan Bar Association
(KCMBA), CLE
June 11, 2004; Overland Park Convention Center, Overland Park, KS

“Immigration Issues in Business & Employment Law”
Wichita Bar Association, CLE
June 4, 2004; Wichita Marriott, Wichita, KS

“Relief for Immigrant Survivors of Domestic Violence Under the Violence Against
Women Act”
Shook, Hardy, & Bacon, CLE
March 5, 2004; Shook, Hardy & Bacon, Kansas City, MO

“SSA & IRS Mismatch Letters & RICO: Solutions Through Company Immigration
Compliance Plans”
Conference on Immigration Law for Employers, Hispanic Chamber of Commerce, CLE
February 28, 2004; Marriott Hotel, Kansas City, MO

MIRA MDIVANI

www.uslegalimmigration.com

Page 4

“A Ray of Light: Relief for Immigrant Victims of Domestic Violence Under the Violence Against Women Act”

Kansas/ Missouri AILA Chapter Pro Bono Services Committee, CLE
November 13, 2003; Kansas City, MO

“Overview of Immigration Law Applicable to U.S. Businesses”

Annual Labor and Employment Law Institute, Wichita Kansas Bar Association
October 24, 2003
Marriott Hotel, Wichita, KS

“Business Immigration Update: IRCA & RICO”

Annual Conference & CLE, Kansas Women Attorneys’ Association
July 19, 2003; Bethany College, Lindsborg

“Overview of Immigration Law Applicable to U.S. Businesses”

Shook, Hardy & Bacon, CLE
November 12, 2004; Shook, Hardy & Bacon, Kansas City, MO

“Terra Incognita: Thou Shalt Know Your Immigration Law”

Annual Corporate Counsel Institute, Kansas City Metropolitan Bar Association, CLE
June 11, 2002; Overland Park Marriott, Overland Park, KS

Selected Community Presentations

“Current U.S. Immigration Law and Policy”

Hispanic Law Students Association
Wichita University School of Law; October 21, 2005; Topeka, KS

“Empowering Immigrant Survivors of Domestic Violence Under Violence Against Women Act” Training for victim advocates, therapists, and lawyers
Hope House Shelter; October 18, 2005; Lee’s Summit, MO

“Role of the Police in Protecting Immigrant Victims of Domestic Violence Under Violence Against Women Act”

Kansas City Missouri Police Department Academy; June 6, 2005; Kansas City, Missouri

Keynote Address

Kansas Association of Teachers of English to Speakers of Other Languages and Bilingual Education (KATESOL/BE); February 19, 2005; Emporia State University, Emporia, KS

MIRA MDIVANI

www.uslegalimmigration.com

Page 5

“Immigration Issues for College Students”

Donnelly College; February 9, 2005; Kansas City, KS

“Role of the Police in Protecting Immigrant Victims of Domestic Violence Under Violence Against Women Act”

Kansas City Missouri Police Department Academy

December 22, 2004; Kansas City, MO

“Cultural Diversity for Social Workers”

University of Kansas School of Social Welfare

November 9, 2004; Edwards Campus, Overland Park, KS

“U.S. Immigration and Citizenship Issues”

Family Focus Center; October 23, 2004; Kansas City, KS

“An Immigration Lawyer’s View: Empowering Abused Women & Children Under Violence Against Women Act”

Kansas Immigrant Access Forum; October 4, 2004; Wichita, KS

Living Out Forum

Missouri Repertory Theater; June 13, 2004; Kansas City, MO

“Immigration Law and Kids: Problems & Solutions”

Optimist International Olathe Clockwinders; June 2, 2004; Olathe, KS

“The Role of the Police in Protecting Abused Immigrant Women & Children”

Kansas City Missouri Police Department Academy

April 26, 2004; Kansas City, MO

“American Citizenship”

El Centro, Inc.; April, 2004; Kansas City, KS

“The Future of Immigration Policy: Problems & Solutions”

Rotary International

March 31, 2004; Olathe, KS

“Planning Your Employment in the U.S. After Graduation: An Immigration Attorney’s Perspective”

MIRA MDIVANI

www.uslegalimmigration.com

Page 6

International Students Office, Park University; March 31, 2004; Parkville, MO

“Immigration Issues for International Students, Permanent Residents, & Naturalized Citizens”

International Students Office, Donnelly College; February 25, 2004; Kansas City, KS

“Immigration Law for Businesses”

Lunch & Learn Series, Hispanic Chamber of Commerce and Asian-American Chamber of Commerce; February 19, 2004; Aquila, Kansas City, MO

“Immigration Issues for International Students, Permanent Residents, & Naturalized Citizens”

UMKC Applied Language Institute; February 17, 2004

Penn Valley Community College, Kansas City, MO

The Future of Immigration Policy: Public Debate

UMKC ACLU and UMKC Federalist Society, Mid-America Immigration Reform Coalition; January 22, 2004; University of Missouri-Kansas City, Kansas City, MO

“Current U.S. Immigration Law and Policy: Problems & Solutions”

Rotary International, Olathe Santa Fe Trail; January 8, 2004; Olathe, KS

“Immigration and Citizenship Issues”

El Centro, Inc. and St. Paul’s Catholic Church

December 2, 2003; St. Paul’s Catholic Church, Olathe, KS

“The Role of the Police in Protecting Battered Immigrant Women”

Kansas City, Missouri Police Department; November 30, 2003; Kansas City, MO

“U.S. Immigration & Citizenship Issues”

Jonglei’s Twic Community - USA Annual Convention

November 29, 2003; Kansas City, KS

“Current Issues in U.S. Immigration & Citizenship”

Olathe Human Relations Commission & The Diversity Task Force

November 16, 2003; Olathe, KS

“Current U.S. Immigration Law and Policy”

Latin American Solidarity, University of Kansas; November 12, 2003; Lawrence, KS

MIRA MDIVANI

www.uslegalimmigration.com

Page 7

Keynote Speaker

September 11th Patriotism and Volunteer's Reception, MANA of Kansas City
September 11, 2003; Kansas City, KS

"Current U.S. Immigration Law and Policy: Problems & Solutions"
Republican Women's Club; September 8, 2003; Overland Park, KS

"Immigration Categories Related to Public Benefits"
U.S. Department of Health & Human Services Conference
May 13, 2003; Kansas City, MO

"Immigration Concerns in Corporate Restructuring"
Kansas City Legal Secretaries Association; May 8, 2003; Kansas City, MO

"Latest Immigration Law and Policy Update for International Students"
Park University; April 18, 2003; Parkville, MO

"Know Your Rights: American Citizenship"
El Centro, Inc.; April 5, 2003; Center of Grace, Olathe, KS

"Impact of the U.S. Immigration Law on the Latino Workforce"
Cambio de Colores 2003 Conference
March 12, 2003; University of Missouri - Kansas City, Kansas City, MO

HB 2145 "The Dream Act" Congressional Testimony
Kansas Senate and House Joint Education Committee Hearing
March 11, 2003; Topeka, KS

Exhibit II

HOUSE BILL No. 2615

By Committee on Appropriations

1-17

9 AN ACT repealing K.S.A. 2005 Supp. 76-731a; relating to tuition and
10 fees for certain persons attending postsecondary educational
11 institutions.

12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2005 Supp. 76-731a is hereby repealed.

15 Sec. 2. This act shall take effect and be in force from and after its
16 publication in the statute book.

Exhibit III

**National Commission on Terrorist Attacks
Upon the United States**

Monograph on Terrorist Financing



Staff Report to the Commission

John Roth
Douglas Greenburg
Serena Wille

Appendix A: The Financing of the 9/11 Plot

This appendix provides additional detail on the funding of the 9/11 plot itself and how the Commission staff investigated the plot financing.

Staff Investigation of the 9/11 Plot

The staff's investigation of the 9/11 plot built on the extensive investigations conducted by the U.S. government, particularly the FBI. The government thoroughly examined the plot's financial transactions, and the Commission staff had neither the need nor the resources to duplicate that work. Rather, the staff independently assessed the earlier investigation. We had access to the actual evidence of the plotters' financial transactions, including U.S. and foreign bank account statements, fund transfer records, and other financial records. We also had access to the FBI's extensive work product, including analyses, financial spreadsheets and timelines, and relevant summaries of interviews with witnesses, such as bank tellers, money exchange operators and others with knowledge of the conspirators' financial dealings. We were briefed by and formally interviewed the FBI agents who led the plot-financing investigation, sometimes more than once.

In addition to the FBI, we met with key people from other agencies, including the CIA and the Financial Crimes Enforcement Network (FinCEN), who had relevant knowledge about the plot financing. Commission staff also interviewed law enforcement officials from other countries who had investigated the 9/11 plot, reviewed investigative materials from other countries, and interviewed relevant private-sector witnesses. Finally, the staff regularly received relevant reports on the interrogations of the plot participants now in custody.

Financing of the Plot

To plan and conduct their attack, the 9/11 plotters spent somewhere between \$400,000 and \$500,000, the vast majority of which was provided by al Qaeda. Although the origin of the funds remains unknown, extensive investigation has revealed quite a bit about the financial transactions that supported the 9/11 plot. The hijackers and their financial facilitators used the anonymity provided by the huge international and domestic financial system to move and store their money through a series of unremarkable transactions. The existing mechanisms to prevent abuse of the financial system did not fail. They were never designed to detect or disrupt transactions of the type that financed 9/11.

Financing of the hijackers before they arrived in the United States

existed independently of the plot. The marginal cost of training the hijackers is a plot cost, but any estimate of it would be little more than a guess.

Financing of hijackers in the United States

The best available evidence indicates that approximately \$300,000 was deposited into the hijackers' bank accounts in the United States by a variety of means. Just prior to the flights, the hijackers returned about \$26,000 to one of their al Qaeda facilitators and attempted to return another \$10,000, which was intercepted by the FBI after 9/11. Their primary expenses consisted of tuition for flight training, living expenses (room, board and meals, vehicles, insurance, etc.), and travel (for casing flights, meetings, and the September 11 flights themselves). The FBI believes that the funds in the bank accounts held by the hijackers were sufficient to cover their expenses.¹⁴⁵ The FBI, therefore, believes it has identified all sources of funding. Our investigation has revealed nothing to suggest the contrary, although it is possible that the \$300,000 estimate omits some cash that the hijackers brought into the United States and spent without depositing into a bank account or otherwise creating a record.¹⁴⁶

Al Qaeda funded the hijackers in the United States by three primary and unexceptional means: (1) wire or bank-to-bank transfers from overseas to the United States, (2) the physical transportation of cash or traveler's checks into the United States, and (3) the use of debit or credit cards to access funds held in foreign financial institutions. Once here, all the hijackers used the U.S. banking system to store their funds and facilitate their transactions.

The hijackers received assistance in financing their activities from two facilitators based in the United Arab Emirates: Ali Abdul Aziz Ali, a.k.a. Ammar al Baluchi (Ali), and Mustafa al Hawsawi. To a lesser extent, Binalshibh helped fund the plot from Germany.

¹⁴⁵ FBI Assistant Director, Counterterrorism Division, John S. Pistole, stated during a congressional hearing last fall that "the 9/11 hijackers utilized slightly over \$300,000 through formal banking channels to facilitate their time in the U.S. We assess they used another \$200-\$300,000 in cash to pay for living expenses . . ." Senate Committee on Banking, Housing, and Urban Affairs, September 25, 2003, FDCH Political Transcripts at page 5. His statement concerning additional cash was apparently made in error. The FBI personnel most familiar with the 9-11 investigation have uniformly disagreed with it, and the FBI has never conducted any financial analysis that supports it. Although some FBI personnel involved in the early days of the investigation after 9/11 believed the hijackers had substantially more cash than that which was deposited in their accounts, the FBI view after more thorough investigation is to the contrary.

¹⁴⁶ We will never know the exact amount of funds the hijackers deposited into their accounts, as they made transactions which made it difficult to trace the money. For example, at times they made substantial cash withdrawals, followed by substantial cash deposits. It is impossible to tell if the deposit reflected new funds or merely the return of funds previously withdrawn but not spent. Nor is a complete analysis of their expenditures possible. They conducted many transactions in cash. Although the FBI has obtained evidence of many these transactions, there surely were many others of which no record exists. Additionally, gaps remain in our understanding of what exactly the hijackers did in U.S., so it is possible that they spent funds on activities of which we have no knowledge. Because the hijackers' activities and expenses are not fully known, we cannot say with certainty that every dollar has been accounted for. We believe, however, that the identified funding was sufficient to cover their known expenses and the other expenses they surely incurred in connection with their known activities.

terrorists bent on mass murder, and no financial institution had any reason to report their behavior to the government.

The hijackers' transactions themselves were not extraordinary or remarkable. The hijackers generally followed a pattern of occasional large deposits, which they accessed frequently through relatively small ATM and debit card transactions. They also made cash withdrawals and some occasionally wrote checks. In short, they used their accounts just as did many other bank customers. No one monitoring their transactions alone would have had any basis for concern.

Contrary to persistent media reports, no financial institution filed a Suspicious Activity Report (SAR) in connection with any transaction of any of the 19 hijackers before 9/11, although such SARs were filed after 9/11 when their names became public. The failure to file SARs was not unreasonable. Even in hindsight, there is nothing—including the SunTrust situation described above—to indicate that any SAR should have been filed or the hijackers otherwise reported to law enforcement.

Return of funds to al Qaeda

From September 5 through September 10, 2001, the hijackers consolidated their unused funds and sent them to Hawsawi in the UAE. On September 5, Banihammad wired \$8,000 from his account at SunTrust Bank to his Standard Chartered Bank account in the UAE. On September 8 through 10, the hijackers sent four Western Union wire transfers totaling \$18,260 to Hawsawi at two different exchange houses in the UAE. In addition, Hazmi and Mihdhar deposited their excess cash into an account held by Mihdhar at First Union Bank in New Jersey, bringing the balance to \$9,838.31 on September 10. That same day, Hazmi and Hanjour sent an express mail package containing the debit card linked to Mihdhar's First Union account to a P.O. box in the UAE rented by Hawsawi. After the 9/11 attacks, a receipt for the sending of this package was found in Hazmi's car at Dulles International Airport, and the FBI intercepted the package.

Binalshibh said that when he spoke by phone with Atta in early September 2001, Atta said he wanted to return some leftover funds. At the time, Binalshibh was in Madrid trying to get a flight to Dubai, and had visa and passport problems. He explained his visa and passport issues to Atta and advised him to send the money to someone else. Atta then called Hawsawi to give him the information needed to pick up the wire transfers, as did the other hijackers who wired money to Hawsawi. Binalshibh and Atta also discussed the return of funds.

On September 11, Hawsawi used a blank check that Banihammad had provided him earlier and an ATM card to withdraw from Banihammad's Standard Chartered Bank account the approximately \$7,880 in dirhams that Banihammad had wired there. He then deposited about \$16,348 in dirhams to his own checking account at Standard Chartered Bank, reflecting the proceeds of the wire transfers he had received. Next, he transferred \$41,000 from his checking account to his Standard Chartered Bank Visa card and left

Dubai for Karachi, Pakistan, leaving some funds in the account. On September 13, 2001, KSM used a supplemental Visa card issued for Hawsawi's Standard Chartered Bank account to make six cash withdrawals at ATMs in Karachi totaling about \$900.¹⁶¹ The remaining funds, roughly \$40,000, were not withdrawn or transferred before the UAE froze the account after September 11. KSM has since acknowledged withdrawing funds returned by Atta to Hawsawi; he claimed he gave the money to a senior al Qaeda leader, Abu Hafs, in Kandahar. It is not clear if KSM was referring to the approximately \$900 he withdrew from the account, or if Hawsawi had provided KSM with additional funds in cash after 9/11.

The hijackers' efforts during their final days to consolidate and return funds to al Qaeda reflect their recognition of the importance of money to the organization. Although some of the hijackers did squander relatively small amounts on superfluous purchases, including pornography, they generally consumed little, and plot leader Atta was especially frugal. Indeed, Binalshibh has explained that frugality was important to Atta because he did not want to waste funds he considered to be blessed and honored.

Funding of Other Plot Participants

In addition to the 19 hijackers, other plot participants received al Qaeda funding for their role in the plot. KSM said that he, Binalshibh, and Hawsawi each received \$10,000 (in addition to the funds they provided the hijackers). The details of this funding are not entirely clear, but KSM said he personally used \$6,000 of his money to rent a safehouse in Karachi. Ali required no support from al Qaeda, as he already lived and worked in the UAE. By contrast, al Qaeda had to pay for Hawsawi, the other UAE-based plot facilitator, because he traveled and was living there solely to support 9/11 and other al Qaeda operations. Hawsawi incurred substantial expenses on behalf of the plot, covering travel, apartment rental, car rental, and living expenses.

The available evidence does not make clear how Hawsawi received funds for his plot-related activities. He claimed he received \$30,000 in cash from Hamza al Qatari—then an al Qaeda financial manager—that Hawsawi brought into the UAE with him. Hawsawi claimed he received no other funds except for approximately \$3,000–\$4,500 that Banihammad brought to him, which he assumes came from KSM or Qatari. Although Hawsawi claimed that these funds were sufficient for all his activities in the UAE, their total was clearly less than Hawsawi's known expenses in the UAE. These included aiding the 9/11 hijackers, financing his own living expenses, buying supplies for al Qaeda, wiring Binalshibh a total of \$16,500, wiring funds to another likely al Qaeda operative in Saudi Arabia, and providing \$13,000 to yet another al Qaeda operative who transited the UAE before departing for another operation on September 10, 2001. Moreover, KSM gave a different account of how Hawsawi was funded. In KSM's version, Hawsawi had a budget of \$100,000 and KSM provided all the funds, either by courier or by the muscle hijackers as they traversed the UAE after picking up the money from KSM in Pakistan.

¹⁶¹ The supplemental Visa card had been applied for on August 25, 2001 in the name of an alias used by KSM.

Exhibit IV

The New York Times
Best Seller

THE MILLIONAIRE

THE SURPRISING

SECRETS OF

NEXT

AMERICA'S WEALTHY

DOOR

Thomas J. Stanley, Ph.D.
William D. Danko, Ph.D.

24-23

BRITANNIA RULES?

Just before the American Revolution, most of this nation's wealth was held by landowners. More than half the land was owned by people who either were born in England or were born in America of English parents. Is more than half of this nation's wealth now of English ori-

gin? No. One of the major myths concerning wealth in this country relates to ethnic origin. Too many people think that America's affluent population is composed predominantly of direct descendants of the *Mayflower* voyagers.

Let's examine this assumption objectively. What if "country of origin" were the major factor in explaining variation in wealth? We would expect that more than half of America's millionaire population would be of English ancestry. This is not the case (see Table 1-1). In our most recent national survey of millionaires, we asked the respondents to designate their country of origin/ancestry/ethnic origin. The results may surprise you.

TABLE 1-1

THE TOP TEN ANCESTRY GROUPS OF AMERICAN MILLIONAIRES

Ancestry Group/ Ethnic Origin: Head of Household ¹	Percent of All U.S. Households	Number of Millionaire Households ²	Percent of Millionaire Household Population	Rank: Percent of Millionaire Household Population	Concentration Ratio: % All Millionaire Households/ % All Households	Percent of Ancestry Group That Are Millionaire Households	Rank: Percent of Ancestry Group That Are Millionaire Households
ENGLISH	10.3	732,837	21.1	1st	2.06	7.71	4th
GERMAN	19.5	595,171	17.3	2nd	0.89	3.32	9th
IRISH	9.6	429,559	12.5	3rd	1.30	4.88	7th
SCOTTISH	1.7	322,255	9.3	4th	5.47	20.8	2nd
RUSSIAN	1.1	219,437	6.4	5th	5.82	22.0	1st
ITALIAN	4.8	174,929	5.1	6th	0.94	4.00	8th
FRENCH	2.5	128,350	3.7	7th	1.48	5.50	6th
DUTCH	1.6	102,818	3.0	8th	1.88	7.23	5th
NATIVE AMERICAN	4.9	89,707	2.6	9th	0.53	1.99	10th
HUNGARIAN	0.5	67,625	2.0	10th	4.00	15.1	3rd

¹Head of Household refers to the adult within the household who responded to the survey. Respondents self-designated themselves as the person in their household who was responsible for making financial decisions.

²Millionaire households are those that have a net worth of \$1M or more.

Those designating "English" as their ethnic origin accounted for 21.1 percent of the millionaire population. People of English origin account for 10.3 percent of the United States household population in general. Thus, American millionaires of English origin are more prevalent than expected, given their numbers in the entire U.S. population (10.3 percent versus 21.1 percent). In other words, this group has a millionaire concentration ratio of 2.06 (21.1 percent of all millionaire households divided by 10.3 percent of all households headed by persons of English origin), meaning that people of English origin are about twice as likely to head households in the millionaire category than would be expected from their portion of all households in America.

And yet, what percentage of the English ancestry group in America is in the millionaire category? Would you expect the English group to rank first? In fact, it ranks fourth. According to our research, 7.71 percent of all households in the English category have a net worth of \$1 million or more. Three other ancestry groups have significantly higher concentrations of millionaires.

How can it be possible that the English ancestry group does not have the highest concentration of millionaire households? After all, they were among the first Europeans to arrive in the New World. They were on the ground floor to take economic advantage in this land of opportunity. In 1790 Colonial America, more than two-thirds of households were headed by a self-employed person. *In America, the achievements of the current generation are more a factor in explaining wealth accumulation than what has taken place in the past.* Again, most American millionaires today (about 80 percent) are first-generation rich. Typically, the fortunes built by these people will be completely dissipated by the second or third generation. The American economy is a fluid one. There are many people today who are on their way to becoming wealthy. And there are many others who are spending their way out of the affluent category.

WINNING ANCESTRY GROUPS

If the English ancestry group does not have the highest concentration of millionaire households, then which group does? The Russian ancestry group ranks first, the Scottish ranks second, and the Hungarian ranks third. Although the Russian ancestry group accounts for only

MEET THE MILLIONAIRE NEXT DOOR

about 1.1 percent of all households in America, it accounts for 6.4 percent of all millionaire households. We estimate that approximately 22 of every 100 households headed by someone of Russian ancestry has a net worth of \$1 million or more. This is in sharp contrast to the English ancestry group, in which only 7.71 in 100 of its members are in the millionaire league. How much wealth does this Russian American millionaire group have in total? We estimate approximately \$1.1 trillion, or nearly 5 percent of all the personal wealth in America today!

How can one explain the economic productivity of Russian Americans? In general, most American millionaires are manager-owners of businesses. Russians in disproportionate numbers are manager-owners of businesses. Further, this entrepreneurial spirit seems to translate from one generation of Russians to the next.

The Hungarian ancestry group also is entrepreneurially inclined. This group accounts for only 0.5 percent of all households in this country. Yet it makes up 2 percent of the millionaire households. Contrast this with the German ancestry group, which accounts for nearly one in five households (19.5 percent) in this country. Only 17.3 percent of all millionaire households are headed by persons of German ancestry, and only about 3.3 percent of German households are in the millionaire league.

Exhibit V

Wednesday February 1, 2006

Visa Bulletin

*Number 90
Volume VIII
Washington, D.C.*

VISA BULLETIN FOR FEBRUARY 2006

IMMIGRANT NUMBERS FOR FEBRUARY 2006

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during February. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration 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 January 9th 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

24-29

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".

Schedule A Workers: Employment First, Second, and Third preference Schedule A applicants are entitled to up to 50,000 "recaptured" numbers.

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: CHINA-mainland born, INDIA, 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.)

	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIP-PINES
Family					
1 st	22APR01	22APR01	22APR01	08AUG94	22AUG91
2A*	15JAN02	15JAN02	15JAN02	15FEB99	15JAN02
2B	22JUN96	22JUN96	22JUN96	08FEB92	22JUN96

24-30

	Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIP-PINES
Family 1 st	22APR01	22APR01	22APR01	08AUG94	22AUG91
2A*	08FEB02	08FEB02	08FEB02	15APR99	08FEB02
2B	01JUL96	01JUL96	01JUL96	15FEB92	01JUL96
3 rd	15JUL98	15JUL98	15JUL98	01JAN95	08FEB91
4 th	22AUG94	22AUG94	01FEB94	01JAN93	01OCT83

***NOTE:** For February, 2A numbers EXEMPT from per-country limit are available to applicants from all countries with priority dates earlier than 15APR99. 2A numbers SUBJECT to per-country limit are available to applicants chargeable to all countries EXCEPT MEXICO with priority dates beginning 15APR99 and earlier than 08FEB02. (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.)

	All Chargeability Areas Except Those Listed	CHINA	INDIA	MEXICO	PHILLIPINES
Employment-Based					
1 st	C	01JAN03	01FEB04	C	C
2 nd	C	01APR02	01AUG01	C	C
3 rd	22APR01	22APR01	01JAN00	15MAR01	22APR01
Schedule A Workers	C	C	C	C	C
Other Workers	01OCT01	01OCT01	01OCT01	01OCT01	01OCT01
4 th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5 th	C	C	C	C	C
Targeted Employment Areas/Regional Centers	C	C	C	C	C

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

Employment Third Preference Other Workers Category: Section 203(e) of the NACARA, as amended by Section 1(e) of Pub. L. 105 - 139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior

24-31

Exhibit VI



The White House

PRESIDENT GEORGE W. BUSH

President * News * Vice President * History & Tours * First Lady * Mrs. Cheney

YOUR GOVERNMENT KIDS ESPAÑOL CONTACT PRIVACY POLICY SITE MAP SEARCH



EMAIL UPDATES

SEARCH

[Printer-Friendly Version](#)
[Email This Page](#)

Issues

- Homeland Security
- Hurricane Recovery
- Immigration
- Jobs & Economy
- Judicial Nominations
- National Security
- Pandemic Flu
- Patriot Act
- Renewal in Iraq
- Social Security
- [More Issues »](#)

Home > News & Policies > January 2004

For Immediate Release
Office of the Press Secretary
January 7, 2004

President Bush Proposes New Temporary Worker Program

Remarks by the President on Immigration Policy
The East Room

News

- Current News
- Press Briefings
- Proclamations
- Executive Orders
- Radio

[RSS](#) RSS Feeds

[Fact Sheet](#)

[En Español](#)

2:45 P.M. EST



[VIDEO](#) Multimedia

President's Remarks

[view](#)

[listen](#)

News by Date

- December 2005
- November 2005
- October 2005
- September 2005
- August 2005
- July 2005
- June 2005
- May 2005
- April 2005
- March 2005
- February 2005
- January 2005
- December 2004
- November 2004
- October 2004
- September 2004
- August 2004
- July 2004
- June 2004
- May 2004
- April 2004
- March 2004
- February 2004
- January 2004
- December 2003
- November 2003
- October 2003
- September 2003
- August 2003
- July 2003
- June 2003
- May 2003
- April 2003
- March 2003
- February 2003
- January 2003
- December 2002
- November 2002
- October 2002
- September 2002

THE PRESIDENT: Thanks for coming, thanks for the warm welcome, thanks for joining me as I make this important announcement -- an announcement that I believe will make America a more compassionate and more humane and stronger country.

I appreciate members of my Cabinet who have joined me today, starting with our Secretary of State, Colin Powell. (Applause.) I'm honored that our Attorney General, John Ashcroft, has joined us. (Applause.) Secretary of Commerce, Don Evans. (Applause.) Secretary Tom Ridge, of the Department of Homeland Security. (Applause.) El Embajador of Mexico, Tony Garza. (Applause.) I thank all the other members of my administration who have joined us today.

I appreciate the members of Congress who have taken time to come: Senator Larry Craig, Congressman Chris Cannon, and Congressman Jeff Flake. I'm honored you all have joined us, thank you for coming.

I appreciate the members of citizen groups who have joined us today. Chairman of the Hispanic Alliance for Progress, Manny Lujan. Gil Moreno, the President and CEO of the Association for the Advancement of Mexican Americans. Roberto De Posada, the President of the Latino Coalition. And Hector Flores, the President of LULAC.

Thank you all for joining us. (Applause.)

Many of you here today are Americans by choice, and you have followed in the path of millions. And over the generations we have received energetic, ambitious, optimistic people from every part of the world. By tradition and conviction, our country is a welcoming society. America is a stronger and better nation because of the hard work and the faith and entrepreneurial spirit of immigrants.

Every generation of immigrants has reaffirmed the wisdom of remaining open to the talents and



24-33

- August 2002
- July 2002
- June 2002
- May 2002
- April 2002
- March 2002
- February 2002
- January 2002
- December 2001
- November 2001
- October 2001
- September 2001
- August 2001
- July 2001
- June 2001
- May 2001
- April 2001
- March 2001
- February 2001
- January 2001

Interact

- Ask the White House
- White House Interactive

Appointments

- Nominations
- Application



PHOTO ESSAYS



Federal Facts

- Federal Statistics

West Wing

- History

dreams of the world. And every generation of immigrants has reaffirmed our ability to assimilate newcomers -- which is one of the defining strengths of our country.

During one great period of immigration -- between 1891 and 1920 -- our nation received some 18 million men, women and children from other nations. The hard work of these immigrants helped make our economy the largest in the world. The children of immigrants put on the uniform and helped to liberate the lands of their ancestors. One of the primary reasons America became a great power in the 20th century is because we welcomed the talent and the character and the patriotism of immigrant families.

The contributions of immigrants to America continue. About 14 percent of our nation's civilian workforce is foreign-born. Most begin their working lives in America by taking hard jobs and clocking long hours in important industries. Many immigrants also start businesses, taking the familiar path from hired labor to ownership.

As a Texan, I have known many immigrant families, mainly from Mexico, and I have seen what they add to our country. They bring to America the values of faith in God, love of family, hard work and self reliance -- the values that made us a great nation to begin with. We've all seen those values in action, through the service and sacrifice of more than 35,000 foreign-born men and women currently on active duty in the United States military. One of them is Master Gunnery Sergeant Guadalupe Denogean, an immigrant from Mexico who has served in the Marine Corps for 25 years and counting. Last year, I was honored and proud to witness Sergeant Denogean take the oath of citizenship in a hospital where he was recovering from wounds he received in Iraq. I'm honored to be his Commander-in-Chief, I'm proud to call him a fellow American. (Applause.)

As a nation that values immigration, and depends on immigration, we should have immigration laws that work and make us proud. Yet today we do not. Instead, we see many employers turning to the illegal labor market. We see millions of hard-working men and women condemned to fear and insecurity in a massive, undocumented economy. Illegal entry across our borders makes more difficult the urgent task of securing the homeland. The system is not working. Our nation needs an immigration system that serves the American economy, and reflects the American Dream.



Reform must begin by confronting a basic fact of life and economics: some of the jobs being generated in America's growing economy are jobs American citizens are not filling. Yet these jobs represent a tremendous opportunity for workers from abroad who want to work and fulfill their duties as a husband or a wife, a son or a daughter.

Their search for a better life is one of the most basic desires of human beings. Many undocumented workers have walked mile after mile, through the heat of the day and the cold of the night. Some have risked their lives in dangerous desert border crossings, or entrusted their lives to the brutal rings of heartless human smugglers. Workers who seek only to earn a living end up in the shadows of American life -- fearful, often abused and exploited. When they are victimized by crime, they are afraid to call the police, or seek recourse in the legal system. They are cut off from their families far away, fearing if they leave our country to visit relatives back home, they might never be able to return to their jobs.

The situation I described is wrong. It is not the American way. Out of common sense and fairness, our laws should allow willing workers to enter our country and fill jobs that Americans have are not filling. (Applause.) We must make our immigration laws more rational, and more

24-34

humane. And I believe we can do so without jeopardizing the livelihoods of American citizens.

Our reforms should be guided by a few basic principles. First, America must control its borders. Following the attacks of September the 11th, 2001, this duty of the federal government has become even more urgent. And we're fulfilling that duty.



For the first time in our history, we have consolidated all border agencies under one roof to make sure they share information and the work is more effective. We're matching all visa applicants against an expanded screening list to identify terrorists and criminals and immigration violators. This month, we have begun using advanced technology to better record and track aliens who enter our country -- and to make sure they leave as scheduled. We have deployed new gamma and x-ray systems to scan cargo and containers and shipments at ports of entry to America. We have significantly expanded the Border Patrol -- with more than a thousand new agents on the borders, and 40 percent greater funding over the last two years. We're working closely with the Canadian and Mexican governments to increase border security. America is acting on a basic belief: our borders should be open to legal travel and honest trade; our borders should be shut and barred tight to criminals, to drug traders, to drug traffickers and to criminals, and to terrorists.

Second, new immigration laws should serve the economic needs of our country. If an American employer is offering a job that American citizens are not willing to take, we ought to welcome into our country a person who will fill that job.

Third, we should not give unfair rewards to illegal immigrants in the citizenship process or disadvantage those who came here lawfully, or hope to do so.

Fourth, new laws should provide incentives for temporary, foreign workers to return permanently to their home countries after their period of work in the United States has expired.

Today, I ask the Congress to join me in passing new immigration laws that reflect these principles, that meet America's economic needs, and live up to our highest ideals. (Applause.)

I propose a new temporary worker program that will match willing foreign workers with willing American employers, when no Americans can be found to fill the jobs. This program will offer legal status, as temporary workers, to the millions of undocumented men and women now employed in the United States, and to those in foreign countries who seek to participate in the program and have been offered employment here. This new system should be clear and efficient, so employers are able to find workers quickly and simply.

All who participate in the temporary worker program must have a job, or, if not living in the United States, a job offer. The legal status granted by this program will last three years and will be renewable -- but it will have an end. Participants who do not remain employed, who do not follow the rules of the program, or who break the law will not be eligible for continued participation and will be required to return to their home.

Under my proposal, employers have key responsibilities. Employers who extend job offers must first make every reasonable effort to find an American worker for the job at hand. Our government will develop a quick and simple system for employers to search for American workers. Employers must not hire undocumented aliens or temporary workers whose legal status has expired. They must report to the government the temporary workers they hire, and who leave their employ, so that we can keep track of people in the program, and better enforce immigration laws. There must be strong workplace enforcement with tough penalties for anyone, for any

24-35

employer violating these laws.

Undocumented workers now here will be required to pay a one-time fee to register for the temporary worker program. Those who seek to join the program from abroad, and have complied with our immigration laws, will not have to pay any fee. All participants will be issued a temporary worker card that will allow them to travel back and forth between their home and the United States without fear of being denied re-entry into our country. (Applause.)

This program expects temporary workers to return permanently to their home countries after their period of work in the United States has expired. And there should be financial incentives for them to do so. I will work with foreign governments on a plan to give temporary workers credit, when they enter their own nation's retirement system, for the time they have worked in America. I also support making it easier for temporary workers to contribute a portion of their earnings to tax-preferred savings accounts, money they can collect as they return to their native countries. After all, in many of those countries, a small nest egg is what is necessary to start their own business, or buy some land for their family.

Some temporary workers will make the decision to pursue American citizenship. Those who make this choice will be allowed to apply in the normal way. They will not be given unfair advantage over people who have followed legal procedures from the start. I oppose amnesty, placing undocumented workers on the automatic path to citizenship. Granting amnesty encourages the violation of our laws, and perpetuates illegal immigration. America is a welcoming country, but citizenship must not be the automatic reward for violating the laws of America. (Applause.)

The citizenship line, however, is too long, and our current limits on legal immigration are too low. My administration will work with the Congress to increase the annual number of green cards that can lead to citizenship. Those willing to take the difficult path of citizenship -- the path of work, and patience, and assimilation -- should be welcome in America, like generations of immigrants before them. (Applause.)

In the process of immigration reform, we must also set high expectations for what new citizens should know. An understanding of what it means to be an American is not a formality in the naturalization process, it is essential to full participation in our democracy. My administration will examine the standard of knowledge in the current citizenship test. We must ensure that new citizens know not only the facts of our history, but the ideals that have shaped our history. Every citizen of America has an obligation to learn the values that make us one nation: liberty and civic responsibility, equality under God, and tolerance for others.

This new temporary worker program will bring more than economic benefits to America. Our homeland will be more secure when we can better account for those who enter our country, instead of the current situation in which millions of people are unknown, unknown to the law. Law enforcement will face fewer problems with undocumented workers, and will be better able to focus on the true threats to our nation from criminals and terrorists. And when temporary workers can travel legally and freely, there will be more efficient management of our borders and more effective enforcement against those who pose a danger to our country. (Applause.)

This new system will be more compassionate. Decent, hard-working people will now be protected by labor laws, with the right to change jobs, earn fair wages, and enjoy the same working conditions that the law requires for American workers. Temporary workers will be able to establish their identities by obtaining the legal documents we all take for granted. And they will be able to talk openly to authorities, to report crimes when they are harmed, without the fear of being deported. (Applause.)

24-36

The best way, in the long run, to reduce the pressures that create illegal immigration in the first place is to expand economic opportunity among the countries in our neighborhood. In a few days I will go to Mexico for the Special Summit of the Americas, where we will discuss ways to advance free trade, and to fight corruption, and encourage the reforms that lead to prosperity. Real growth and real hope in the nations of our hemisphere will lessen the flow of new immigrants to America when more citizens of other countries are able to achieve their dreams at their own home. (Applause.)

Yet our country has always benefited from the dreams that others have brought here. By working hard for a better life, immigrants contribute to the life of our nation. The temporary worker program I am proposing today represents the best tradition of our society, a society that honors the law, and welcomes the newcomer. This plan will help return order and fairness to our immigration system, and in so doing we will honor our values, by showing our respect for those who work hard and share in the ideals of America.

May God bless you all. (Applause.)

END 3:07 P.M. EST

 [Printer-Friendly Version](#)

 [Email This Page](#)

[President](#) | [Vice President](#) | [First Lady](#) | [Mrs. Cheney](#) | [News & Policies](#) | [History & Tours](#) | [Kids](#) | [Your Government](#) | [Appointments](#) | [Jobs](#) | [Contact](#) | [Text only](#)

[Accessibility](#) | [Search](#) | [Privacy Policy](#) | [Help](#)

24-37

January 31, 2006

Subj: Testimony opposing HB2615

My name is David P. Trevino, and I am a descendant of migrant farmworkers. My ancestors toiled in the fields and worked for low wages in oppressive conditions so that their descendants could one day have a better life.

I am a Texas native, but I consider myself an adopted son of Kansas. Even though I was born in Texas and received my high school diploma in Texas, I chose to attend college at the University of Kansas where I earned a Bachelor of Science in Journalism and a Bachelor of Arts in English in 1993. As an out of state resident, I paid out of state tuition at twice the rate as in state tuition. As a result, I incurred significant debt, and when I entered the workforce back in Texas, I did not earn a sufficient wage to pay for an automobile, apartment, credit card debt, utilities and large student loan payments. I come from a very modest background, and my parents were in no position to help me overcome my debt. As a result, I fell into financial ruin.

Over the next several years, I worked hard to rebuild my credit. Having a college education opened doors that had always been closed, and my pre-college earnings more than tripled.

Recently, I left the workforce to pursue law degree at the University of Kansas School of Law in Lawrence. Once again, I find myself paying out of state tuition, but just as when I first came to KU, I understand that I did not have sufficient ties with Kansas to expect in state tuition.

This is not the case with the children of immigrants living, working, and attending school in Kansas. The parents of these children have dreams for a better life just as my ancestors had dreams for me. Some of these people live at or just above the poverty level, repealing the in state tuition bill HB2145 would seriously deter many immigrant children from attending college and the rate hike would make it nearly impossible for them to pay the enormous debt they would likely incur. It is undisputed that an educated workforce is much more productive and affluent than one which is not. One could expect greater job growth and economic prosperity for the people and state of Kansas.

Finally, as a Master Chief in the Naval Reserves and as a veteran of Operation Enduring Freedom and Iraqi Freedom, I have come to appreciate the service of more than 40,000 non-U.S. citizens serving in the U.S. military to protect the freedoms and the quality of life we have all come to enjoy.

If non U.S. citizens are willing to work for low wages, pay taxes, raise families, and if necessary, die to preserve our way of life, why should this state hinder their ability to prosper for a country and a way of life for which they willingly sacrifice. Repealing HB2145 provides no real benefit to anyone but would result in untold future losses.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 25

House Federal and State Affairs

HB2615

Joaquin Sumaya

February 1, 2006

Mr. Chairman and honorable members of the Committee, my name is Joaquin Sumaya from Garden City, Kansas and I thank you for the opportunity to speak in opposition to HB2615.

Before I begin, I would like all of you to think back to your college years. The classes, professors, homework, sporting events and the activities; now think back to how you financed your education. Can you remember your struggle, doubts, and your fears?

I come before you today not as a student who can take advantage of our immigrant tuition law, but as a recent college graduate who understands the trouble of college finances. I think if you look back deep enough, you all can relate to being a "Poor College Student".

These students taking advantage of this law are not terrorist or hardened criminals, but rather students who have a dream. A dream of being educated to someday improve their status for their family, community and for themselves.

The society of tomorrow will understand our mentality for keeping this law today. And if someday you're questioned "WHY?". Reply to them, "Which would you rather have...an educated or uneducated KANSAS?"

Please, vote no against House Bill 2615

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 26

**Testimony by Kathy Cook, Executive Director,
Kansas Families United for Public Education
In Opposition to HB 2615**

Submitted Feb. 1, 2006

On behalf of Kansas Families United for Public Education, I offer my thanks to the committee for this opportunity.

To begin, let me make it very clear that our organization opposes House Bill 2615.

Our first concern is why legislators are pretending to fix something that clearly isn't broken. There was extensive debate over this bill in 2004 and the law was unsuccessfully challenged in 2005. To continue this debate is simply a waste of time and takes the focus away from other problems that do exist.

We remember the "sky is falling" testimony from those who opposed HB2145 in 2004, and their predictions have shown to bear no fruit.

We supported House Bill 2145 in 2004 because it was good for Kansas students and it was good for the state of Kansas. That remains true today.

Our organization is committed to ensuring suitable educational opportunities for all Kansas children. While our efforts are usually focused on state funding of K-12 public schools, we recognize that the educational continuum begins with preschool and runs through college. Fairness and equal opportunity are values that must be applied throughout that continuum if they are going to have any real meaning.

The students who are currently benefiting from this valuable legislation should be recognized by this body for their hard work and commitment, not attacked for seeking post secondary education.

Attempts to repeal this law are opposed by our 800+ member organization comprised of citizens across this state.

We ask the committee to vote NO with regard to HB 2615 and to move forward with the real business of Kansas.

Thank you,
Kathy Cook
Executive Director
Kansas Families United for Public Education
(913) 825-0099

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 27

February 1, 2006

Chairman John Edmonds
House Federal and State Affairs Committee

Chairman Edmonds and Honorable Members of the Committee,

During November of last year, thirty-two students from my Spanish for native Spanish speakers class took the National Achievement test in Spanish. Although almost all of my students scored above the 60th percentile nationally, six of my students scored above the 90th percentile, demonstrating incredible academic potential. Their actual scores are included on the reverse. They have given me permission to share their scores with you. Three of them are interested in area community college and one is looking at the pre-med programs at various universities statewide. I am sure that any of our state colleges or universities would benefit greatly by having these bilingual students in their programs. At Newton High School, as in all of our Kansas K-12 schools, we do not ask which students currently have complete US documentation. We are striving hard to make adequate yearly progress with ALL of our students, as we are required.

I urge you to please not consider legislation that would take away the option for higher education for some of these top students. These are the young people we need leading our communities. They are role models for other Hispanic students, in particular. Their dreams of becoming college graduates and productive citizens in our state depend on the opportunities you granted them with HB2145, passed into law in 2004. Please allow our upcoming high school graduates the chance to strengthen our Kansas communities, economy, and the future success of Kansas.

Most sincerely,

Crystal Sanhueza
Teacher
Newton High School
Newton, KS 67114

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 28



LIST OF STUDENT SCORES

Logramos®

Class: Native Speakers
 Building: Newton High School
 System: Newton PS

Form/Level: B/ 18-18
 Test Date: 10/2005
 Norms: Fall 2001
 Order No.: 000172111
 Page: 1

28-2

003

STUDENT NAME				READING			LANGUAGE		MATHEMATICS			CORE TOTAL
I.D. Number	Calculator	Birth Date	Level (Gender)	Vocabulary	Comprehension	TOTAL	Spelling	TOTAL	Concepts & Prob. Solv.	Computation	TOTAL	
F-1 F-2 F-3 Code		Age	Form									
ABCDEF G H I J K L M NOPZ		Program										
Miguel		05/85	16-18 (M)	GE	11.8	13+	13+	13+	13+	13+	13+	134
		17-05	B	NS	6	7	9	9	9	6	9	9
				NCE	58	73	86	98	98	65	85	95
				NPR	65	88	96	99	99	76	99	99
1 2 3		5	1									
Jose		08/88	16-18 (M)	GE	12.8	13+	13+	13+	13+	13+	13+	134
		17-01	B	NS	6	8	7	9	9	9	9	9
				NCE	64	83	75	99	99	91	90	97
				NPR	74	94	88	99	99	97	99	99
1 2 3		5	1									
Cynthia		05/89	16-18 (F)	GE	10.6	12.6	13+	13+	13+	11.0	13+	134
		16-05	B	NS	5	7	7	9	9	5	9	9
				NCE	51	57	67	96	96	52	85	92
				NPR	51	79	78	99	99	55	98	98
1 2 4		5	2									
Sonia		05/89	16-18 (F)	GE	9.7	12.2	13+	13+	13+	13+	13+	134
		16-05	B	NS	5	8	8	9	9	6	9	9
				NCE	48	64	83	94	94	62	87	97
				NPR	47	75	94	98	98	71	98	98
2 4		5	2									

STUDENT NAME				READING			LANGUAGE		MATHEMATICS			CORE TOTAL
I.D. Number	Calculator	Birth Date	Level (Gender)	Vocabulary	Comprehension	TOTAL	Spelling	TOTAL	Concepts & Prob. Solv.	Computation	TOTAL	
F-1 F-2 F-3 Code		Age	Form									
ABCDEF G H I J K L M NOPZ		Program										
Julia		05/90	16-18 (F)	GE	11.4	13+	7.9	13+	13+	13+	13+	134
		15-05	B	NS	6	7	4	8	8	7	7	7
				NCE	56	73	40	82	82	72	82	93
				NPR	61	86	32	93	93	85	94	95
1 2 4		5	2									

STUDENT NAME				READING			LANGUAGE		MATHEMATICS			CORE TOTAL
I.D. Number	Calculator	Birth Date	Level (Gender)	Vocabulary	Comprehension	TOTAL	Spelling	TOTAL	Concepts & Estimation	Prob. Solv. & Data Interp.	Computation	
F-1 F-2 F-3 Code		Age	Form									
ABCDEF G H I J K L M NOPZ		Program										
Aldahir		08/89	14-15 (M)	GE	13+	13+	10.6	13+	13+	7.5	12.4	129
		16-02	B	NS	8	8	6	8	7	5	7	8
				NCE	84	78	61	77	74	45	78	79
				NPR	95	91	70	90	88	41	80	92
1 2 2		2	1									

All above the 90th % nationally!

01/30/06 18:09 FAX

January 20, 2006

February 1, 2006

Chairman John Edmonds and Honorable Members of the House Federal and State Affairs Committee,

I am a sophomore in the College of Architecture at K-State University. During my senior year in high school, I filled out an application and wrote essays to get enrolled in college and to get financial aid. Later, I was informed I could not have admission and that I was not eligible for loans, grants, or any kind of federal financial aid because I lack a social security number, even though I entered the country legally. Although I graduated with a 3.96 GPA and third in my class, my future was undecided until May 2004. It was the month when I graduated and when HB2145, that allows some undocumented immigrant students to pay instate tuition, passed. I was heard by K-State faculty and leaders in my community who helped me to get to college.

Each year, hundreds of Kansas students graduate in the same situation. The goals of many talented students are being stepped on and it takes a community and authorities in the government who care about our future to help us create opportunities to succeed. Faith and action made the in-state tuition law become a reality for the immigrant students in the State of Kansas. The students who are in college through the HB2145 treasure this law. The passing of this bill was a victory. It has opened a path for us to fulfill our dreams and contribute to this nation.

I would like you to know not only about undocumented immigrant students' struggles, but also about the great contributions that we could make to this country we call home. I serve my community in any way I can, and all I want is an education to fulfill to my dreams and contribute much more to the State of Kansas. In the year 2004, I was a recipient of the Presidential Volunteer Service Award, which I treasure. I will always take a proactive role in the legislative process that will change the broken immigration laws that we are suffering from. I know that I will become a full citizen of the United States someday, but I am determined not to wait until then to make a difference.

With the education I am getting, as an architecture major, I will be able to create sustainable, beautiful and livable buildings through ecological design in Kansas. Many hard-working, talented students want an opportunity to build a stronger and better nation. Thanks to the in-State law, we are reaching our dreams of getting a higher education. Can we count on you to leave this educational path open for us?

Sincerely,

Andrea L. Pardo
Senior Sidewalk Chair
Smurthwaite Scholarship Chair
Hispanic-American Leadership Organization
National Organization of Minority Architecture Students

FEDERAL AND STATE AFFAIRS

Date 2-1-06
Attachment 29

Don't reward illegal immigrants with tuition break

By Nicolas Sanchez
GUEST COLUMNIST

The argument has been made that we, the American taxpayers, should subsidize illegal immigrants' children to the tune of an extra \$10,000 when they attend public colleges in our Commonwealth. It is said that these children should not be blamed for the illegal behavior of their parents. And anyone who disagrees with this argument has a mean-spirited attitude.

The above is re-enforced with a victim's story: poor Hector, who came to this country illegally at the age of 7, has spent 12 years attending our schools, has done well academically, and can't afford the extra 10 grand to attend UMass-Boston. But do not cry for him: cry for the American taxpayers, their children and our democracy!

Suppose that 100 illegal children had showed up in our Framingham schools 12 years ago. The true economic costs of education then – taking into account not only what was paid out to teachers and administrators, but including all capital costs, and expenses paid out by the town – was in excess of \$8,000 per child. All these costs must and have been paid out by taxpayers. I will use a fixed \$8,000 figure to simplify the calculations.

One hundred students at \$8,000 each, for 12 years, and assuming a low interest rate of 5 percent, turns out today to be approximately \$12.7 million, in today's money. These subsidies do not include expenses for kindergarten, visits to the emergency room at the hospital, policing and court costs if any of these kids turns out to be maladjusted, etc.

College costs are dramatically higher than costs at lower educational levels. In 2001, for example, it was estimated that the cost of education at Williams College was \$75,000 per student. This included all the capital costs. So, if we increase those costs to \$80,000 today, and assume that UMass-Boston's costs are half the costs of such an elite institution, per student cost of education at UMass would amount to roughly \$40,000. Liberals want taxpayers to subsidize each illegal student (paying in-state tuition) with \$32,000 per year, for four years. (This figure, of course, is quite different from the \$10,000 that they present to the public.)

Let us now return to poor Hector. We, the taxpayer, have already subsidized him with \$127,337 for his first 12 years here (in today's money). Liberals want us to subsidize him with an additional \$113,470 (again, in today's money and using the same 5 percent discount rate). If we assume that only 10 out of the 100 illegal students who entered our educational system go on to college, that means that our educational subsidies to the 100 illegal children amount to more than \$13.8 million. No wonder liberal writers declare: "this is not about money" – while we bow in respect to their lack of financial acumen. And you better bow, for otherwise you will be accused of having a mean-spirited attitude!

How relevant is this argument for Framingham taxpayers? Well, I do believe that 100 young Hectors have been and continue to enter the school system as illegal immigrants every year, and every year we are subjected to at least a \$12 million dollar increase in educational costs (in today's money, and making heroic assumptions that the true educational costs have remained fixed at \$8,000.) I also believe that the families of these children have not paid out \$12 million in taxes. These families, in fact, hide their income and send their savings abroad. (For the U.S. as a whole, these transfers reach into many billions of dollars – call it Framingham-style outsourcing!)

At the state level, I can predict that many more than 400 illegal immigrants will take advantage of in-state tuition, if this were granted. Who could refuse a \$113,470 handout? What I find most disturbing, however, is the demands that are made on us, the American citizens and taxpayers. The mainline press has failed to cover the demonstrations in Boston by illegal immigrants. But why not, since it does not even defend its own copyright material, which is snatched by the foreign language press!

Where does this leave our American children in Massachusetts? Their parents are at least \$12 million poorer every time 100 illegal children join any school system in our state. The tax burden on state

FEDERAL AND STATE AFFAIRS

Date 2/1/06

Attachment 30

taxpayers will increase significantly while politicians make every effort to hide the burden, calling it additional help for our cash-strapped schools. I call these burdens a punishment on our American children and on the middle class, which pays most taxes. On top of it all, we are rewarding lawbreakers.

When we welcome legal immigrants, we extend to them not only a welcome mat, but huge subsidies. We do so because our elected representatives have felt, wisely or unwisely, that these immigrants will make a difference to the future of our country. We may agree or disagree with the extent of legal immigration, but the decision has been made through the democratic process. This is not the case with illegal immigrants, who have made a mockery of our system of laws.

Yes, what part of illegal is it that supporters of illegal immigration do not understand?

Nicolas Sanchez, Ph.D., is professor of economics at Holy Cross College.

From: Faye Clements

Subject: Illegal Immigrants

Dear Mrs.Hutchins I am writing in reference to the proposal to repeal in-state tuition credit to any person who is ILLEGALLY in this country/state in the first place. Please let the committee know of our feelings. The key word here is:ILLEGAL. As a family, we have worked hard all our lives and we managed to get 3 sons through the University of Kansas at one stage or another in their studies. We are still re-paying student loans and debts incurred and will gladly do so. But in so saying, to think that someone who is here illegally benefits from our system makes me ill. There has to be a way to enlighten legislator's minds to the fact that we must get a handle on the problem of rewarding illegal behavior. The majority of Kansas citizens are outraged about this issue and want it stopped immediately. Please continue your good fight in speaking for what we, your constituents, desire. We are tired of working so hard and then to have our efforts filtered to non-citizens. Where was the Immigration officials when bus loads appeared to get this law passed previously? Are we serious about the issues or not? In order to ensure our safety, illegals immigrants must be removed from our state but if here, definitely should be denied tuition assistance and all other rights of US and Kansas citizenship.

Thank you, Faye Clements Topeka, Ks

Faye Clements

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 31

RHONDA S. JOHNSON

CERTIFIED PUBLIC ACCOUNTANT

205 N. DELLROSE

WICHITA, KANSAS 67208

(316) 683-4367

January 26, 2006

The Federal and State Affairs Committee
Representative Jim Edmonds, Chairperson

Dear Representative Edmonds:

This letter is in support of House Bill 2615, to repeal the 2004 Kansas law giving illegal immigrants the in-state tuition rate.

The 2004 Kansas law may appear benign.

But it is not.

The 2004 Kansas law gives the in-state tuition rate to illegal immigrants provided, in part, that the illegal immigrant has attended a Kansas high school for at least three years and has graduated from high school or earned an equivalent diploma in Kansas.

Therefore, the illegal immigrant surely is aware that:

- 1) he/she is in violation of US immigration law by being in the US.
- 2) other US laws have been broken by entering, remaining, and/or working in the US either by the illegal immigrant and/or his/her parents.
- 3) the dollars spent by the taxpayers of the State of Kansas and the US for his/her education exceed the taxes paid by his/her parents.
- 4) the US is a nation of law. It is contrary to all we believe that one can knowingly break the law and profit from it.

The 2004 Kansas law substitutes this basic belief-that one cannot knowingly break the law and profit from it-with the concept "knowingly break the law; gain a benefit."

This is unconscionable and it is dangerous.

Many states have enacted legislation attempting to blunt the economic and social impact of more and more illegal immigrants on education, healthcare, corrections, and citizenship.

In stark contrast, the 2004 Kansas law may actually suggest to the illegal immigrant community that Kansas will accept and reward the violation of the law and this may prompt more illegal immigrants to move to Kansas and/or remain in Kansas.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 32

Yes, this is personal.

I earned a BS in Business Administration and Economics from KU and a MS in Accounting from WSU. I completed all requirements as set forth by the Kansas State Board of Accountancy and became a CPA. I practiced public accounting as a CPA in Wichita for about 20 years.

I can no longer practice.

In 2000 I was involved in an auto accident. The driver of the other car received three citations. My attorneys and I believe the other driver was/is in the US illegally. My doctors and I believe my injuries will never completely heal. I am now 54.

I have paid a very high price for the failure of the rule of law.

I encourage the repeal of the 2004 Kansas law giving illegal immigrants in-state tuition rate.

Very truly yours,


Rhonda S. Johnson, CPA

17 Intervale Rd.
Livingston, NJ 07039
jodonnell@livingstonnj.org
January 30, 2006

Kansas State Capital
300 SW 10th
Topeka, KS 66612-1504

Re: HB 2615, An Act repealing K.S.A. 2005 Supp. 76-731a; relating to tuition and fees for certain persons attending postsecondary educational institutions.

Dear Chairman Edmonds and members of the House Federal and State Affairs Committee:

I am writing to urge you and your fellow representatives to vote for the passage of HB 2615. My daughter Colleen is a sophomore at KU and believe it or not, a "Jersey girl" has found her perfect match at the University. This semester we absorbed a tuition hike of 5%, which I do not feel is out of line with the value and education we are receiving. I do feel that as an out-of-state tuition paying family I am certainly entitled to the same considerations as an illegal alien. When our daughter Colleen moved off campus and into an apartment she was still considered an out-of-state student for tuition purposes. I can't seem to get the same treatment even though she lives in Kansas. I have many more thoughts and ideas but, for the purpose of brevity I will stop here.

Thank you for taking the time to read this and I hope you will consider my position.

Regards,

John O'Donnell

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 33

From: Becky Hutchins
To: Carol Doel
Date: 1/18/2006 9:44:28 AM
Subject: Fwd: Thank you

Carol, Please distribute to Fed & State Committee Members RE: HB 2615

>>> Cynthia Mancillas <cyn_mancillas@sbcglobal.net> 1/18/2006 9:20:13 AM >>>

Dear Rep. Hutchins -

Thank you for your efforts to reverse the law allowing in-state tuition for illegal immigrants. We weren't allowed to vote state-wide on the issue, and I think the outcome would have been different if citizens were allowed to vote on the issue.

I am not a bigot. My husband and children are Mexican - legal third generation citizens. And I am Catholic. Our bishop in the Archdiocese of Kansas City in Kansas has put out much effort toward making it an issue of conscience to ignore the legal status of citizens.

Like you, and as a parent, I can't believe in rewarding illegal behavior, either. It is a very simple moral standard. Play fair.

This year, KU has sent a letter to in-state students saying that they will not be awarding scholarships based on ACT/SAT scores. I can try to get you a copy of it, if you would like to see it. K-State is still doing it this year, but if the trend is away from rewarding good behavior, we assume that will change.

So, again, thank you for your efforts. I'm sure you will be vilified, misunderstood, and shunned. But you are doing the right thing. Ideally, all lawmakers would be defined by your willingness to stand up and work for what may not be the most popular beliefs in Hollywood.

Cynthia Mancillas
10556 Bluejacket
Overland Park, KS 66214
913-449-6902

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 34



House Federal and State Affairs Committee
Representative Edmonds, Chair

H.B. 2615 – Instate Tuition

February 1, 2006

Submitted by: Winston C. Brooks
Superintendent
Wichita Public Schools

Mr. Chairman and members of the Committee:

Unfortunately I can not attend the hearing on H.B. 2615 and would ask my remarks be distributed to the committee.

Mr. Chairman, as the superintendent of the state's largest and most diverse school district, I rise in **opposition** to this bill. U.S. Census data shows us that nearly 50% of Kansas' population growth in the 1990's were people of Hispanic lineage. My point – Kansas demographics are changing, just as they did one hundred years ago when many of our ancestors crossed oceans and settled on the prairie searching for a brighter future.

Let's examine the stark economics our state faces. Most of rural Kansas has a rapidly aging population. We need reliable, well trained workers to retain and attract business in urban areas and throughout the state. The key to our state's economic success is educating all students to their highest potential. It is our **economic interest** to have as many students as possible continue beyond high school.

If you shut the door of higher education on these students, why should they even bother graduating from high school? If they can't see a brighter future why should they bother even attending school? Every child needs a dream. Some dreams require college and some do not. Why would we limit the dreams of a few? Image yourself as a middle school student sitting in a group of kids who are excitedly talking about the colleges they dream of attending and exotic careers. But you (an undocumented child) don't join in the conversation because your family can not afford to pay out-of-state tuition to attend Butler County Community College or Wichita State. What hope have we provided for this child?

Finally, I would like to comment on the erroneous view that this issue is only about people in the U.S. illegally. Its much more complicated. For example a student can legally be in the U.S. accompanying their parents who are here on a work visa. Yet because the student does not have Lawful Permanent Residency (and cannot get status because the student is a minor) the student would not be eligible for instate tuition without the statute that H.B. 2615 seeks to repeal. It takes years to get through the complicated immigration process.

Mr. Chairman, the bill passed in 2004 provides the student must have attended Kansas high schools, be in good standing and be working towards citizenship. Current law is good policy for our students and our state's future economic interests.

FEDERAL AND STATE AFFAIRS

Date 2-1-06

Attachment 35