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Dear Members of the Kansas Senate Federal and State Affairs Committee:

My name is Monique Garcia and I am a small business owner in Wichita.

I am writing to express my strong opposition to SB 254 and its companion bill HB 2373, which would repeal in-state tuition for undocumented students and create an automatic presumption of flight risk for any detained undocumented individual in Kansas. These measures would not only harm our students and communities but also undermine the principles of fairness and justice in our legal system.

### **An Educated Workforce Strengthens Kansas' Economy**

Repealing in-state tuition for undocumented students would negatively impact the economic and educational future of Kansas. Our state benefits when all students, regardless of immigration status, can attain higher education and contribute to our workforce. Many of these students have grown up in Kansas, have jobs and contribute to the Kansas economy, have attended our schools, and consider Kansas as their home. Denying them access to in-state tuition places unnecessary barriers in their path and discourages them from staying in Kansas after graduation, leading to a loss of talent and economic growth.

### **Undocumented Students Do Not Receive Public Benefits**

It is important to clarify that undocumented students **do not** receive public benefits such as grants or scholarships to attend college. The current policy simply allows them to pay in-state tuition, ensuring they pay their fair share while being given an opportunity to pursue higher education. These students are ineligible for state or federal financial aid, including subsidized loans, and do not have access to public assistance programs such as SNAP or Medicaid. The misconception that they receive extensive public resources is unfounded and contradicts existing law.

### **Presumption of Flight Risk Undermines Due Process**

The proposed legislation's provision that presumes all undocumented individuals are a flight risk contradicts fundamental legal principles. Our justice system is built on the presumption of innocence until proven guilty. Creating a rebuttable presumption of flight risk unfairly shifts the burden of proof onto individuals, making it significantly harder for them to secure fair treatment under the law. This could lead to excessively high bond amounts, prolonged detention, and even indefinite incarceration without the possibility of release. Such measures erode constitutional protections and disproportionately impact individuals who have not been convicted of any crime.

I urge you to oppose SB 254 and HB 2373, which would create unnecessary hardship for Kansas students and families while damaging the integrity of our legal system. Kansas should continue to support educational attainment and uphold fair treatment under the law. Please stand with students, families, and communities across the state by voting against these harmful bills.

Thank you for your time and consideration. I appreciate your service to our state and your commitment to making Kansas a place where all individuals have the opportunity to succeed. If there are questions, please contact me at 316-218-3912.

Sincerely,

Monique Garcia  
Owner, Garcia Group, LLC  
Wichita, Kan.