

## **Kris Kobach: Repealing tuition law isn't 'mean-spirited'**

By Kris W. Kobach

An Eagle editorial supported in-state tuition rates for illegal aliens at Kansas colleges and criticized my support for Kansas House Bill 2006, which would end this subsidy for illegal aliens in Kansas ("No tuition law repeal," Feb. 17 Opinion).

The editorial called the bill "mean-spirited." The editorial board seems to think that Kansas taxpayers have a duty to subsidize the college education of illegal aliens. Like so many on the left, the editorial board seems to think that public benefits grow on trees.

The editorial didn't mention that, according to official state calculations, Kansas taxpayers are spending \$1.1 million a year to support the college education of the 413 illegal aliens receiving this tuition break. Every in-state tuition recipient gets a massive subsidy. At Kansas State University, that subsidy is worth up to \$40,000 over the course of a four-year degree.

But the most important thing that the editorial failed to mention is that federal law specifically prohibits what Kansas has done. In 1996, Congress enacted a statute that prevents any state from offering in-state tuition rates to illegal aliens unless the state extends the same benefit to all out-of-state U.S. citizens.

In 2004, the Kansas Legislature violated this federal statute when it enacted its in-state tuition law for illegal aliens, just as California and eight other states did between 2001 and 2006. I have represented plaintiffs challenging these state laws in Kansas, Nebraska and California. The California case is awaiting a decision from the U.S. Supreme Court as to whether the court will review the case.

But compliance with the law seems to be a low priority for the editorial board.

Beyond the illegality of the 2004 law itself, giving in-state tuition rates to illegal aliens specifically rewards the aliens' lawbreaking. The law actually denies in-state tuition rates to aliens who possess a lawful student visa. Talk about perverse incentives.

Giving in-state tuition to illegal aliens is also profoundly unfair to other students. It is a slap in the face to the law-abiding American students from out of state who must pay nearly three times as much in tuition.

It's also pointless. The editorial's most absurd claim was that giving this public benefit to illegal aliens "serves the state's work force and economy." Illegal aliens cannot legally work in the United States once they graduate. In other words, Kansas taxpayers are being forced to subsidize the education of an illegal work force that can be deported at any moment.

Unlike employers that rely on unskilled labor, virtually all employers that hire skilled college graduates comply with federal immigration laws and refuse to hire illegal aliens. Consequently, as the Wall Street Journal has reported, illegal alien graduates from American universities find that their newly minted college diplomas are worthless.

It's a lose-lose proposition. Kansas taxpayers are forced to subsidize lawbreaking, and the illegal alien finds that his college degree is worth little because he can obtain work only in unskilled jobs.

For all of these reasons, providing in-state tuition rates to illegal aliens is unjustifiable. HB 2006 would end this practice and bring Kansas back into compliance with federal law. It also would stop the waste of millions of taxpayer dollars. The editorial called that mean-spirited. Most Kansans call it common sense.

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