

A college education for illegal aliens

June 22, 2007

By Kris W. Kobach - It's no secret that the Senate immigration bill rewards 12-20 million illegal aliens with immediate amnesty. What is less well known is that the bill also allows illegal aliens to receive in-state tuition rates at public universities, discriminating against U.S. citizens from out of state and law-abiding foreign students.

These provisions are buried deep in the Senate bill. They are part of the Development, Relief, and Education for Alien Minors (DREAM) Act section.

The DREAM Act is a nightmare. It repeals a 1996 federal law that prohibits any state from offering in-state tuition rates to illegal aliens, unless the state also offers in-state tuition rates to all U.S. citizens. On top of that, the DREAM Act offers a fast track to U.S. citizenship for illegal aliens who attend college.

On its own, the DREAM Act never stood a chance of passing — even in the Senate. Every scientific opinion poll on the subject has shown over 70 percent opposition to giving in-state tuition benefits to illegal aliens.

Not surprisingly, the DREAM Act languished in committee for five years — until the opportunity arose to hitch it to the Senate's "comprehensive" immigration bill of 2006. Now, Sen. Edward Kennedy and his allies have added it to this year's amnesty bill, too. They know that the only way to slip such bad legislation past the American people is to bury it in a comprehensive bill.

To understand just what an insult to the rule of law the DREAM Act is, recall the events of the past 11 years.

In September 1996, in the landmark Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Congress prohibited states from giving in-state tuition rates to illegal aliens. Members of Congress evidently never imagined that some states might simply disobey federal law.

But that is precisely what happened. Beginning (predictably) with California and Texas, open-borders advocates in 10 states succeeded in passing legislation that openly violated federal law by offering in-state tuition rates to illegal aliens.

The list includes some states right in the heart of America: California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah and Washington.

In most of these states, the law was passed under cover of darkness. The governors declined to hold signing ceremonies heralding the new law — because public opinion was overwhelmingly opposed to giving taxpayer-subsidized college education to illegal aliens.

Not surprisingly, when voters themselves decide the question, a very different result occurs. In

November 2006 Arizona voters passed Proposition 300, which expressly barred Arizona universities from offering in-state tuition rates to illegal aliens. More than 71 percent voted in favor.

The American people realize the injustice of giving illegal aliens a taxpayer-subsidized education when out-of-state U.S. citizens and law-abiding foreign students have to pay the full cost of their education.

This gift to illegal aliens comes at a time when millions of U.S. citizens have had to mortgage their future to attend college. From 2002-07, college costs rose 35 percent after adjusting for inflation. Two-thirds of college students now graduate with debt, and the amount of debt averages \$19,200.

In a world of scarce education resources, U.S. citizens should be first in line to receive taxpayer subsidies — not aliens who violate federal law.

Worse, many of these 10 states are encouraging aliens to violate immigration laws. Their statutes actually require an alien to violate federal law before he can receive the tuition discount. Foreign students with valid visas need not apply. Talk about perverse incentives.

In July 2004, a group of U.S. citizen students from out of state filed suit in federal court in Kansas to enjoin the state from providing in-state tuition rates to illegal aliens. The case is currently before the 10th Circuit U.S. Court of Appeals. Meanwhile, in December 2005, another group of U.S.-citizen students filed a similar suit in California state court. That case is before the California Court of Appeals.

Now, just when it looks like U.S. citizens might finally bring the lawbreaking states into line, the DREAM Act provisions of the Senate immigration bill would change federal law and allow states to offer in-state tuition rates to illegal aliens currently in the country.

On top of this, DREAM Act beneficiaries would enjoy a special fast track to green-card status and citizenship. Illegal aliens younger than 30 who entered the country before age 16 and subsequently enrolled in college would be eligible for green cards in only three years — even if they haven't completed their degrees. No such fast track exists for law-abiding foreign students.

The illegal aliens would also be eligible for federal student loans and federal work-study programs — another benefit that law-abiding foreign students cannot receive. And all of it comes at taxpayer expense.

A consistent theme emerges: Illegal aliens are treated much more favorably than aliens who follow the law. There is no penalty for illegal behavior.

The Senate bill applies the same distorted logic to the 10 states that have defied federal law simply because they don't like it. The DREAM Act would overlook their offense and invite other states to follow their lead.

One thing we have learned in the struggle to enforce our nation's immigration laws is that states cannot be allowed to undermine the efforts of the federal government to enforce the law. Only if all levels of government are working in concert to uphold the rule of law can it be fully restored.

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