

# **Congress Takes Aim at Blocking Illegal Immigrants from Accessing In-State College Tuition**

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## **Body**

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Rep. Todd Tiahrt, R-Kan. (4th CD), issued the following news release:

A new development has taken place in the ongoing battle to stop **illegal immigrants** from receiving taxpayer-subsidized college tuition. This week a bill was introduced by U.S. Congressman Todd Tiahrt (R-Kan.) and U.S. Congressman Brian Bilbray (R-Calif.) called the Fairness for American Students Act that would close a loophole in current law that several states have used to provide lower-cost college tuition to **illegal immigrants** compared to tuition rates U.S. citizens from neighboring states have to pay. Kansas and Nebraska are two of the states that currently offer in-state tuition to **illegal immigrants**.

The organizations NumbersUSA and the Federation for American Immigration Reform (FAIR) are both supporting the legislation and are pledging to help it move through Congress. The bill is co-sponsored by Duncan D. Hunter (R-Calif.) and Rodney Alexander (R-La.).

The landmark 1996 **Illegal** Immigration Reform and **Immigrant** Responsibility Act prohibited **illegal immigrants** from receiving in-state college tuition, but nine states so far have used a loophole allowing them to disregard congressional intent. The Tiahrt/Bilbray bill was written to effectively close the loophole and provide legal standing to U.S. citizens to file civil action against states that violate the law.

"U.S. citizens should not be forced to subsidize college tuition for **illegal immigrants**, and we should certainly never pay higher college tuition than someone in the country illegally," said Tiahrt. "Congressman Bilbray and I have worked hard to ensure the loophole is eliminated through this legislation."

Bilbray, who serves as Chairman of the House Immigration Reform Caucus (IRC) added, "Congressman Tiahrt's efforts have been monumental in making sure American citizens are not treated as second-class citizens to those who are in our country illegally. We need to address the issue of in-state tuition for **illegal aliens**, and this legislation does just that."

Kris W. Kobach, Professor of Law at the University of Missouri-KC and former Counsel to Attorney General John Ashcroft, is a lawyer who is intimately familiar with what states are doing in circumventing the existing federal law that bars states from providing in-state tuition to **illegal aliens**. He successfully sued the Board of Regents of California for violating the law and is currently litigating against a similar law in Nebraska.

"This bill will do much to reinforce the rule of law in immigration," said Kobach. "It will put teeth into the existing law, which doesn't carry a large enough penalty against states that disobey."

Roy Beck, president of NumbersUSA lauded Tiahrt and Bilbray for their leadership in addressing this immigration issue. Beck said, "It is a disservice to deserving Americans - disproportionately native-born minorities and

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Americans from underprivileged backgrounds - who must pay out-of-state tuition rates or even forego college, while unlawfully present students may obtain a taxpayer-subsidized college education. In dire economic times like these especially, the United States needs to ensure that any available dollars go toward educating and preparing American youth, both native-born and legal immigrant, so they can become successful, taxpaying citizens. The Tiahrt/Bilbray bill helps achieve this noble goal."

Dan Stein, president of FAIR commended Tiahrt and Bilbray for sponsoring the legislation and said, "This commonsense bill is consistent with the belief held by millions of Americans that our government should not subsidize and reward illegal immigration. We appreciate Congressman Tiahrt and Congressman Bilbray's reliable leadership on this important issue."

In addition to closing the 1996 loophole, The Fairness for American Students Act enables a loser-pays provision for students who challenge any state that might choose to violate the new law. The bill also gives new legal standing for civil action brought by students that would address current holdups with pending lawsuits such as those Kobach is pursuing.

"The time has come for a bill like this one," Kobach added.

The IRC was established in May 1999 to review current immigration policy, to initiate new immigration policy and to create a much-needed forum in Congress to address both the positive and negative consequences of immigration. Congressman Bilbray has served as Chairman of the caucus since 2007.

Congressman Tiahrt has been an active member of the IRC for several years and has been a leading champion in Congress calling for tougher enforcement of our immigration laws, including a fence to secure our borders from immigrants trying to enter the country illegally.

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