

## **Legal Foreign Students Paying A Price Under Immigration Law**

The Washington Post

December 31, 1996, Tuesday, Final Edition

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**Section:** A SECTION; Pg. A02

**Length:** 811 words

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### **Body**

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Iris Siefert had not **paid** much attention to the new **immigration law** until she tried to register the son of a Lithuanian friend in a California high school earlier this month. That was when an obscure provision of the **law** caught up with her -- and with the family finances.

"I was suddenly informed that he would have to **pay** \$ 2,000 for the semester due to the new bill's passage," Siefert wrote in a Dec. 11 letter to President Clinton. The Escondido, Calif., resident, who had been one of the questioners at a presidential debate in San Diego, then asked the local high school whether children who are illegal immigrants would have to **pay** as well.

The short answer was no. By federal mandate, illegal immigrant **students** are entitled to a public education at taxpayer expense, and the school is not even allowed to ask their **immigration** status.

Siefert's experience raised one of the ironies of the new **immigration law**, which was signed by President Clinton Sept. 30 after intensive wrangling, much of it over the issue of educating illegal immigrant children.

Essentially, the **law** says, **foreign students** who come to the United States unaccompanied by their parents **under** visas known as F-1s will have to start **paying** the cost of their middle and high school education. The **law**, which took effect Nov. 30, limits their study to one year. In addition, **foreign** children in grade six or below can no longer obtain F-1 visas to attend U.S. public elementary schools. But no such rules apply to those who enter the country illegally.

The provision does not affect **foreign** exchange **students**, who are in a different visa category, those who attend private schools or those who come with their parents **under** other immigrant or nonimmigrant visas. In fiscal 1995, the last year for which figures are available, the State Department issued 228,000 F-1 visas. No statistics are kept on how many visas went to secondary- or elementary-school **students**, but most are believed to have been issued to tuition-**paying** college **students**.

According to one of the provision's sponsors, Sen. Dianne Feinstein (D-Calif.), the **law** is aimed at discouraging what critics have dubbed "parachute kids": children who come to the United States unaccompanied by their parents, often wealthy Asians, to attend U.S. public schools free. Many live with relatives and do well in school but some stay with **paid** guardians or even other **students** and have become a **law**-enforcement problem, in addition to a drain on state coffers, Feinstein's office said.

Unsupervised parachute kids have become a "prime target for gang recruitment" in some areas, said Susan Kennedy, a spokeswoman for Feinstein. She said that a 1990 UCLA study estimated that 40,000 parachute kids age 8 to 18 were in the United States on F-1 visas from Taiwan alone, and that smaller numbers had come from South Korea and Hong Kong.

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The provision has generally baffled schools that have had to deal with it, many of which were not previously aware of the law and were hard pressed to figure out the full cost of educating a student.

Unlike this provision, which sailed through without fanfare, an amendment to end free public education for illegal immigrant children became the focus of bitter debate and drew a threat from President Clinton to veto any immigration bill containing it. Sponsored by Rep. Elton Gallegly (R-Calif.), the amendment in its final version would have allowed illegal immigrant children who were already enrolled in public school to complete high school. It would also have given states the option of denying free public education to those who enrolled after July 1, 1997.

Gallegly said the intention was to end an "unfunded federal mandate" that costs states around \$ 4 billion a year nationwide, half of it in California alone. The amendment passed the House, but encountered stiff opposition in the Senate and was deleted from the final bill.

Immigration advocates argue that requiring legally admitted foreign students to pay tuition and ending free public education for illegal immigrants are separate issues. But the distinction is lost on Siefert, who has complained about the situation vociferously in her community near San Diego. Of Lithuanian origin, she said she wanted to help the son of Arvydas Jouzaitis, a former Olympic medal-winning swimmer and Lithuanian independence activist.

"Here you have a ridiculous situation in which people who abide by the law and enter the country legally are severely punished by having to pay thousands of dollars, while people who enter illegally are rewarded with a free taxpayer-funded education," she said in a telephone interview.

"I'm not objecting to the fact we have to pay," she added later. "I'm objecting to the fact that millions of illegals don't. They're the ones who are putting the burden on the system."

## Classification

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**Language:** ENGLISH

**Subject:** IMMIGRATION (94%); ILLEGAL IMMIGRANTS (90%); CHILDREN (90%); STUDENTS & STUDENT LIFE (90%); IMMIGRATION LAW (90%); US PRESIDENTS (90%); HIGH SCHOOLS (90%); PASSPORTS & VISAS (89%); FOREIGN STUDENTS (89%); EDUCATION SYSTEMS & INSTITUTIONS (89%); GANGS (89%); PUBLIC SCHOOLS (89%); US FEDERAL GOVERNMENT (78%); MIGRATION ISSUES (78%); LAW ENFORCEMENT (78%); US DEMOCRATIC PARTY (78%); PRIMARY SCHOOLS (77%); PRIMARY & SECONDARY EDUCATION (77%); PRIVATE SCHOOLS (77%); TUITION FEES (77%); COLLEGE STUDENTS (73%); SECONDARY SCHOOLS (73%); POLITICAL DEBATES (71%)

**Industry:** HIGH SCHOOLS (90%); EDUCATION SYSTEMS & INSTITUTIONS (89%); PUBLIC SCHOOLS (89%); PRIMARY SCHOOLS (77%); PRIMARY & SECONDARY EDUCATION (77%); PRIVATE SCHOOLS (77%); COLLEGE STUDENTS (73%); SECONDARY SCHOOLS (73%); PERSONAL FINANCE (72%)

**Person:** DIANNE FEINSTEIN (77%); BILL CLINTON (72%)

**Geographic:** SAN DIEGO, CA, USA (79%); CALIFORNIA, USA (94%); UNITED STATES (93%)

**Load-Date:** December 31, 1996