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Haley Kottler, Thriving Campaign Director
Kansas Appleseed Center for Law and Justice
Testimony in Opposition to SB 254
Senate Committee on Federal and State Affairs

Chairman Thompson, Ranking Member Faust-Goudeau, and Members of the Senate Committee on Federal and State Affairs,

Thank you for the opportunity to provide this testimony. I am testifying in opposition to SB 254, which would prohibit undocumented immigrants from receiving any state or local public benefit. This includes requiring state and local officials to report an immigrant's status to the Department of Homeland Security. Finally, it creates a presumption that any person determined to be an undocumented immigrant who has been charged with a crime is a flight risk.

My name is Haley Kottler, I am a campaign director at Kansas Appleseed Center for Law and Justice. Kansas Appleseed is a statewide non-profit organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

Kansas Appleseed has a long history of advocating for policy changes and solutions to eliminate the root causes of hunger to ensure equitable access to food for all Kansans. Simply put, hunger is a symptom of poverty. Public assistance programs are proven remedies to combat those symptoms and promote economic security and self-sufficiency. Barriers to public assistance programs like SNAP, WIC, medicaid, child care subsidies, TANF, and more only ensure continued poverty for thousands of hardworking Kansas families.

Further, our long history of advocating for a just Kansas means we know that an inequitable judicial system does not promote public safety or justice, but rather is a threat to justice for Kansans. An unjust judicial system impedes the ability of Kansans to thrive.

As such, we are strongly opposed to this bill that will ensure poverty and injustice continues to be the hallmarks of Kansas' promise of opportunity and future success. This bill harms hardworking immigrants in our state who have ensured the continued success of Kansas. This bill doesn't just hurt new Kansans, but all Kansans who thrive because of the honest and hard work immigrants give everyday in this state.

First, this bill is simply a cruel and unnecessary way to target immigrants, legal or otherwise. It serves no larger purpose of improving the lives of Kansans. It is based on a false assumption and narrative that undocumented immigrants are receiving extensive public (state and federal) resources. Yet, assistance programs meant to ease the symptoms of poverty and promote self-sufficiency like SNAP and Medicaid require a social security number to even apply. Undocumented individuals do not have social security cards. Existing laws already do not allow for undocumented individuals to receive public assistance through most programs. Given those

facts, it is clear that this bill is simply a way to target immigrants trying to go to school and racially profile them in the justice system and beyond.

The children this bill aims to take an educational opportunity away from are paying for their college education. In Kansas, only U.S. citizens and permanent residents can receive financial aid. Taking in-state tuition away from children makes an already expensive endeavor—investing in a college education for long-term, future success—even more expensive. As such, very few immigrants are able to get a college education even with the in-state tuition policy. One source notes just 450 students a year use the in-state tuition policy. Yet, their accomplishments show the success of the individuals who are able to get a Kansas college education, and the way they better the state as a whole. They are teachers, nonprofit leaders, attorneys, nurses, and more.¹ Kansas continually faces a workforce shortage. Why are we trying to curtail the success of diligent students who want to contribute to the betterment of the state?

This bill is also sowing fear in communities across Kansas, and children may face the consequences. All children in the United States are entitled to a free public education regardless of their immigration status.² When in school, children from families struggling to make ends meet can receive free or reduced priced-meals. For many children this could be the only full meal they receive a day. The number of kids eligible for free or reduced-priced meals in Kansas may exceed the number actually certified as eligible. One study found that between 16 and 25 percent of potentially eligible families do not apply for school meal benefits.³ One reason that many families do not apply for meal programs for their children is that parents in immigrant communities are afraid to apply for food assistance programs due to fear of public consequences and identification.⁴

No parent should ever have to make the choice between fear of losing opportunities for their family and feeding their children. Yet, this bill will ensure that many of our neighbors will be doing just that. This bill requires immigrant status confirmation with the Department of Homeland security for public assistance programs. It is unclear how this applies to free and reduced priced meals. However, the fear of the possibility is enough to create significant harm to children who need meals in school—a school they are entitled to attend.

It is also worth noting that this does not just affect families afraid for the lives they have built and the safety and security of their children. It will impact countless other families who rely on school programs for their children if they are struggling. At-risk funding for children is calculated using the number of children on free and reduced-priced meals at a school. That at-risk funding then can be used on evidence-based programs for children struggling with educational or behavioral set-backs. The fear this bill creates has the potential to have a ripple effect on programs beyond meals for children. If the Legislature is going to enshrine unnecessary hatred into state law, they should pause to consider how damaging the fear they are generating will go.

¹ Lewis, M. Don't let Kansas strip away immigrant high school students' in-state college tuition. *Kansas City Star*. 2025. <https://www.kansascity.com/opinion/readers-opinion/guest-commentary/article300538569.html>

² KLRD. State Services for Unlawful Immigrants. 2023. https://www.kslegislature.gov/li_2024/b2023_24/committees/ctte_leg_budget_1/documents/testimony/20231214_12.pdf

³ Schirm, A. L. and Kirkendal, N. J. eds. *Developing and Evaluating Methods for Using American Community Survey Data to support the School Meals Program: Interim Report*. 2010.

⁴ Borges, M. P., ed. *National School Lunch Program Assessment: Children's Issues, Laws and Program Series*. 2009. Nova Science Publishers; Kim, J. and Joo, M. "The Effects of Direct Certification in the U.S. National School Lunch Program on Program Participation." *Journal of the Society for Social Work and Research*. 2020; FRAC, "Food Over Fear: Overcoming Barriers to Connect Latinx Immigrant Families to Federal Nutrition and Food Programs." 2020. https://frac.org/wp-content/uploads/NILC_Latinx-Immigrant-Families.pdf

This bill also paves the path for racial profiling and unjust treatment of non-citizens. Our justice system relies on the presumption of "innocent until proven guilty", however, the "rebuttable presumption" of flight risk in this bill means undocumented folks would automatically be presumed to be "guilty of being a flight risk." This undermines the foundation of our justice system– "innocent until proven guilty." Being presumed a flight risk means significantly higher bond amounts, which can result in bond as a detention method due to inability to pay, which is unconstitutional. It can also lead to undocumented folks being held indefinitely without release and without bond until their trial. Justice is not just for those who can afford it and those with legal documentation of citizenship or residency. The justice system is for all. This bill effectively creates two justice systems based on racial profiling and wealth. There is nothing just in that at all.

SB 254 threatens the security and opportunities of students and others across the state. The policies add undue barriers to education and its promise of future success. It also generates fear beyond higher education and creates a two tiered, unjust judicial system. A just and thriving Kansas is one where the success of all is supported and celebrated.

I urge you to vote against this bill, ensuring the future success of immigrant communities and all of Kansas.

Thank you,

Haley Kottler