

## **Is illegal immigration a problem in Kansas? Despite small numbers, Kobach says yes**

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Republican gubernatorial nominee Kris Kobach's vision for undocumented immigrants in Kansas includes databases, higher tuition costs and punishments for "sanctuary" cities that don't help with deportations. But some say Kobach's tactics to discourage illegal immigration are not only unnecessary, but potentially harmful.

Kobach, who has been endorsed by President Donald Trump, has made illegal immigration a cornerstone of his gubernatorial campaign, even though critics note Kansas has a relatively small population of undocumented immigrants, amounting to less than 1 percent of those present in the country. Even so, Kobach insists that those illegal immigrants pose a threat, not only hurting Kansas taxpayers, but putting Kansans' jobs and lives at risk.

In a recent conversation with the Journal-World, Kobach called Kansas the "sanctuary state of the Midwest," and said it's important for the state to take action to discourage illegal immigration because, he says, those immigrants are costing the state millions of dollars annually.

"Right now, we reward illegal immigration by giving, for example, in-state tuition rates to illegal aliens, and we make many public benefits available to illegal aliens," Kobach said.

Kobach promises mandatory checks of illegal immigrant databases for those seeking benefits, abolishment of the state law that grants in-state tuition to undocumented students that graduated from Kansas high schools, and punishments for local "sanctuary" governments that limit their cooperation with federal deportation agencies.

But some say Kobach's policy ideas, and the negativity behind them, harm the immigrant community as a whole. Those involved in immigration research question Kobach's motivations for focusing on illegal immigration, and how impactful Kobach's proposals would even be if he is able to get them passed.

In addition to proposals regarding tuition and sanctuary cities, University of Kansas Political Science Associate Professor Gary Reich noted city ordinances backed by Kobach, some of which attempted to punish landlords for leasing to illegal immigrants. Reich, who is also on the KU Center for Migration Research advisory board, questioned Kobach's motivation for pushing the issue, and whether he will get support from Kansas lawmakers.

"What are the motivations?" Reich said. "How much of this is pushing an issue that attracts a lot of political heat and attention, that has been very useful to him, versus actually addressing real policy concerns in the state?"

## Illegal immigrants in Kansas

Of the estimated 11 million undocumented immigrants in the U.S., a very small percentage reside in Kansas, *according to Pew Research Center estimates*. Pew found that about 75,000 undocumented immigrants live in Kansas, or less than 1 percent of the country's undocumented population.

However, those are not the numbers Kobach is focusing on as part of his campaign. What he does bring up is the number \$377 million.

Kobach has said the state of Kansas spends \$377 million a year in state and federal funds providing benefits to undocumented immigrants, a claim based on a highly disputed study by the Federation for American Immigration Reform. *The Journal-World previously reported* that the study has been roundly refuted by other organizations, including the libertarian Cato Institute, which called the study "fatally flawed" because it overestimated the number of undocumented immigrants in the country and included the cost of benefits consumed by U.S.-born children of undocumented immigrants.

When asked about the relevance of his focus on illegal immigration given the relatively small number of undocumented immigrants in the state, Kobach responded by citing the \$377 million figure. He said it's important for the state to take action.

"That's an extraordinary amount of money in a time when the Legislature was trying to find ways to balance the budget," Kobach said. "It is feasible that we spend hundreds of millions of dollars on giving public benefits to individuals who shouldn't even be in this state."

Regarding access to public benefits, Kobach said he would propose a bill that prohibits benefits from going to illegal immigrants. He said there is a federal database, Systematic Alien Verification for Entitlements, or SAVE, that was set up for state and local governments to make sure that people are in the country legally before they receive benefits. He said he would require state agencies that provide benefits to consult that database.

But some see it another way. Andrea Gomez Cervantes, a KU doctoral candidate and graduate research assistant at the KU Center for Migration Research, said she thinks claims that immigrants have a negative impact are often used strategically to make those communities a scapegoat for economic or other issues, rather than actually trying to address them.

"Using immigrants as scapegoats is very easy, because they become this kind of outsider group that is not welcome, and it's very easy to steer the attention away from economic needs," Gomez Cervantes said.

Reich points out that some of Kobach's legislation has actually ended up costing states and cities money. He said although states have the authority to pass laws like the current law that provides in-state tuition to undocumented students, other areas start to immediately get into questions about stepping on federal authority. Reich noted *recent reports by the Kansas City Star* that indicated some ordinances that Kobach helped create aimed at deterring illegal immigration had cost cities millions to defend in court.

Depending on what laws Kobach is able to create, Reich said the state could also end up having to spend time and money defending them in court.

“Rhetoric on immigration is cheap, but laws can be very expensive,” Reich said. “... A lot of these localities started testing these laws and in the end they just found that they cost way too much money to defend, and by the time the courts got done saying ‘This is what you’re actually allowed to do,’ the laws themselves ended up being really toothless.”

### **Part of the Kansas economy**

About 7 percent of Kansas residents are immigrants, with the top countries of origin being Mexico at about 41 percent, India at about 6 percent, Vietnam at about 5 percent, China at about 4 percent, and Guatemala at about 3 percent, according to the American Immigration Council.

Though Kansas overall has a relatively small immigrant population, there are several cities, such as Dodge City, Garden City and Liberal, in which approximately half or more of the population is of Hispanic origin.

The population of Dodge City, which is home to two beefpacking plants, is about 59 percent Hispanic or Latino, according to the U.S. Census. Cherise Tieben, the city manager of Dodge City, said the plants work very hard to make sure they are employing legal immigrants, but issues sometimes arise when people fall out of compliance. She said the city has been working hard to bring additional services to the immigrant community so that they can remain compliant.

However, Tieben said she thinks people need to be careful how they talk about the issue of immigration, as most immigrants are here legally, and they have a significant impact on the city’s economy and a positive impact on the community.

“As well as being great employees, they are good family people and there are a lot small businesses owned by immigrants to our country,” Tieben said. “Sometimes too many get categorized as illegal when they are here legally.”

Numbers back that up. About 75 percent of immigrants are in the United States legally, but most people do not know that to be true, according to a recent Pew Research Center survey. The survey indicates that less than half of Americans, or about 45 percent, know that most immigrants in the U.S. are here legally.

### **Crime**

In addition to the economic impacts, part of Kobach’s campaign has been highlighting crimes committed by undocumented immigrants.

Recently, he put out a statement regarding the death of Iowa college student Mollie Tibbetts. An undocumented immigrant from Mexico has been charged in her murder, and following that announcement, Kobach stated that “crime is one of the many reasons I’ve been fighting illegal immigration all of my career and will continue to do so as Governor.” The statement also notes past Kansas deaths involving undocumented immigrants.

Gomez Cervantes, who was part of a research team that studied the effect of criminalizing Latino immigrants through laws and the media, said Kobach and others use anecdotes about crimes committed by undocumented immigrants to create a panic even though there are not statistics that show immigrants are more prone to committing crimes.

“When one incident happens, it gets blown out of proportion,” Gomez Cervantes said. “It’s kind of like this moral panic.”

When asked how he would respond to those who say his campaign unfairly creates a negative picture of how immigrants affect Kansas communities, Kobach responded that “facts are facts,” and noted specific crimes committed by undocumented immigrants. He listed the example of Tibbetts, as well as two Kansas examples that involved undocumented immigrants. Specifically, he noted Johnson County sheriff’s deputy Brandon Collins, who was killed in a drunk driving accident in 2016, and Amanda Bixby, a Tonganoxie woman who was killed in 2007 when another motorist failed to stop at a stop sign.

After listing those examples, Kobach concluded there is indeed a negative criminal impact to illegal immigration, and that illegal immigration makes deaths such as Tibbetts’ possible.

“That is a murder that is preventable, and that could have been prevented if our immigration laws were enforced and if the individual didn’t have an incentive and ability to remain in the U.S.,” Kobach said.

As part of his plan to discourage illegal immigration in Kansas, Kobach also said he would withhold state aid from “sanctuary” cities and counties, which are typically defined as jurisdictions that have a policy or practice of not honoring requests from federal immigration agencies to maintain or transfer custody of undocumented immigrants.

“The best law enforcement occurs when we have federal, state and local officials all working in the same direction,” Kobach said. “And in Kansas that means that we would need to stop encouraging illegal immigration and start discouraging illegal immigration.”

Recent studies indicate that fears of illegal immigrants increasing crime are unfounded. One study, which looked at criminal conviction data in Texas for 2015, found that immigrants in the country, legally or illegally, were less likely to be convicted of a crime than native-born residents. Another study looked at population demographics and crime rates, and found that higher percentages of undocumented immigrants in a community do not correlate with increased violent crime rates.

Both Gomez Cervantes and Tieben said they worry about how a negatively focused conversation about immigration will affect broader immigrant communities, not just those individuals who are undocumented.

### **Effect on immigrant communities**

Tieben said that even though most immigrants are in the state legally, some of the dialogue about illegal immigration sows fear throughout the immigrant community.

“People have to watch how they are using those terms, because it does have an impact,” Tieben said. “People who are legally here under immigration guidelines, it scares them, and that does have an impact on our economy. I hope people are careful when they use those terms and how they are used.”

Lawrence resident Esther, who grew up in Dodge City, said that her parents came to the U.S. from Mexico and originally settled in California, but later decided to move to Kansas because of the lower cost of living. Esther is a lifelong Kansas resident herself, but she asked that the Journal-World use only her middle name due to undocumented family members.

Esther described Kobach's rhetoric on illegal immigration as ignorant of reality, xenophobic and having racial undertones. She said she would rather see issues besides immigration be the focus during the gubernatorial campaign.

"With all this negative rhetoric, it really just kind of bogs us down in this old way of thinking," Esther said. "If we could focus on our wind energy, our health care and our education, we could totally turn this state around to be one of the more progressive Midwestern states. It just makes us look as backward as people play us out to be."

Gomez Cervantes said the public negativity about undocumented immigrants creates anxiety and fear in immigrant communities regardless of immigration status, and can also directly shape broader community relationships. She said when entire groups are stereotyped as being dangerous, it deepens racial divides and distrust between groups.

"We have now generated this negative stereotype associated with all people, not only immigrants," Gomez Cervantes said. "Because a lot times you can't tell if a person is an immigrant or not. So now we have these very strong racial divides that are based on fear of crime and protectionist rhetoric."

For her part, Tieben said if there is to be more state-level discussion on immigration, she wants communities like Dodge City to part of that conversation.

"We would welcome additional dialogue on the issue," Tieben said. "We'd like to be a part of the solution. And we feel pretty confident with the direction that we're going here, and how we're handling immigration matters."