July 1, 2021

Dr. Miguel Cardona, Secretary
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20024

Re: Federal TRIO Programs - Docket ID ED-2021-OPE-0077

Dear Secretary Cardona:

We write to urge you to eliminate the regulatory requirement that participants in the Federal TRIO Programs be U.S. citizens or permanent residents to access TRIO's life-changing college access and completion services. The Federal TRIO Programs provide counseling, mentoring, tutoring, and advising services for low-income students and those who will be the first in their family to earn a college degree, students with disabilities, disconnected adults, and military veterans. TRIO currently serves more than 800,000 students annually, two-thirds of whom are students of color. TRIO has produced more than six million college graduates.

Since 1986, the Higher Education Act (HEA) statute has excluded many immigrant students from federal grants, loans, or work assistance [20 U.S.C. 1091(a)(5)]. However, the statute does not exclude undocumented or other immigrant students from participating in *other* Title IV student programs, projects, or services, including TRIO's individual counseling, advising, mentoring, tutoring, college search, and other services. Instead, restrictive regulations in place since the 1980s limit TRIO eligibility beyond what is authorized by the HEA statute, requiring that to access TRIO services, students have citizenship, permanent residency, or other immigration paperwork [34 CFR §643.3(a)(1); §644.3(a)(1); §645.3(a); §646.3(a); and §647.3(a)].[1]

Despite the law's restrictions on federal student aid, many undocumented and other immigrant students have been able to attend college and will make outstanding contributions to the country. They have a particular need for information and support that TRIO programs are poised to meet. However, the Department's overly restrictive regulations close the doors of TRIO services to promising students who meet all other eligibility criteria in the HEA statute – including being low-income and/or first-generation college-bound, having a disability, or being a military veteran – but are undocumented or lack a pathway to lawful permanent residence.

The Department should remove the TRIO citizenship and immigration status regulations as soon as possible as part of its upcoming Title IV negotiated rulemaking process, which would meet its goal to reduce "gaps in postsecondary outcomes such as retention, completion, loan repayment, and student loan default by race, ethnicity, gender, and other key student characteristics."

Among potential first-generation and low-income TRIO participants are individuals granted Deferred Action for Childhood Arrivals (DACA) – students who came to the U.S. as young people who are American in every sense but the paperwork. TRIO is particularly important to the nearly 100,000 undocumented students who graduate from high school each year, and the more than 427,000 undocumented immigrants enrolled in higher education, including more than 181,000 students in higher education who are eligible for DACA.[2] Many

[1] Similarly, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 restricted access to "post-secondary education … or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States." 8 USC 1611(c). The TRIO services are not payments or assistance and are not similar to the other benefits listed in the law, and therefore would not be subject to the restrictions in this law.
[2] Higher Ed Immigration Portal (accessed June 22, 2021).
https://www.higheredimmigrationportal.org/national/national-data/

undocumented students are unable to enroll in or complete college due to high costs and lack of supports to navigate the path to and through college.

We stand ready to work with you to expand college opportunity and completion for all students.

Sincerely,

Afterschool Alliance
Alliance for Excellent Education
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Association of University Professors
American Council on Education
American Federation of Teachers
American Indian Higher Education Consortium
American Psychological Association
American School Counselor Association
American Student Association of Community Colleges
Association of American Colleges and Universities
Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Latino Administrators and Superintendents (ALAS)
Association of Public and Land-grant Universities
Association of Young Americans (AYA)
California Department of Education
Center for Law and Social Policy (CLASP)
Central American Resource Center of Northern CA - CARECEN SF
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Council for Opportunity in Education
Council of Administrators of Special Education
Council of Graduate Schools
EDGE Consulting Partners
Education Reform Now Advocacy
Educators for Excellence
EduColor
FWD.us
Georgetown University
HACU-Hispanic Association of Colleges and Universities
Hildreth Institute
Immigrants Rising
Immigration Hub
La Union del Pueblo Entero (LUPE)
Lumina Foundation
Magnet Schools of America
MENTOR
Michigan United
NASPA - Student Affairs Administrators in Higher Education
National Association of College and University Business Officers
National Association of Graduate-Professional Students

National Association of Independent Colleges and Universities
National Association of Secondary School Principals
National Association of State Directors of Special Education (NASDSE)
National Association of Student Financial Aid Administrators
National College Attainment Network
National College Transition Network at World Education, Inc.
National Council for Community and Education Partnerships
National Council of Jewish Women
National Education Association
National HEP CAMP Association
National Immigration Forum
National Immigration Law Center
Nations Association of College Stores
New America Higher Education Program
Next100
Pre-Health Dreamers
Presidents' Alliance on Higher Education and Immigration
Public Higher Education Network of Massachusetts (PHENOM)
Rutgers, The State University of New Jersey
San Diego State University
Teach For America
The California State University
The Education Trust
The Institute for College Access & Success
The State University of New York
TheDream.US
TMCF
TNTP
UC Santa Cruz
UCLA
UndocuBlack Network
UnidosUS
United Stateless
United We Dream
University of California System
University of California, Davis
University of California, Santa Cruz
University of Nevada, Reno
University of Southern California
Westchester Jewish Coalition for Immigration