To: U.S. Department of Education, Members of the Program Integrity and Institutional Quality Committee, 2024 Negotiated Rulemaking,
From: Magin Misael Sanchez, UnidosUS, Negotiator for Civil Rights Organizations and Consumer Advocates (Alternate),
Jessica Morales, Negotiator for Students and Borrowers (Primary)
Date: January 21, 2024
Re: Support for the Department's Proposed Changes to the TRIO Programs

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To the U.S. Department of Education

We write to express our wholehearted support for the Department's proposed position on the expansion of eligibility for Federal TRIO programs, regardless of citizenship status, through its proposed changes to 34 CFR 643.3, 644.3, and 645.3.

The proposed changes are intended and designed to serve and assist students from disadvantaged backgrounds. We applaud the Department's efforts to open eligibility to undocumented students to the same college preparation and support services available to their peers.

There is no statutory restriction that requires TRIO providers to offer services only to students who are citizens; the Higher Education Act makes no mention of such a prohibition for TRIO. However, **the Department's current regulations for TRIO are misaligned with the statute, and include a longstanding but non-statutorily supported restriction that students served by TRIO be a citizen or national** of the U.S., a permanent resident of the U.S., a permanent resident of Guam, the Northern Mariana Islands, or Palau, or a resident of the Freely Associated States.

As a result, TRIO providers cannot simply serve the students in the schools and centers they work with; instead, they must first screen students for this extremely personal information, requiring students to demonstrate their citizenship, before they can receive college-going guidance and other academic supports. This provision of the regulations places a needless burden on both students and providers.

Undocumented students are just as deserving of every opportunity to pursue higher education as their peers. Despite tremendous barriers to their education, they have persevered and proven to be incredibly hard-working, committed, and active contributors within the classrooms they attend. Many were brought to the U.S. as children and have grown up as Americans. This is their home. **To continue to shut out a population of students because they lack a piece of paper is unconscionable.** But you can help.

The Department's proposed changes to support these students by offering them services like tutoring, mentoring, financial literacy instruction, and guidance on college-going activities is commendable. These changes can make the difference for thousands of

students to chart a new path toward higher education attainment. Over 400,000 undocumented students across the country are already enrolled in higher education, and more than half of states provide access to in-state tuition or financial aid and scholarships for undocumented and/or DACA students. With support from TRIO providers working in our high schools, students who would otherwise be eligible but for their immigration status, could access higher education, earn degrees, and contribute to our nation and our economy. We cannot continue to overlook these students; as such, we respectfully ask our fellow negotiators to join us in supporting these proposed changes.