

*Delivered via electronic mail*

January 18, 2024

Federal TRIO Programs Subcommittee  
Program Integrity and Institutional Quality Committee  
United States Department of Education

**RE: Expanding TRIO Programs Eligibility to Undocumented Students**

Dear Members of the Program Integrity and Quality Committee and Federal TRIO Programs Subcommittee:

The undersigned organizations and institutions, including current TRIO grantees, wholeheartedly support the expansion of eligibility for Federal TRIO programs to include undocumented students as proposed by the Department of Education through its 2024 negotiated rulemaking.<sup>1</sup> We are encouraged by the Department's willingness to propose these changes to support these students' educational access and success and now encourage the TRIO Subcommittee and full Committee to support the expanded eligibility criteria and reach a favorable final consensus.

The Federal TRIO Programs' current exclusion of undocumented students is counterproductive and arbitrary.<sup>2</sup> The proposed regulations would enable Federal TRIO programs to continue to serve the disadvantaged students that the Higher Education Act established Federal TRIO programs to assist. They would enable Federal TRIO programs to serve eligible undocumented students enrolling in high school every year and pursuing postsecondary education. They would also align federal regulations with the policies of many states that recognize the importance of supporting access to higher education for undocumented students.<sup>3</sup> Currently, 24 states and the District of Columbia have extended in-state tuition to undocumented students through their legislatures and policies, and 18 states and the District of Columbia also provide access to in-state financial aid.<sup>4</sup>

We encourage the Subcommittee not to treat certain benefits of TRIO programs that undocumented students may be barred from receiving, like stipends, as stumbling blocks to expanding eligibility for TRIO services overall.<sup>5</sup> Colleges, states, and TRIO practitioners are eager and have proven adept at finding ways to support undocumented students despite this statutory barrier. Indeed, the greater equity issue and barrier for these students is access to the program itself, which the Subcommittee and Committee as a whole now has the opportunity to rectify.

Through the Performance Partnership Pilot ("P3") for Disconnected Youth, the Department waived immigration status requirements that are barriers to achieving improved outcomes for

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<sup>1</sup> Off. of Postsecondary Educ., Dep't of Educ., Issue Paper No. 6: Federal TRIO Programs (Jan. 12, 2024), [www2.ed.gov/policy/highered/reg/hearulemaking/2023/trio-subcommittee-issue-paper-session-1.pdf](http://www2.ed.gov/policy/highered/reg/hearulemaking/2023/trio-subcommittee-issue-paper-session-1.pdf).

<sup>2</sup> See Letter from Organizations to Sec'y Cardona, Dep't of Educ. (July 1, 2021), [www.schoolcounselor.org/getmedia/cee6bced-c236-4db7-90b5-06ed9cdff62c/federal-trio-programs.pdf](http://www.schoolcounselor.org/getmedia/cee6bced-c236-4db7-90b5-06ed9cdff62c/federal-trio-programs.pdf).

<sup>3</sup> Am. Immigration Council & Presidents' Alliance on Higher Educ. and Immigration, Undocumented Students in Higher Education How Many Students Are in U.S. Colleges and Universities, and Who Are They? 10-11 (Aug. 2023), [www.higheredimmigrationportal.org/wp-content/uploads/2023/08/07.23-Undocumented-Students\\_v3.pdf](http://www.higheredimmigrationportal.org/wp-content/uploads/2023/08/07.23-Undocumented-Students_v3.pdf).

<sup>4</sup> Portal to the States, Higher Ed Immigration Portal, [www.higheredimmigrationportal.org/states](http://www.higheredimmigrationportal.org/states) (last visited Jan. 18, 2024).

<sup>5</sup> See, e.g., 34 C.F.R. § 645.42.

TRIO programs in California and Oregon, including the Talent Search, Classic Student Support Services, and Classic Upward Bound programs. The California P3 agreement became effective in November 2022 and is in effect until September 2026. Projects participating in the P3 demonstrate that students have exceeded expected outcomes in maintaining their grade point averages and academic good standing, as well as persistence to their diploma. Undocumented students have been able to contribute to and benefit from the high level of effectiveness of these programs. TRIO practitioners have reported an easing of administrative burden by extending services to undocumented students, rather than barring them from participation.

Support for both TRIO programs and Dreamers is consistent and bipartisan.<sup>6</sup> Allowing TRIO programs to serve undocumented students accords with this support and would buttress states' goals for increasing the percentage of their residents obtaining postsecondary education.<sup>7</sup> States recognize the benefits that investing in students' access to postsecondary education yields for their local economies.<sup>8</sup>

The undersigned, members of negotiated rulemaking committees, and the Department have all invested in undocumented students for over a decade. The opportunity now presents itself to ensure they can receive more of the support they need to access postsecondary education, thrive, and graduate. We respectfully urge you to come to a favorable final consensus on the proposed changes.

Sincerely,

Achieve Twin Cities  
Aliento Education Fund  
Atlanta Public Schools  
Border Network for Human Rights (BNHR)  
Breakthrough Central Texas  
Bunker Hill Community College Foundation  
California Student Aid Commission  
Center for Law and Social Policy  
Center for Popular Democracy  
CHILDREN AT RISK  
Coalition for Humane Immigrant Rights (CHIRLA)  
EduOptimists LLC

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<sup>6</sup> Maureen Hoyer, Council for Opportunity in Educ., House Subcommittee Level Funds TRIO in Bill That Cuts Overall FY24 Funding by 28% (July 18, 2023), [www.coenet.org/news-impact/advocacy-update/house-subcommittee-level-funds-trio-in-bill-that-cuts-overall-fy24-funding-by-28](https://www.coenet.org/news-impact/advocacy-update/house-subcommittee-level-funds-trio-in-bill-that-cuts-overall-fy24-funding-by-28); Press Release, Council for Opportunity in Educ., Record Number of Bipartisan Representatives Call to Prioritize Funding for Federal TRIO Programs (Apr. 27, 2022), <https://coenet.org/news-impact/press-releases/record-number-of-bipartisan-representatives-call-to-prioritize-funding-for-federal-trio-programs>; Press Release, Presidents' Alliance on Higher Educ. and Immigration, Voters Agreed on Urgent Need for Legislative Solutions for Dreamers: Recent Polling Shows a Strong Majority of Americans Across the Political Spectrum Support Action (Nov. 9, 2022), [www.presidentsalliance.org/press/voters-agreed-on-urgent-need-for-legislative-solutions-for-dreamers-recent-polling-shows-a-strong-majority-of-americans-across-the-political-spectrum-support-action](https://www.presidentsalliance.org/press/voters-agreed-on-urgent-need-for-legislative-solutions-for-dreamers-recent-polling-shows-a-strong-majority-of-americans-across-the-political-spectrum-support-action).

<sup>7</sup> Nat'l Governors Assoc., Governors Prioritize Postsecondary Education Pathways In 2023 State Of The State Addresses (Mar. 27, 2023), [www.nga.org/news/commentary/governors-prioritize-postsecondary-education-pathways-in-2023-state-of-the-state-addresses](https://www.nga.org/news/commentary/governors-prioritize-postsecondary-education-pathways-in-2023-state-of-the-state-addresses).

<sup>8</sup> Am. Immigration Council & Presidents' Alliance on Higher Educ. and Immigration, *supra* note 3, at 4, 11.

Estrella del Paso (Formerly Diocesan Migrant and Refugee Services)

First Gen Empower

[FWD.us](http://FWD.us)

Illinois Dream Fund

Immigrants Rising

ImmSchools

Kids in Need of Defense (KIND)

Los Angeles County Office of Education

McHenry County College

National Education Association

National Immigration Law Center

Presidents' Alliance on Higher Education and Immigration

Southeast Asia Resource Action Center (SEARAC)

The Education Trust

UC Berkeley

UC Santa Barbara

UCLA

University of California Student Association

University of California System

Villanueva Consulting

Voto Latino

Wind of the Spirit Immigrant Resource Center

Young Invincibles

cc: The Honorable Nasser Paydar, Ph.D., Assistant Secretary for Postsecondary Education