



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)].<sup>1</sup>

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.<sup>2</sup> Many

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<sup>1</sup> 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.

<sup>2</sup> 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