

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

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Miriam Feldblum
Executive Director

August 25, 2021

The Honorable
Charles Schumer
Majority Leader
U.S. Senate
Hart Senate Office
Building
Washington, DC
20002

Members of the
Senate Health,
Education, Labor &
Pensions Committee
428 Dirksen Senate
Office Building
Washington, DC
20510

Members of the Senate
Judiciary Committee
711 Hart Senate
Building
Washington, DC 20510

RE: HIGHER EDUCATION IMMIGRATION RECOMMENDATIONS FOR BUDGET RECONCILIATION

Dear Senate Majority Leader Schumer, Members of the Senate Judiciary Committee, and Members of the Senate Health, Education, Labor & Pensions Committee:

On behalf of the Presidents' Alliance on Higher Education and Immigration,¹ I write to urge the Senate to incorporate the following provisions through the FY 2022 budget reconciliation legislation: (a) incorporate a roadmap to citizenship for undocumented students, Dreamers, DACA recipients, and TPS holders; (b) expand Pell Grants and ensure that the expansion also provide eligibility to undocumented students, including DACA recipients; (c) ensure that any provision providing free community college also includes eligibility to undocumented students, including DACA recipients; and (d) include an expansion of dual intent for international students. Enacting these policies will not only provide much needed and well-deserved protection for vulnerable populations, but also promote the United States as the preeminent destination for international students and scholars to study, live, and work.

I. Roadmap to Citizenship for Undocumented Students, Dreamers, DACA Recipients, and TPS Recipients

Democrats' \$3.5 trillion budget resolution package instructs lawmakers to chart a roadmap to citizenship for millions of people while investing in border security. The bill text includes some \$107 billion for the Senate Judiciary Committee to spend, but the package does not specify how many people or which groups would be covered by the legislation. Instead, it directs the committee to provide "lawful permanent status for qualified immigrants." A summary of the bill also states it will provide green cards

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¹ The nonpartisan, nonprofit [Presidents' Alliance on Higher Education and Immigration](https://www.presidentsalliance.org) brings college and university presidents and chancellors together on the immigration issues that impact higher education, our students, campuses, communities and nation. We work to advance just, forward-looking immigration policies and practices at the federal, state, and campus levels that are consistent with our heritage as a nation of immigrants and the academic values of equity and openness. The Alliance is composed of over 500 presidents and chancellors of public and private colleges and universities, enrolling over five million students in 43 states, D.C., and Puerto Rico.

“to millions of immigrant workers and families,” including Dreamers, DACA recipients, undocumented students, and TPS holders deserve citizenship.

Since its inception under President Obama, Deferred Action for Childhood Arrivals (DACA) has protected almost 800,000 young undocumented immigrants who came to the United States as children from deportation and allowed them to apply for renewable two-year work permits. DACA, with its associated grant of lawful presence, opened the door for DACA recipients in at least ten states to enroll in public colleges or universities or access in-state tuition.² As of March 31, 2021, there are 616,030 DACA recipients in the United States, and a roadmap to citizenship would support the more than 427,000 undocumented students in higher education who are vulnerable to detention and deportation.³

II. Expansion of Federal Financial Assistance to all Undocumented Students, including DACA Recipients

During the reconciliation process, Congress has the opportunity to enact legislation that significantly increases Pell grants, a vital priority for many students and higher education institutions. During this process, Congress also has the opportunity to pass legislation that prohibits the denial of federal financial aid (including federal loans, Pell and other grants, and work-study-based programs) for immigrant youth and adult learners (including DACA recipients, TPS holders, and undocumented students) who obtain relief through legislation. Because these potential provisions inherently involve federal funds in the form of grants, work-study programs, student loans, and more—and, consequently are intrinsically involved with outlays and revenues—they likely will not qualify as extraneous material under the Byrd rule so long as the appropriate committees engage with the language. An increase in Pell grants and an expansion of eligibility for federal financial assistance to Dreamers will promote greater racial equity and lower financial barriers for low-income students seeking a college degree.⁴

III. Any Provision Providing for Free Community College Should Include Undocumented Students, including DACA Recipients

The reconciliation package contains language concerning free community college as well as tuition breaks for historically Black colleges and universities (HBCUs) among the main higher education components. In its current form, the package calls for \$12 billion in community college infrastructure and \$109 billion for free community college.⁵ The plan would “ensure that first-time students and workers wanting to reskill can enroll in a community college to earn a degree or credential for free,” without incurring any student loan debt. It is critical that this

² Christian Penichet-Paul & Ivana Lopez-Espinosa, “Ending DACA Would Limit Access to Higher Education in Ten States,” *June 29, 2020, Higher Ed Immigration Portal*, <https://www.higheredimmigrationportal.org/policy/ending-daca-would-limit-access-to-higher-education-in-ten-states/>.

³ The Presidents’ Alliance on Higher Education and Immigration and New American Economy, “How Many Undocumented Students are in U.S. Colleges and Universities, and Who Are They,” March 2021, Higher Ed Immigration Portal, <https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/>.

⁴ Greg Iacurci, “Biden seeks extra \$400 a year in Pell grants for college and to expand aid to Dreamers,” April 9, 2021, CNBC, <https://www.cnbc.com/2021/04/09/biden-seeks-extra-pell-grant-money-for-college-and-expand-aid-to-dreamers.html>.

⁵ “FACT SHEET: The American Jobs Plan,” March 21, 2021, The White House, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>.

expansion of free community college also include undocumented students, including DACA recipients.

IV. Expand Dual Intent and Expedite Green Cards for International Students

There is a long-standing and increasingly urgent need to adjust immigration law and processes for talented international students and scholars who study or conduct research in the United States.⁶

The United States should expand dual intent to include international students applying for F-1 visas attending U.S. colleges and universities, a concept that is currently available in other nonimmigrant categories such as specialty workers (H-1B). We recommend including the legislative language on dual intent from the U.S. Citizenship Act of 2021 in the budget reconciliation package.

Such a change would permit individuals screened for a visa or entering the United States to communicate an interest in transferring to another legal status after the completion of their degree, an interest current law prohibits because all foreign students must intend to be “nonimmigrants.” There has also long been broad, bipartisan support for “stapling a green card” to the diploma of international students who graduate from U.S. colleges and universities. Congress should create a direct path to green cards for foreign student alumni, eliminate the green card backlogs, and prevent future backlogs. An increase in green cards for these students would produce direct budget inlays (through increase in processing and application fees) and outlays (through the benefits associated with lawful permanent resident status).

Congress has a unique opportunity to provide essential and overdue protection for thousands of well-deserving immigrants in the United States and create a welcoming environment where international students can thrive. We urge the Senate to incorporate the above points into the FY 2022 budget reconciliation.

For more information, please contact Jose Magaña-Salgado at jose@presidentsalliance.org.

Sincerely,



Miriam Feldblum
Executive Director
Presidents' Alliance on Higher Education and Immigration

⁶ “New NAFSA Data Show First Ever Drop in International Student Economic Value to the U.S.,” NAFSA: Association of International Educators, November 16, 2020, <https://www.nafsa.org/about/about-nafsa/new-nafsa-data-show-first-ever-drop-international-student-economic-value-us>.