

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

October 25, 2021¹

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RE: HIGHER EDUCATION IMMIGRATION RECOMMENDATIONS FOR BUDGET RECONCILIATION

Dear Leader Schumer and Speaker Pelosi:

On behalf of the Presidents' Alliance on Higher Education and Immigration,² I write to urge the Senate to incorporate the following provisions through the FY 2022 budget reconciliation legislation: (a) incorporate a parole program for undocumented students and immigrants, including, dreamers, DACA recipients, and TPS holders; (b) expand Pell Grants and ensure that the expansion also provide eligibility to DACA recipients, other undocumented students, TPS and DED holders; (c) ensure that any provision providing free community college tuition or scholarships includes eligibility to undocumented students, including DACA recipients; and (d) include an expansion of dual intent and accelerated green card path for international

¹ This is an update of our August 26, 2021 letter to Congress available here:

<https://www.presidentsalliance.org/letter-to-senate-judiciary-committee-sharing-higher-education-immigration-recommendations-for-budget-reconciliation/>.

² 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.

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. Parole for the Nation's Undocumented Immigrants and Students

We support the inclusion of the proposed parole provision in the final reconciliation bill. Currently before the parliamentarian is proposed language that includes work authorization and protection from deportation for eligible foreign nationals for a period of five years, with the possibility to renew once for a total of ten years. This provision will provide work authorization and protection from deportation for approximately 7.1 million people in the United States.³

Incorporated into the original Immigration and Nationality Act, parole is a long standing part of our immigration laws and the Congressional authorization of parole for these foreign nationals creates no new immigration program.⁴ Foreign nationals eligible for this parole are already not considered an enforcement priority, including an avenue for parole will allow these 7.1 million individuals to expand their contributions to the local and national economy.⁵ It will also allow them to pursue legal work and decrease those working without authorization. We continue to urge Congress to consider legalization provisions and a roadmap to citizenship, parole would represent a significant down payment to this eventual goal.

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 other undocumented students. An increase in Pell grants and an expansion of eligibility for federal financial assistance to these students will promote greater racial equity and lower financial barriers for low-income students seeking a college degree.⁶

³ "Including Immigration Parole in Reconciliation Will Help Millions," Center for American Progress, Oct. 12, 2021, accessed Oct. 20, 2021, <https://www.americanprogress.org/issues/immigration/news/2021/10/12/506301/including-immigration-parole-reconciliation-will-help-millions/>.

⁴ Immigration and Nationality Act, Public Law 414, June 27, 1952, <https://www.govinfo.gov/content/pkg/STATUTE-66/pdf/STATUTE-66-Pg163.pdf>.

⁵ The President's January 2021 Executive Order precluded the deportation of noncitizens outside the enumerated categories of priority enforcement: noncitizens who present risks to (1) national security, (2) border security, and (3) public safety. See Exec. Order. No. 13993, 86 Fed. Reg. 7051 (January 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01768/revision-of-civil-immigration-enforcement-policies-and-priorities>.

⁶ 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>.

III. Any Tuition Free Community College Provision Should Include Eligibility for Undocumented Students

The early reconciliation package contained language concerning free community college among the main higher education components. In its initial form, the package called for \$12 billion in community college infrastructure and \$109 billion for free community college.⁷ It is critical that eligibility for free community college or scholarship include undocumented students, including DACA recipients. Ensuring all state residents are eligible regardless of immigration status will help expand access to higher education and allow the American workforce to fill critical workforce shortages in key industries.⁸ Furthermore, it builds on state trends, as encompassing all state residents is a policy already followed, with some variation, by almost half of the United States.⁹ While we recognize that news reports state that free community college is likely being dropped from the reconciliation bill, we urge any incarnation of this provision to include eligibility regardless of immigration status.¹⁰

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.¹¹ 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).

⁷ “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/>.

⁸ “Including Undocumented Students in Tuition-Free Community College Proposals,” Presidents’ Alliance on Higher Education and Immigration, Oct. 2021, <https://www.presidentsalliance.org/including-undocumented-students-in-tuition-free-community-college-proposals>.

⁹ Ibid.

¹⁰ “White House drops free community college from its spending bill,” *NPR*, Oct. 20, 2021, <https://www.npr.org/2021/10/20/1047609415/white-house-drops-free-community-college-from-its-spending-bill>.

¹¹ “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>.

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,

A handwritten signature in black ink, reading "Miriam Feldblum". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Miriam Feldblum

Executive Director

Presidents' Alliance on Higher Education and Immigration