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July 28, 2022

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

The Honorable Nancy Pelosi
U.S House of Representatives
1236 Longworth House Office Building
Washington, DC 20515

RE: FEDERAL FINANCIAL AID ACCESS IN FY 2023 RECONCILIATION FOR DACA, TPS, AND DED HOLDERS

Dear Leader Schumer and Speaker Pelosi:

As you consider the reconciliation package, I write on behalf of the Presidents' Alliance to urge you to include in the forthcoming FY 2022 budget reconciliation legislation the expansion of federal financial aid under Title IV of the Higher Education Act to Deferred Action for Childhood Arrivals (DACA) recipients, and Deferred Enforced Departure (DED) and Temporary Protected Status (TPS) holders.¹ The Presidents' Alliance recognizes that the forthcoming reconciliation legislation will be narrower in scope than last year's efforts around the Build Back Better Act, but the inclusion of these critical higher ed access provisions represent a top priority for organizations.

Through the reconciliation process, and historic precedent in expanding or narrowing access to federal benefits through this process, Congress has the unique opportunity to enact legislation that allows undocumented students, including DACA recipients, and TPS holders access to federal financial aid that they currently cannot access. Federal financial aid access would expand access to federal loans, Pell Grants and other grants, and work-study-based programs. Allowing the expansion of federal financial assistance would provide historically underrepresented and vulnerable students the opportunity to study and dramatically grow

¹ The suggested language, originally included in the Build Back Better Act's education section, is as follows: "Section 484(a)(5) of the Higher Education Act of 1965 is amended by inserting ' , or, with respect to any, grant, loan, or work assistance received under this title for award years 2022-2023 through 2029-2030, be subject to a grant of deferred enforced departure or have deferred action pursuant to the Deferred Action for Childhood Arrivals policy of the Secretary of Homeland Security or temporary protected status' after 'becoming a citizen or permanent resident'."

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

their educational, professional, and career skills. Removing financial barriers to higher education for undocumented students can increase college enrollment and improve academic achievement.² There were more than 3.1 million people eligible for DACA under its original implementation.³ Currently, there are approximately 181,000 DACA-eligible undocumented students that could benefit from the expansion of federal financial aid under this provision.⁴ Moreover, the opportunity to pursue higher education is essential in contributing to our nation's economy. Since 2008, our economy allocated the majority of new jobs to individuals with a college education.⁵ The expansion allows for future graduates to fill gaps in key industries in the American workforce and help strengthen the U.S. economy as a whole.⁶

Importantly, the proposed language provision complies with the Byrd Rule as it produces a change in revenue and expansion of access to federal benefits has historically and consistently always been considered to be in compliance with the Byrd Rule.⁷ Again, including this provision

² "Including Undocumented Students in Tuition-Free Community College Proposals," Presidents' Alliance on Higher Education and Immigration, October, 2021,

<https://www.higheredimmigrationportal.org/policy/including-undocumented-students-in-tuition-free-community-college-proposals/>.

³ "Deferred Action for Childhood Arrivals (DACA): An Overview," American Immigration Council, September 30, 2021,

<https://www.americanimmigrationcouncil.org/research/deferred-action-childhood-arrivals-daca-overview>.

⁴ "Undocumented Students in Higher Education How Many Students are in U.S. Colleges and Universities, and Who Are They?," Presidents' Alliance on Higher Education and Immigration, New American Economy, Updated March, 2021,

<https://www.higheredimmigrationportal.org/research/undocumented-students-in-higher-education-updated-march-2021/>.

⁵ Jailene Acevedo, Jose Magaña-Salgado, "The Dream and Promise Act and Implications for Higher Education," *Presidents' Alliance on Higher Education and Immigration*, June 17, 2019,

<https://www.presidentsalliance.org/blog-post-hr6-higher-ed/>.

⁶ "Including Undocumented Students in Tuition-Free Community College Proposals," Presidents' Alliance on Higher Education and Immigration, October, 2021,

<https://www.higheredimmigrationportal.org/policy/including-undocumented-students-in-tuition-free-community-college-proposals/>.

⁷ "The Cost of the Federal Student Loan Programs and Repayment Plans," CBO, April 21,

2021, <https://www.cbo.gov/publication/56997#:~:text=On%20that%20ba>

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

would allow DACA and TPS holders greater access to higher education by lowering the financial barriers students face when pursuing a higher education degree. Thus, I urge you on behalf of the Presidents' Alliance to include this budget provision in the reconciliation package for the FY2023.

Thank you for your consideration of this request, and if you have any questions, please feel free to contact Jose Magaña-Salgado, Director of Policy and Communications, Presidents' Alliance on Higher Education and Immigration (jose@presidentsalliance.org).

Sincerely,



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

[sis%2C%20CBO%20estimates,%243.2%20billion%20in%20administrative%20costs.](#)