February 26, 2024

Federal Student Aid (FSA), Department of Education (ED)
Submitted electronically via regulations.gov


To Whom It May Concern:

ImmSchools and the undersigned organizations are gravely concerned about the ongoing situation where mixed-status families are unable to complete the new FAFSA form. We ask that the Federal Student Aid office provide a specific date by which they will resolve the current system errors that are disallowing parents without SSNs from contributing to their children’s applications for financial aid, and to minimize the burden of the identity verification process for parents without Social Security Numbers (SSNs).

ImmSchools is an immigrant-led national non-profit organization that works with school leaders, teachers, and community organizations in New York, Texas, and New Jersey to ensure that K-12 schools are safe and welcoming spaces for immigrant-origin students and their families. Nearly 5 million U.S. citizen students under the age of 18 live with at least one undocumented parent. These students experience daily toxic stress due to fears of family separation, exclusion of their parents from educational resources, and uncertainty about whether they can access post-secondary options and aid once they complete high school. Experiencing this daily toxic stress makes it difficult for this student population to learn and thrive in schools. ImmSchools supports this population by training educators to create welcoming classrooms for immigrant-origin students and connecting immigrant students and families with resources necessary to thrive in their communities.

This issue primarily disadvantages mixed-status families, and households where at least one member is undocumented. An example of a mixed-status family is one where the parents are undocumented and their children are U.S-born citizens. Students from mixed-status families currently face countless barriers to accessing postsecondary education. These students

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experience higher levels of poverty and housing and food insecurity and face difficulty securing basic needs resources such as food stamps (SNAP), health care, and education services. FWD.us has estimated that nearly 500,000 U.S citizen students with undocumented parents age 17-21 are applying for FAFSA this year. It takes a great deal of resilience for these students to graduate from high school, and once they do, they face significant hurdles in pursuing a higher education, including when they apply for financial aid. To afford college, these students rely on federal, state, and institutional financial aid, which are all calculated through a student’s completion of the FAFSA. For a student from a mixed-status family, completing the FAFSA early, before a higher education institution’s financial aid priority deadline, and before a state’s financial aid information submission deadline can often make the difference between affording and forgoing college.

Since the Better FAFSA’s launch in late December, ImmSchools and other organizations listed below have experienced high volumes of calls and e-mails from panicked educators, students, and parents requesting support in completing the FAFSA when a parent lacks an SSN. One educator wrote to ImmSchools in early January seeking support in advising a mixed-status family currently navigating this challenge. She explained:

One of my 12th graders is having a problem with the new FAFSA form. Their parents are undocumented. They filled out the form and selected "no social security number" for their parents. When they submitted the form, they received a message that the identity of their parents could not be verified. I have no experience with the new FAFSA and am not sure how to help; do you have any knowledge of what this student can do? They've been trying to call FAFSA to no avail. One of their colleges is asking them to submit the form by Jan. 15th, and they're worried they'll miss out on a good financial aid package if they can't submit the form in time. (Their parents have an ITIN number, but there was no clear place to write it in.)

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Nearly 500 educators attended a webinar hosted by our organization and partners, discussing the Better FAFSA’s impact on mixed-status families. During the session, educators reported that parents without SSNs are experiencing many difficulties navigating FSA’s current FSA ID creation process for this population and, in turn, students who have parents without SSNs cannot go on to complete or submit their FAFSA form. For example, when parents without SSNs cannot complete their FSA ID online, and call the FSA Information Center (FSAIC) to confirm their identity, parents are automatically disconnected while waiting to speak to an FSA representative due to high call volumes or encounter FSAIC representatives with no idea how to help them. The webinar session chat and Q&A functions were overwhelmed with questions including:

- “Do you have any solutions for parents whose tax filing status is married filing jointly, with one documented parent and one undocumented parent, and you reach the part of the FAFSA where they ask for the second parent’s information/SSN but the second parent does not have an SSN and there is no box to check that they do not have an SSN?”
- “Will colleges be pushed to move their aid priority deadlines due to these FAFSA delays for students from mixed-status families?”
- “Can parents with Social Security cards that say “For work purposes only” use that SSN to create an FSA ID?”
- “How can educators and parents get notified when the issues are fixed?”

Another prevalent concern that students and educators have expressed are questions about whether a parent’s information submitted on the FAFSA is protected. One educator stated, “I had a student ask me if her undocumented parent’s information is protected in this new FAFSA. They are afraid that information provided on the FAFSA form will be turned over to immigration enforcement agencies.” Another educator stated also that, “Parents without SSNs are concerned about having to send sensitive identification documents including names and addresses via the FSA’s identity verification email address.”

Even if the process becomes accessible, families will remain concerned that the verification information they provide, including that a parent or guardian lacks a Social Security Number, will compromise their privacy, and place the family at risk. It is particularly problematic for young students pursuing their postsecondary dreams to be worried that seeking financial aid assistance could harm their parents. These concerns are heightened when information is provided electronically and can be shared across federal agencies more easily. It is therefore critical for the U.S Department of Education (ED) to confirm and communicate clearly to students and families that the information they provide will be used only to determine

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the student’s eligibility for financial aid or to administer aid programs, and will not be used or disclosed to other individuals or agencies for any other purpose. See 20 U.S.C. §1090(a)(3)(E). Data collected by electronic versions of the forms shall be used “only for the application, award, and administration of aid awarded…”). This reassurance should appear not only on the application and attestation forms but in appropriate places on the ED’s website and other materials addressing questions from students.

The result of the current convoluted process is that students who are applying to college for the first time are beginning to miss crucial priority deadlines for institutional aid. Additionally, students who are currently in college and who need to renew their FAFSA each year to maintain their financial aid packages will also be impacted. These issues have been identified and documented in various recent media articles. See, e.g. “Undocumented Families Locked out of New FAFSA“ (Inside Higher Education, Jan. 26, 2024); Glitch is keeping immigrant families from completing FAFSA (Texas Tribune, Feb. 1, 2024); Locked out of the System: How the New Federal-Aid Form Is Shutting Some Students Out (Chronicle of Higher Education, Jan. 31, 2024); Students With Undocumented Parents Cannot Complete FAFSA (Best Colleges, Jan. 24, 2024). These articles discuss numerous barriers that ED needs to address immediately.

Because there is little guidance from the FSA on what these families should do in the interim as the system is fixed, advocates are unsure of how to advise students and families with pressing priority deadlines. U.S. citizens and other eligible students who face these barriers report that they feel targeted and forgotten about in this process.”7 A continued delay in fixes for these students reinforces ideas that they are “not welcome” in their schools and communities. This ongoing situation has left these young people with the impression that they are deprioritized and that they are “a problem for later.”8 We are very concerned that the current state of this system will create a chilling effect that prevents students in mixed-status families from completing the FAFSA altogether9, as some students who become discouraged may never submit their forms. This is an equity issue that impedes access to crucial educational resources for children whose parents lack an SSN. Their peers whose parents are lawful permanent residents or U.S. citizens are not experiencing the same challenges.

The undersigned organizations have invested in supporting immigrant families for decades and see this issue as a threat to immigrant communities and their children. In November, ImmSchools and a few of the undersigned organizations provided formal feedback via email to

8 Id.
the FSA’s pilot of the Better FAFSA. In our feedback, we asked for clarity around the proposed identity verification process for parents without SSNs, highlighting the number of mixed-status families that would be impacted by the proposed change to the online FSA ID creation process, and urging the FSA to reaffirm that information about students and their families would not be used for purposes other than determining financial aid eligibility or administering aid. The response we received from FSA lacked clarity on a number of the issues we flagged, and we are disappointed that our warnings were not heeded and that these issues remain unresolved nearly one month after the launch of the Better FAFSA.

We are glad to see the FSA provide a temporary workaround for students who urgently need to document their FAFSA submission to meet approaching institutional priority aid deadlines, however it is important that you achieve permanent fixes by March 15th. We recommend the FSA make the following changes to minimize the burden that mixed-status families are currently experiencing.

**Accuracy of Estimate of Burden**
- Revise ED’s estimate of burden number for individuals it expects to go through the non-SSN FSA ID account creation process from 3,500 to reflect the nearly 500,000 U.S citizen students with undocumented parents age 17-21 who could be applying for FAFSA this year.

**Minimize the Burden of Collection on Respondents**
- Create a secure online portal within the FAFSA form, where parents who do not pass the TransUnion identity verification are automatically assigned a case number, can directly sign the attestation form, and upload their supporting documents.
- Provide clear communication to students and families that the information they provide will only be used to determine the student’s eligibility for financial aid or to administer aid programs, and will not be used or disclosed to other individuals or agencies for any other purpose on the FAFSA, attestation form, and FSA website.
- Add an option to allow parent #2 to check that they do not have a Social Security Number
- Issue guidance to institutions encouraging them to increase their flexibility on financial aid priority deadlines for students whose FAFSA submission is delayed because of this issue.
- Issue guidance to counselors on how to support impacted students and families while these issues get resolved.
Quality/ Utility of Information to be Collected

- Do not abbreviate Social Security number for the box associated with not having one
- Expand the types of acceptable identity verification documents for parents without SSNs to submit—allow library cards, community center membership cards, and ID cards issued by employers and universities/school districts as accepted identity verifying documents.
- Clarify whether requested identity verification documents need to be scanned and whether pictures of documents are acceptable.
- Add messaging on the FSA website that outlines the types of Social Security Numbers that can be entered for FAFSA purposes.

We respectfully request that the Department of Education live up to its promise of ensuring equity in the U.S. education system by streamlining and fixing this process without further delay, helping to ensure that students are not prejudiced or harmed by this delay, and guiding advocates, educators, and institutions on how to support this student population in the interim. Federal financial aid programs were established to help students in families with low and moderate incomes pursue and complete their education, which can benefit all of us. These goals cannot be achieved if the application process prevents or deters eligible students from applying for or receiving assistance.

Sincerely,

ABISA
Achieve Twin Cities
Alabama Possible
Alain LeRoy Locke College Prep Academy
All4Ed
Alliance For A Just Society
American Families United
American Federation of Teachers (AFT)
American Friends Service Committee
Arkansas Movement Collective
Breakthrough Central Texas
Bridge to Enter Advanced Mathematics (BEAM)
Buen Vecino of Ventura County
Californians Together
CASA
Ceiba
Center for Immigrant Progress
Center for Law & Social Policy (CLASP)

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Central American Resource Center (CARCEREN) of California
Central Coast Coalition for Undocumented Student Success
Centro Hispano de East Tennessee
CHILDREN AT RISK
Coalition for Humane Immigrant Rights (CHIRLA)
CollegeTracks, Inc.
Communities for Our Colleges
Connecticut Students for a Dream
Cristo Rey Jesuit - Houston
Cristo Rey Network
Dreamers Action Alliance at Southern Connecticut State University
East Bay Sanctuary Covenant
Education Law Center-PA
Education Leaders of Color (EdLoC)
El Dorado Community Health Center
El Vínculo Hispano
Estrella del Paso (Formerly DMRS)
Every Texan
FEA Foundation Ministries
FWD.us
GO Public Schools
Greater Chicago Food Depository
Green Design STEAM Academy - Los Angeles Unified School District
Havertown-Area Community Action Network (H-CAN)
Hispanic Alliance
Hope Border Institute
Illinois Coalition for Immigrant and Refugee Rights
Immigrants Rising
Immigration Hub
ImmSchools
Immigrant Law Center of Minnesota
Jefferson County Immigrant Rights Advocates
Kids in Need of Defense (KIND)
Latina Republic
Latino Community Center
Latino Network
LatinxEd
Los Angeles Urban Foundation
Lynwood Unified School District
Make The Road New Jersey
Massachusetts Immigrant & Refugee Advocacy Coalition
Michigan Immigrant Rights Center
National College Attainment Network
National Education Association
National Immigration Law Center (NILC)
National Korean American Service & Education Consortium (NAKASEC)
National Women's Law Center
Nationalities Service Center
NextGen California
NM Center on Law and Poverty
North Carolina Justice Center
NYC Outward Bound Schools
Oasis Legal Services
Ohio TESOL
OLA Of Eastern Long Island
OneAmerica
Poder Latinx
Presidents' Alliance on Higher Education and Immigration
Prospect High School
Puentes New Orleans
Sacramento Unified School District
San José Cal-SOAP Consortium
San Jose City College
Saratoga Immigration Coalition
Southeast Asia Resource Action Center
Southern California College Attainment Network
Southern Connecticut State University
Teach For America
TESOL International Association
The Black Leadership and Opportunity Center (The BLOC), San Jose State University
The Coalition of African & Caribbean Communities-Philadelphia (AFRICOM)
The Education Trust
The Greater Kansas City Hispanic Development Fund
The Latino Education Advancement Foundation
uAspire
UndocuSpartan Student Resource Center
United African Organization
United Parent Leaders Action Network (UPLAN)
United Stateless
United We Dream
Uplift Wisdom High School
Vaughn Next Century Learning Center
Voices for Utah Children
Wayne Action for Racial Equality
William E. Morris Institute for Justice
Wisconsin Faith Voices for Justice