

*Delivered via electronic mail*

February 5, 2024

Federal TRIO Programs Subcommittee  
Program Integrity and Institutional Quality Committee  
United States Department of Education

**RE: Expanding TRIO Programs Eligibility to Undocumented Students**

Dear Members of the Program Integrity and Quality Committee and Federal TRIO Programs Subcommittee:

The one hundred undersigned organizations and institutions, including current TRIO grantees, wholeheartedly support the expansion of eligibility for Federal TRIO programs to include undocumented students as proposed by the Department of Education through its 2024 negotiated rulemaking.<sup>1</sup> We are encouraged by the Department's willingness to propose these changes to support these students' educational access and success and now encourage the TRIO Subcommittee and full Committee to support the expanded eligibility criteria and reach a favorable final consensus.

The Federal TRIO Programs' current exclusion of undocumented students is counterproductive and arbitrary.<sup>2</sup> The proposed regulations would enable Federal TRIO programs to continue to serve the disadvantaged students that the Higher Education Act established Federal TRIO programs to assist. They would enable Federal TRIO programs to serve eligible undocumented students enrolling in high school every year and pursuing postsecondary education. They would also align federal regulations with the policies of many states that recognize the importance of supporting access to higher education for undocumented students.<sup>3</sup> Currently, 24 states and the District of Columbia have extended in-state tuition to undocumented students through their legislatures and policies, and 18 states and the District of Columbia also provide access to in-state financial aid.<sup>4</sup>

We encourage the Subcommittee not to treat certain benefits of TRIO programs that undocumented students may be barred from receiving, like stipends, as stumbling blocks to expanding eligibility for TRIO services overall.<sup>5</sup> Colleges, states, and TRIO practitioners are eager and have proven adept at finding ways to support undocumented students while complying with this statutory restriction. Indeed, the greater equity issue and barrier for these students is access to the program itself, which the Subcommittee and Committee as a whole now has the opportunity to rectify.

Through the Performance Partnership Pilot ("P3") for Disconnected Youth, the Department waived immigration status requirements that are barriers to achieving improved outcomes for

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<sup>1</sup> Off. of Postsecondary Educ., Dep't of Educ., Issue Paper No. 6: Federal TRIO Programs (Jan. 12, 2024), [www2.ed.gov/policy/highered/reg/hearulemaking/2023/trio-subcommittee-issue-paper-session-1.pdf](http://www2.ed.gov/policy/highered/reg/hearulemaking/2023/trio-subcommittee-issue-paper-session-1.pdf).

<sup>2</sup> See Letter from Organizations to Sec'y Cardona, Dep't of Educ. (July 1, 2021), [www.schoolcounselor.org/getmedia/cee6bced-c236-4db7-90b5-06ed9cdff62c/federal-trio-programs.pdf](http://www.schoolcounselor.org/getmedia/cee6bced-c236-4db7-90b5-06ed9cdff62c/federal-trio-programs.pdf).

<sup>3</sup> Am. Immigration Council & Presidents' Alliance on Higher Educ. and Immigration, Undocumented Students in Higher Education How Many Students Are in U.S. Colleges and Universities, and Who Are They? 10-11 (Aug. 2023), [www.higheredimmigrationportal.org/wp-content/uploads/2023/08/07.23-Undocumented-Students\\_v3.pdf](http://www.higheredimmigrationportal.org/wp-content/uploads/2023/08/07.23-Undocumented-Students_v3.pdf).

<sup>4</sup> Portal to the States, Higher Ed Immigration Portal, [www.higheredimmigrationportal.org/states](http://www.higheredimmigrationportal.org/states) (last visited Jan. 18, 2024).

<sup>5</sup> See, e.g., 34 C.F.R. § 645.42.

TRIO programs in California and Oregon, including the Talent Search, Classic Student Support Services, and Classic Upward Bound programs. The California P3 agreement became effective in November 2022 and is in effect until September 2026. Projects participating in the P3 demonstrate that students have exceeded expected outcomes in maintaining their grade point averages and academic good standing, as well as persistence to their diploma. Undocumented students have been able to contribute to and benefit from the high level of effectiveness of these programs. TRIO practitioners have reported an easing of administrative burden by extending services to undocumented students, rather than barring them from participation.

Support for both TRIO programs and Dreamers is consistent and bipartisan.<sup>6</sup> Allowing TRIO programs to serve undocumented students accords with this support and would buttress states' goals for increasing the percentage of their residents obtaining postsecondary education.<sup>7</sup> States recognize the benefits that investing in students' access to postsecondary education yields for their local economies.<sup>8</sup>

The undersigned, members of negotiated rulemaking committees, and the Department have all invested in undocumented students for over a decade. The opportunity now presents itself to ensure they can receive more of the support they need to access postsecondary education, thrive, and graduate. We respectfully urge you to come to a favorable final consensus on the proposed changes.

Sincerely,

Achieve Twin Cities  
Adelante Education Coalition NC  
Aliento Education Fund  
American Association of State Colleges and Universities  
American Federation of Teachers  
American Immigration Council  
Asian Americans Advancing Justice | AAJC  
ASPIRA Association. Inc  
Association of Independent California Colleges and Universities  
Atlanta Public Schools  
Blue Mountain Community College

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<sup>6</sup> Maureen Hoyer, Council for Opportunity in Educ., House Subcommittee Level Funds TRIO in Bill That Cuts Overall FY24 Funding by 28% (July 18, 2023), [www.coenet.org/news-impact/advocacy-update/house-subcommittee-level-funds-trio-in-bill-that-cuts-overall-fy24-funding-by-28](https://www.coenet.org/news-impact/advocacy-update/house-subcommittee-level-funds-trio-in-bill-that-cuts-overall-fy24-funding-by-28); Press Release, Council for Opportunity in Educ., Record Number of Bipartisan Representatives Call to Prioritize Funding for Federal TRIO Programs (Apr. 27, 2022), <https://coenet.org/news-impact/press-releases/record-number-of-bipartisan-representatives-call-to-prioritize-funding-for-federal-trio-programs>; Press Release, Presidents' Alliance on Higher Educ. and Immigration, Voters Agreed on Urgent Need for Legislative Solutions for Dreamers: Recent Polling Shows a Strong Majority of Americans Across the Political Spectrum Support Action (Nov. 9, 2022), [www.presidentsalliance.org/press/voters-agreed-on-urgent-need-for-legislative-solutions-for-dreamers-recent-polling-shows-a-strong-majority-of-americans-across-the-political-spectrum-support-action](https://www.presidentsalliance.org/press/voters-agreed-on-urgent-need-for-legislative-solutions-for-dreamers-recent-polling-shows-a-strong-majority-of-americans-across-the-political-spectrum-support-action).

<sup>7</sup> Nat'l Governors Assoc., Governors Prioritize Postsecondary Education Pathways In 2023 State Of The State Addresses (Mar. 27, 2023), [www.nga.org/news/commentary/governors-prioritize-postsecondary-education-pathways-in-2023-state-of-the-state-addresses](https://www.nga.org/news/commentary/governors-prioritize-postsecondary-education-pathways-in-2023-state-of-the-state-addresses).

<sup>8</sup> Am. Immigration Council & Presidents' Alliance on Higher Educ. and Immigration, *supra* note 3, at 4, 11.

Border Network for Human Rights (BNHR)  
Breakthrough Central Texas  
Building Skills Partnership  
Bunker Hill Community College Foundation  
California Community Colleges Chancellor's Office  
California State University Channel Islands  
California Student Aid Commission  
California Undocumented Higher Education Coalition  
Casa Azul de Wilson  
Center for Law and Social Policy  
Center for Popular Democracy  
CHILDREN AT RISK  
Coalition for Humane Immigrant Rights (CHIRLA)  
College Advising Corps  
Colorado Department of Higher Education  
Communities In Schools of Chatham County  
Donnelly College  
Downtown Magnets High School  
Durham Public Schools Foundation  
Eastern Oregon University  
Education Leaders of Color  
Education Trust - Midwest  
Education Trust Louisiana  
EduOptimists LLC  
El Vínculo Hispano  
Estrella del Paso (Formerly Diocesan Migrant and Refugee Services)  
Faithaction International  
First Gen Empower  
[FWD.us](http://FWD.us)  
Golden Door Scholars  
Hispanas Organized for Political Equality  
Hispanic Association of Colleges and Universities (HACU)  
Illinois Dream Fund  
Immigrants Rising  
Immigration Hub  
ImmSchools  
Kids in Need of Defense (KIND)  
LatinxED  
Los Angeles County Office of Education  
Make the Road Nevada  
Make the Road NJ  
McHenry County College  
Metropolitan State University  
MSU Denver  
NASPA - Student Affairs Administrators in Higher Education  
National Association for Bilingual Education  
National Association for College Admission Counseling (NACAC)  
National College Attainment Network  
National Education Association

National Immigration Law Center  
National Migrant Seasonal Head Start Association  
NavigateED Solutions LLC  
New America, Higher Education Program  
Northern Illinois University  
Peak Education  
Presidents' Alliance on Higher Education and Immigration  
Rutgers University-Newark  
Salt Lake Community College  
SALUD! Multicultural Health Coalition  
San José State University  
Southeast Asia Resource Action Center (SEARAC)  
Southern California College Attainment Network  
Teach For America  
The California State University  
The Education Trust  
The Education Trust- Tennessee  
The Education Trust, Massachusetts  
The Institute for College Access & Success  
UC Berkeley  
UC San Diego  
UC Santa Barbara  
UC Santa Cruz  
UCLA  
UndocuScholars LLC  
United We Dream  
University of California Graduate and Professional Council  
University of California Student Association  
University of California System  
University of California, Merced  
University of Hawaii  
University of Southern California  
Villanueva Consulting  
Voto Latino  
Wesley Foundation Serving UCLA  
Western Oregon University  
Wind of the Spirit Immigrant Resource Center  
Young Invincibles  
YWCA Greensboro  
YWCA High Point

cc: The Honorable Nasser Paydar, Ph.D., Assistant Secretary for Postsecondary Education