

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

December 19, 2025

Submitted via www.regulations.gov

Kristi Noem
Secretary of Homeland Security
Washington, D.C. 20528

Re: DHS Docket No. USCIS-2025-0304, U.S. Citizenship and Immigration Services

Dear Secretary Noem,

I write on behalf of the Presidents' Alliance on Higher Education and Immigration in response to the Department of Homeland Security's (DHS, or the Department) Notice of Proposed Rulemaking (NPRM) to express strong opposition to the proposed changes to "public charge" published in the Federal Register on November 19, 2025.

The Presidents' Alliance on Higher Education and Immigration is a national nonpartisan, nonprofit organization representing close to 600 higher education leaders throughout the United States. Member institutions are located in 42 states, D.C., and Puerto Rico and include large public universities, private research universities, community colleges, liberal arts colleges, and faith-based institutions. Collectively, member institutions serve over 5 million students.

The Presidents' Alliance is strongly opposed to the proposed changes to the public charge regulations. We urge the Department to withdraw the rule.

The rule would rescind well-founded guidelines governing public charge assessments without providing a reasoned replacement, leaving a regulatory gap that will limit access to critical resources. In removing existing guardrails, the rule would open the door for inconsistent and wrongful adjudications. If the rule were to be implemented, reasonable concerns about future public charge consequences will exacerbate fear and anxiety and induce a "chilling effect" that harms students, families, communities, institutions, and employers.

The rule implies that immigrants could face harsh consequences for seeking out resources critical to their own wellbeing or that of their family members. It thus introduces confusion and uncertainty into the U.S. immigration system, discouraging populations from accessing vital programs and services. As higher education leaders and practitioners, we know that when individuals and families are unable to meet core living and housing needs, students are less likely to pursue educational and career pathways. By discouraging immigrants and their family members from accessing critical services, this rule jeopardizes the wellbeing of our campus communities and puts the future of the educated workforce at risk.

The rule fails to define means-tested public benefits and uses a variety of other terms to describe the programs that will be considered, including "public benefit programs," "public resources,"

and “any type of public resources.”¹ These ambiguous parameters will force immigrants and their family members—including millions of students, faculty, and staff in higher education—to weigh their basic needs against a reasonable fear of future public charge consequences. Should the rule take effect, the impact on public health, food, and housing security would be dire. The rule would compromise academic performance and jeopardize the safety and wellbeing of all members of our higher education institutions.

In addition, the rule would increase the administrative burden on campus programs and services. Higher education professionals have depended on the clarity in the current rule when connecting students to programs and services or hiring and training support staff. The rule fails to account for these reliance interests. Withdrawing current regulations without providing a clear statement regarding affected benefits undermines decades of work to develop partnerships and establish campus programs that support student success.

While Pell grants and other forms of financial aid are not included in the specified public benefits, the lack of clarity in the rule will likely lead many to forgo the financial support they need to access higher education in an attempt to avoid future repercussions. We are concerned that the confusion sparked by the rule will discourage students from applying for the financial support for which they are eligible and which they will need in order to access higher education. The rule will thus compromise individuals’ ability to obtain the education they need to achieve a family-sustaining career and increase the likelihood that they will require additional support in the future.

The cost of the rule extends beyond our institutions, threatening the health of key industries and compromising our standing on the world stage. The rule will likely discourage immigrant students and nonimmigrant students with the potential for future status adjustment from pursuing higher education. Immigrant-origin students and their families contribute billions of dollars to the U.S. economy, and immigrants and their children drive innovation across sectors. Discouraging these individuals from pursuing higher education puts our shared future at risk. Losing out on immigrant-origin talent will harm our institutions, undermine our nation’s ability to keep pace with competitor countries, and jeopardize the future of our economy and workforce.

In 2018, our organization submitted a detailed comment² outlining the importance of retaining the “bright line” public charge test established in the 1999 field guidance.³ Our comment described the harm rescinding the 1999 guidance would impose on students, families, institutions, and businesses. Today, our concerns have only grown. Coupled with other actions the Administration has taken to limit opportunities for immigrant-origin populations, this rule

¹ 2025 NPRM: <https://www.federalregister.gov/d/2025-20278>.

² Presidents’ Alliance on Higher Education and Immigration and Community College Consortium for Immigrant Education (2018). Comment Re: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to Proposed Rulemaking: Inadmissibility on Public Charge Grounds. <https://www.presidentsalliance.org/the-presidents-alliance-on-higher-education-and-immigration-and-the-community-college-consortium-for-immigrant-education-submit-joint-comment-letter-opposing-the-proposed-public-charge-order/>. Accessed December 19, 2025.

³ The 1999 field guidance can be found here: <https://www.govinfo.gov/content/pkg/FR-1999-05-26/pdf/99-13202.pdf>.

has the potential to exacerbate a looming enrollment crisis across the higher education sector, with major consequences for U.S. industries.

We urge that the proposed rule be withdrawn in its entirety. In the following sections, we provide additional information attesting to the harmful impact of the proposed rule. We ask that you review the following sections and cited research thoroughly.

1. The rule would increase basic needs insecurity for first and second generation immigrants, jeopardizing continuous enrollment and degree attainment.

First and second generation immigrants make up nearly one third of the higher education population. In 2023, there were nearly 6 million immigrant-origin students enrolled in U.S. colleges and universities, including 1.9 million first generation immigrants and over 4 million second generation immigrants.⁴ Immigrant-origin students have driven over 80% of domestic enrollment growth since 2000.⁵ They sustain vital programs, bolster opportunities for students in under-enrolled and rural regions, and make crucial contributions to their campuses as peers, researchers, and mentors. Many go on to earn advanced degrees and to embark on careers in science, technology, healthcare, and education.⁶ These students are key to the health of our economy and the resilience of our workforce. Without them, we would face massive labor shortages and lose billions of dollars in tax revenue and spending power, not to mention the incalculable cost to scientific innovation and technological development.⁷

The proposed rule puts all of these contributions at risk. Research shows that, when students are unable to meet their basic needs, their academic performance suffers. According to the Hope Center for Student Basic Needs, 73% of postsecondary students experience at least one form of basic needs insecurity.⁸ These experiences are directly related to stop-out and drop-out trends, with 79% of students citing basic needs insecurity and/or financial constraints as a key reason they have stopped out or are considering stopping out of higher education.⁹

By rescinding well-established and understood guidelines without offering a clear replacement, the proposed rule would discourage individuals from accessing a number of resources critical to their wellbeing, including physical and mental health services, housing resources, and food assistance. Without such support, immigrant-origin students with basic needs insecurities will

⁴ “Immigrant and International Students in Higher Education.” *Higher Ed Immigration Portal*. <https://www.higheredimmigrationportal.org/national/national-data/>. Accessed December 12, 2025.

⁵ Feldblum, M., Russell, F., Ramos, M., & Kentor, C. (2024). Immigrant-Origin Students in Higher Education: Powering the future workforce and helping to drive excellence and innovation on our campuses, in our communities, and for our country. Presidents’ Alliance on Higher Education and Immigration. <https://www.higheredimmigrationportal.org/research/immigrant-origin-students-in-u-s-higher-education-n-updated-august-2024/>. Accessed December 12, 2025.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ The Hope Center for Student Basic Needs (2025). 2023-2024 Student Basic Needs Survey Report. <https://hope.temple.edu/research/hope-center-basic-needs-survey/2023-2024-student-basic-needs-survey-report>. Accessed December 12, 2025.

⁹ *Ibid.*

face hugely adverse consequences. Many will be forced to reduce their coursework or leave higher education altogether. This poses a burden on institutions—who will lose students, their tuition dollars, and their contributions on and off campus—and will cost the United States a generation of talented, motivated individuals poised to contribute to our communities and workplaces.

The impact of the rule extends beyond immigrants themselves. The rule removes the section that explicitly states that applying for or receiving benefits on behalf of family members is not considered “receipt.”¹⁰ This will have a significant chilling effect, reducing the use of benefits by U.S. citizen and lawful permanent resident (LPR) children and pregnant people. [FWD.us](https://www.fwd.us) estimates that nearly 10 million U.S. citizens are part of mixed-status families.¹¹ Many of these individuals number among the 4 million second generation immigrants enrolled in higher education.¹²

The proposed rule presents members of mixed-status families with an impossible choice. Availing themselves of the needed supports for which they are eligible could affect their family members’ future opportunities. Meanwhile, avoiding resources would likely require that students leave their studies behind in order to prioritize meeting urgent needs. For example, citizen students in mixed-status families may refrain from utilizing food assistance to avoid compromising their relatives’ ability to pursue status adjustment, leading them to take on extra work to compromise for lost resources, at a cost to their educational progress.

By disincentivizing participation in basic needs programs, the proposed rule actually makes it far more difficult for students to obtain the credentials they need to thrive and *increases* the likelihood that they will remain dependent on public support programs throughout their lives. Without adequate access to food, housing, healthcare, childcare, and transportation, first and second generation immigrant students will be far more likely to defer, delay, or drop out of higher education.¹³ Abandoning higher education has long-term consequences. Student borrowers who drop out before completing their programs will be saddled with loans they are unable to repay, deepening the student debt crisis and increasing instances of default.¹⁴ More generally, individuals with a college degree consistently out-earn their peers with a high school

¹⁰ 2019 Final Rule: <https://www.federalregister.gov/d/2019-17142/p-499>. Of note, the 2019 final rule discussed this reassurance in the context of arguing that the rule could not be considered to discriminate against certain citizen children on the basis of their parents’ nationality, as their receipt of benefits would not be considered in the public charge assessment.

¹¹ “Mapping the Undocumented and Temporary Status Populations.” [FWD.us](https://www.fwd.us). <https://www.fwd.us/news/mapping-the-undocumented/>. Accessed December 12, 2025.

¹² For more on the barriers facing students from mixed-status families, see Kentor, C. (2024). Broken Promises: How the New FAFSA Failed Mixed-Status Families and the Counselors Who Serve Them. <https://www.higheredimmigrationportal.org/broken-promises-how-the-new-fafsa-failed-mixed-status-families-and-the-counselors-who-serve-them/>. Accessed December 12, 2025.

¹³ Leung, C.W., Farooqui, S., Wolfson, J.A., & Cohen, A.J. (2021). Understanding the Cumulative Burden of Basic Needs Insecurities: Associations With Health and Academic Achievement Among College Students. *American Journal of Health Performance*, 35(2), 275-278.

¹⁴ Lockwood, J. & Webber, D. (2023). Non-Completion, Student Debt, and Financial Well-Being: Evidence from the Survey of Household Economics and Decisionmaking. Board of Governors of the Federal Reserve. <https://www.federalreserve.gov/econres/notes/feds-notes/non-completion-student-debt-and-financial-well-being-20230821.html>. Accessed December 12, 2025.

credential or some college.¹⁵ Without an advanced degree, students will be barred from higher wage, family-sustaining careers, making it more likely that they will continue to require assistance in order to make ends meet. Rather than decreasing dependence on public services, the proposed rule hamstring students' ability to obtain sustainable careers, augmenting the chances that families will require support and assistance well into the future.

2. The proposed rule will increase administrative and programmatic burdens for higher education institutions.

By disincentivizing first and second generation immigrants from utilizing health, housing, and food resources, the proposed rule stands to exacerbate a basic needs crisis in higher education. Colleges and universities already fill a number of gaps when it comes to meeting students' basic needs. For some students, college may be the first time they have reliable access to food, housing, and physical and mental healthcare. But these services present a large financial and administrative burden for institutions.¹⁶ Students already report difficulty accessing services—in spite of valiant work¹⁷ from program directors and leaders—and campus-based efforts to meet students' basic needs are rarely sustainable without external support.¹⁸ Highly-resourced institutions are better situated to meet students' basic needs but have a harder time identifying which students need help.¹⁹ Meanwhile, under-resourced institutions place additional focus on basic needs but face higher demand and decreased capacity.²⁰ It is unclear if institutions will be able to identify and meet increased demand should additional students turn away from public resources in favor of campus-based services.

The confusion and fear caused by the proposed rule will also pose an extreme advisory burden for faculty and staff in higher education. Without clear guidance, staff members will not be able to assure families that they can make use of campus and community resources without future repercussions. Alongside their students, staff will need to contend with shifting, unclear, and fear-inducing directives. Some advisors already report that they are uncomfortable providing students and families with guidance or connecting them to resources, given the uncertain political environment. Employees must have access to clear and consistent guidelines to continue performing their work. One likely consequence of the proposed rule is that advisors will hesitate to provide any students with recommendations and connections, endangering all community members and posing a health risk to the institution as a whole.

¹⁵ U.S. Bureau of Labor Statistics (2025). "Education pays, 2024." <https://www.bls.gov/careeroutlook/2025/data-on-display/education-pays.htm>. Accessed December 12, 2025.

¹⁶ Blankstein, M. & Wolff-Eisenberg, C. (2021). Moving the Needle on College Student Basic Needs: National Community College Provost Perspectives. Ithaca S+R. <https://sr.ithaca.org/wp-content/uploads/2021/04/SR-Report-Moving-the-Needle-on-College-Student-Basic-Needs-042821.pdf>. Accessed December 12, 2025.

¹⁷ For examples of basic needs support programs, visit this page from Complete College America: <https://completecollege.org/our-approach/support/student-basic-needs-support/>.

¹⁸ Reyes, C.U. (2025, September 9). Basic Needs, Real Costs: Pantries to Policy. NASFAA. https://www.nasfaa.org/news-item/37326/Basic_Needs_Real_Costs_Pantries_to_Policy. Accessed December 12, 2025.

¹⁹ Jack, A. (2019). *The Privileged Poor: How Elite Colleges are Failing Disadvantaged Students*. Harvard Education Press.

²⁰ Blankstein & Wolff-Eisenberg (2021).

The cost will be felt across campuses, but the most dire impact will land on community colleges, which educate large numbers of adult, first generation college, and low income learners, as well as student-parents.²¹ Community colleges provide important opportunities for individuals to obtain skills and certifications that prepare them for the demands of the contemporary workforce.²² They also often serve as community centers, helping students connect to programs and services beyond the campus.²³ The proposed rule throws this work into question, unraveling the networks higher education institutions have established to help connect students and families with the resources they need to thrive.

3. The proposed rule would discourage eligible students from accessing financial aid and other resources.

While public education benefits, such as Pell Grants or other financial aid, are not included under the rule, the fear and confusion generated by the rule would deter greater numbers of young adults who are eligible for federal and state-funded aid programs from utilizing aid or applying to college altogether.

The proposed rule is vague, leaving final determinations to the unbounded discretion of immigration officers operating without clear regulatory standards or the programmatic context needed to make meaningful assessments of an individual's likelihood to become or remain self-sufficient. While the 2019 final rule included statements such as "this definition does not include benefits related exclusively to emergency response, immunization, education, or social services,"²⁴ this rule includes no such assurances. It therefore stands to reason that an officer *could* choose to expand their understanding of benefits to include any number of programs and services, even those which are not explicitly described in the rule. Indeed, given the Administration's recent actions challenging lawful in-state tuition policies, it is plausible to assume that immigration officials could arbitrarily interpret the rule to include educational and financial aid programs in public charge determinations. This ambiguity opens immigration officers up to unnecessary legal risk and augments the possibility of wrongful and inconsistent adjudications.

Even if it were clear to immigration officials that education and financial aid programs are not to be included in public charge assessments, the confusion generated by the rule could lead qualified applicants to forgo the aid for which they are eligible out of fear of future repercussions. For example, citizen students who are Pell grant recipients with immigrant

²¹ Kramer, J., Simmons, I., Perez, A. & Lindsay Daugherty (2025, June 2). The Six Core Features of Basic Needs Support in Community Colleges. RAND.

https://www.rand.org/pubs/research_briefs/RBA3771-3.html. Accessed December 12, 2025.

²² Bergson-Shilcock, A. (2018). At the Intersection of Immigration and Skills Policies: A Roadmap to Smart Policies for State and Local Leaders. National Skills Coalition.

https://nationalskillscoalition.org/wp-content/uploads/2020/12/At-the-intersection-of-immigration-and-skills-policy_web.pdf. Accessed December 12, 2025; Michaels, K. (2024, May 31). Building Strong Community College Industry Partnerships in Rural Settings." National Skills Coalition. <https://nationalskillscoalition.org/blog/higher-education/building-strong-community-college-industry-partnerships-in-rural-settings/>. Accessed December 12, 2025.

²³ Goldrick-Rab, S. (2018). Addressing Community College Completion Rates by Securing Students' Basic Needs. *New Directions for Community Colleges*, 84, 7-16.

²⁴ 2019 Final Rule: <https://www.federalregister.gov/d/2019-17142/p-522>.

parents or those who are eligible noncitizens could decide not to accept their federal financial aid packages in the event that doing so could put their family’s case at risk. Without this aid, students with the skills and preparation needed to thrive in college will be effectively barred from higher education.²⁵ In other instances, individuals might decide to drop out of language programs or professional learning opportunities out of concern about the reach of the public charge rule. All of these scenarios would pose deep harm to students, the higher education sector, and the nation as a whole.

4. The proposed rule would create undue burden on USCIS by subjecting international students to unnecessary and duplicative vetting.

If implemented, this proposed rule would remove the language in the 2022 public charge rule that explicitly excluded nonimmigrants from the assessment. Because the underlying statute does not distinguish between immigrants and nonimmigrants, eliminating this exclusion would create significant uncertainty and risk of inconsistent application, including the potential for public charge considerations to be applied to nonimmigrants, including F-1, M-1, and J-1 students, in addition to immigrants. Such a rescission would introduce significant uncertainty regarding how the public charge test would be defined and applied to international students and scholars.

International students and scholars already go through vigorous screening processes, including vetting of their ability to support themselves during their tenure in the United States. The proposed rule could further increase the burden on the impacted students and scholars, as well as USCIS, employers, communities and educational institutions. Depending on its implementation, the new public charge test could apply when individuals apply for a green card or seek admission to the U.S. For nonimmigrants, including F-1 and M-1 students, J-1 exchange visitors, H-1B speciality workers, or their dependents, USCIS could also conduct public charge assessments when individuals make requests to extend or adjust their nonimmigrant status. For example, an international student with F-1 status applying for work visas such as H-1B could be subject to the public charge test.

Extending the public charge test to these populations would not be a good use of USCIS resources. International students must already provide evidence of “sufficient funds available for self-support during the entire proposed course of study.”²⁶ Similarly, nearly all employment-based nonimmigrant visas²⁷ by definition mandate sponsorship and compensation by employers. Financial stability is thereby already built into their nonimmigrant visa eligibility. International students contributed nearly \$43 billion through tuition and spending during the

²⁵ Dynarski, S., Page, L., & Scott-Clayton, J. (2023). College costs, financial aid, and student decisions. *Handbook of the Economics of Education*, 7, 227-285.

²⁶ “Students and Employment.” U.S. Citizenship and Immigration Services. <https://www.uscis.gov/working-in-the-united-states/students-and-exchange-visitors/students-and-employment>. Accessed December 19, 2025.

²⁷ EB-5 visa category is a notable exception that requires considerable investment rather than employer sponsorship or a job offer.

2024-2025 academic year alone.²⁸ They also helped to create over 355,000 jobs,²⁹ increasing opportunities for American students and workers. In short, it is clear that international students and graduates bolster the U.S. economy. Subjecting them to additional bureaucratic hurdles would be misguided. Given the existing safeguards in State Department procedures and individual visa requirements, the additional significant investment of time and personnel in public charge assessments of nonimmigrants by USCIS would be an unnecessary administrative burden and additional cost.

The proposed rule comes amidst other Administrative efforts that dramatically increase processing burdens on USCIS staff, including the duplicative and unnecessary vetting of F-1 visa applicants, new restrictions on access to H-1B visas, and termination of Student and Exchange Visitor Information System (SEVIS) records without due process. All of these actions have increased the bureaucratic load on USCIS, leading to processing delays and detracting from other agency functions. Subjecting international students and alumni—who have already passed through rigorous vetting processes and proved financial self-sufficiency—to the public charge test would exacerbate these effects, further straining the agency.

5. The proposed rule threatens the future of the educated workforce and poses a risk to the U.S. economy.

Immigrant-origin students are key to the future of the American workforce. They advance scientific innovation, drive economic growth, and make valuable contributions as classmates, instructors, scholars, and campus leaders.³⁰ Beyond campus, they contribute to the U.S. economy as entrepreneurs, business leaders, and employees taking on a range of careers. For example, Deferred Action for Childhood Arrivals (DACA) recipients have contributed billions of dollars to the U.S. economy.³¹ They have also uplifted businesses and local communities. DACA recipient business owners employ, on average, [4.5 workers](#) in addition to themselves.³²

These figures demonstrate the impact immigrant-origin graduates have on the U.S. economy and job market and highlight what the United States stands to lose should individuals face barriers to education and future status adjustment. When taking into account the impact of second generation students born in the U.S. to immigrant parents, whose plans would also be

²⁸ NAFSA International Student Economic Value Tool.

<https://www.nafsa.org/policy-and-advocacy/policy-resources/nafsa-international-student-economic-value-tool-v2>. Accessed December 12, 2025.

²⁹ *Ibid.*

³⁰ Ballis, B. (2024, October 7). Research shows that DACA benefits both Dreamers and their U.S.-born peers. Brookings Institute.

<https://www.brookings.edu/articles/research-shows-that-daca-benefits-both-dreamers-and-their-us-born-peers/>. Accessed December 12, 2025.

³¹ Coalition for the American Dream. Forfeiting the trillion-dollar dream.

<https://www.coalitionfortheamericandream.us/daca-economics/>. Accessed December 12, 2025.

FWD.us, A DACA fix could add \$400 billion to the U.S. economy in the next 10 years.

<https://www.fwd.us/news/daca-fix/>. December 12, 2025.

³² Wong, T.K., Abrar, S., & Flores, C. (2019, September 19). DACA Recipients' Livelihoods, Families, and Sense of Security are at Stake this November. Center for American Progress.

<https://www.americanprogress.org/article/daca-recipients-livelihoods-families-sense-security-stake-november/>. Accessed December 12, 2025.

derailed by the proposed rule, the lost contributions are astronomical. The costs of these decisions will reverberate across the U.S. economy and cause lasting harm to our global competitiveness.

Conclusion

In sum, the proposed rule will deepen basic needs insecurity; spur postsecondary drop out and stop out rates; pose a large and costly administrative burden to higher education institutions; compromise the professional standing of advisors and other faculty and staff; increase the strain on USCIS resources; impair our ability to prepare students for the workforce; and imperil the future of our national economy. For these reasons, the Department should immediately withdraw its current proposal and instead dedicate its efforts to advancing policies that strengthen students' access to the resources they need to succeed in and beyond higher education.

Our comments include numerous citations to supporting research and relevant documents, including direct links and full citations for the benefit of the Department in reviewing our comments. We direct the Department to each of the studies or documents cited, and we request that the full text of each of the items cited, along with the full text of our comments, be considered part of the administrative record in this matter for purposes of the Administrative Procedure Act.

Thank you for the opportunity to comment on this regulation.

Sincerely,

A handwritten signature in black ink, appearing to read "Miriam Feldblum". The signature is fluid and cursive, with a long horizontal stroke at the end.

Miriam Feldblum
President and CEO
Presidents' Alliance on Higher Education and Immigration