

# Congress of the United States

## Washington, DC 20515

May 1, 2020

The Honorable Betsy DeVos  
Secretary of Education  
U.S. Department of Education  
400 Maryland Ave, SW  
Washington, DC 20301

Dear Secretary DeVos:

We write to express our strong opposition to the U.S. Department of Education's recent announcement to exclude recipients of Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), Deferred Enforced Departure (DED), and undocumented students from eligibility for the \$6.3 billion in the Coronavirus Aid, Relief, and Economic Security (CARES) Act allocated to assist students enrolled at higher education institutions cover certain expenses related to disruptions stemming from the COVID-19 pandemic. COVID-19 has led to greater economic insecurity for DACA, TPS, and DED recipients and undocumented students. These students need emergency aid to cover basic needs such as food, housing, course materials, technology, health care, child care and other expenses related to disruptions in their higher education. The Department's guidance will adversely impact the more than 450,000 undocumented students enrolled in higher education, including over 216,000 DACA-eligible individuals, experiencing similar economic hardships as their peers<sup>1</sup>. This exclusion is also detrimental to the 39 percent of undocumented graduate students who already hold a bachelor's degree in STEM fields, including science and health related fields<sup>2</sup>. We strongly urge the Department to revise its guidance and ensure DACA, TPS, and DED recipients and undocumented college students receive the same disaster relief as provided to other students. COVID-19 does not differentiate between students and neither should the associated relief.

On April 9, 2020, the Department circulated a letter to institutions of higher education advising colleges and universities they would have "significant discretion on how to award this emergency assistance to students." This aligned with the legislative intent of the CARES Act, which did not place restrictions on access to emergency aid for undocumented students. The Department subsequently issued guidance on April 21, 2020, that specified that only students eligible for federal aid under Title IV of the Higher Education Act could receive emergency grants, meaning that undocumented students would be ineligible for these funds. However, Sec. 18004(c) of the CARES Act placed an exclusive set of restrictions on how these emergency funds could be used that did not exclude students who are ineligible for Title IV aid. Given the varying needs of student populations at each institution of higher education, we believe

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<sup>1</sup> *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 and New American Economy (April 15, 2020), <https://www.presidentsimmigrationalliance.org/2020/04/15/report-undocumented-students-in-higher-education-how-many-students-are-in-u-s-colleges-and-universities-and-who-are-they/>.

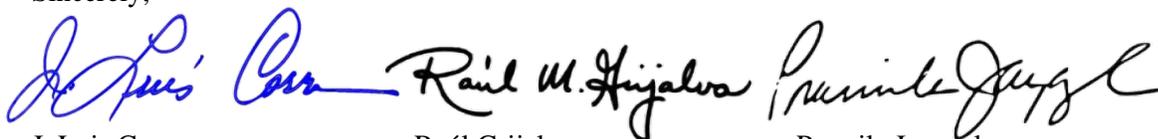
<sup>2</sup> *Ibid.*

colleges and universities should have the latitude to prioritize students in greatest need of assistance, irrespective of citizenship status, and determine the manner in which to provide that aid, including through indirect, noncash relief.

During the COVID-19 pandemic, DACA recipients have served on the frontlines. An estimated 200,000 DACA recipients are classified as “essential critical infrastructure workers,” including 62,600 DACA-eligible workers in the healthcare industry<sup>3</sup>. Extensive research and scholarship has consistently demonstrated the positive economic and societal contributions of DACA recipients and undocumented immigrants—a particularly salient point in light of the ongoing COVID-19 induced economic crisis. Therefore, the exclusion of DACA recipients and undocumented college students from emergency aid provided under the CARES Act not only detrimentally affects students, but the American public as well.

In light of the above, we strongly urge the Department to rescind its issued guidance and ensure that all affected students enrolled in higher education institutions—irrespective of immigration status—are eligible for emergency federal aid to offset expenses related to disruptions caused by COVID-19. We thank you for your attention to this important matter and look forward to your response.

Sincerely,



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<sup>3</sup> Nicole Prchal Svajlenka, *A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response*, Center for American Progress, April 6, 2020, <https://www.americanprogress.org/issues/immigration/news/2020/04/06/482708/demographic-profile-daca-recipients-frontlines-coronavirus-response/>; *Undocumented Immigrants and the Covid-19 Crisis*, New American Economy, April 4, 2020, <https://research.newamericaneconomy.org/report/undocumented-immigrants-covid-19-crisis/>.

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