

4/29/2020

Secretary Betsy DeVos  
Department of Education Building  
400 Maryland Ave, SW  
Washington, DC 20202

Secretary of Education Betsy DeVos,

In light of your guidelines in the “Frequently Asked Questions about the Emergency Financial Aid Grants to Students”<sup>1</sup> on the \$6 billion provided to the Department of Education by the CARES Act preventing DACA recipients and undocumented students from accessing emergency relief funds, the undersigned \_\_\_ organizations write to demand you revise the exceptions to allow higher education institutions to use the emergency funds to provide aid to ALL students according to need and regardless of immigration status.

While the country faces a frightening public health crisis, undocumented students have the added fear of deportation, and DACA recipients face a pending Supreme Court decision that could take away their work authorization and protection from deportation at any moment.<sup>2</sup> This is only made worse by President Trump’s xenophobic comments<sup>3</sup> and racist policies targeted at immigrants.<sup>4</sup> The Department of Education should endeavor to ameliorate the high stress circumstances students find themselves in, instead of exacerbating them, through erroneous comments to Congress regarding immigration enforcement on campuses<sup>5</sup> or by further denying aid.

Undocumented immigrants and DACA recipients do not qualify for any federal financial aid, however the Higher Education Emergency Relief Fund (HEERF) provides a different and significant vehicle for delivering assistance to undocumented and DACA-holding students.

There are currently an estimated 454,000 undocumented students in post-secondary education, 216,000 of whom are DACA-eligible.<sup>6</sup> And while 21 states allow for in-state tuition rates and 13 of those along with DC provide financial aid, the rest of the country puts undocumented students at a

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<sup>1</sup> “Frequently Asked Questions about the Emergency Financial Aid Grants to Students,” n.d., 5.

<https://www2.ed.gov/about/offices/list/ope/heerfstudentfaqs.pdf>

<sup>2</sup> Millhiser, Ian. “The Head of ICE Says He Will Deport DREAMers If the Supreme Court Ends DACA.” Vox, January 25, 2020.

<https://www.vox.com/2020/1/25/21080610/daca-ice-supreme-court-john-roberts-matthew-albence-deport>.

<sup>3</sup> Jacobs, Tom. “Research Suggests Trump’s Anti-Immigrant Rhetoric Is Making Americans More Xenophobic.” Pacific Standard. Accessed April 23, 2020. <https://psmag.com/social-justice/trump-anti-immigrant-rhetoric-making-americans-more-xenophobic>.

<sup>4</sup> Rampell, Catherine. “Opinion | Trump’s Immigration Policies Speak Louder than His Racist, Xenophobic Words.” Washington Post. Accessed April 23, 2020.

[https://www.washingtonpost.com/opinions/trumps-immigration-policies-speak-louder-than-his-racist-xenophobic-words/2019/07/18/e8309a76-a996-11e9-86dd-d7f0e60391e9\\_story.html](https://www.washingtonpost.com/opinions/trumps-immigration-policies-speak-louder-than-his-racist-xenophobic-words/2019/07/18/e8309a76-a996-11e9-86dd-d7f0e60391e9_story.html).

<sup>5</sup> Balingit, Moriah. “‘Astounding Ignorance of the Law’: Civil Rights Groups Slam DeVos for Saying Schools Can Report Undocumented Students.” Washington Post. Accessed April 22, 2020.

<https://www.washingtonpost.com/news/education/wp/2018/05/23/astounding-ignorance-of-the-law-civil-rights-groups-slam-devos-for-saying-schools-can-report-undocumented-students/>.

<sup>6</sup> New American Economy Research Fund. “Undocumented Students in Higher Education: How Many Students Are in U.S. Colleges and Universities and Who Are They?” Accessed April 22, 2020.

<https://research.newamericaneconomy.org/report/pahei-nae-undocumented-students/>.



disadvantage by requiring they pay international student rates to attend their institutions, with some going as far as completely forbidding undocumented people from enrolling.<sup>7</sup> Nevertheless, these students are part of these communities, counted on to determine funding for each institution, and deserve as much relief as their peers.

The CARES Act makes no differentiation between students based on immigration status and the HEERF should provide assistance to ALL students, regardless of immigration status. Undocumented students have already been left out of most federal relief aid.<sup>8</sup> They do not qualify for unemployment and were left out of receiving relief checks for lacking a social security number, even while being taxpayers. In fact, the CARES Act excluded mixed status families from economic assistance. That means an undocumented student who is a spouse or parent of a U.S. citizen or immigrant with a social security number, could disqualify their entire household from critical economic relief. This unconscionable exclusion should not be reproduced throughout other benefits in the relief bill.

We find ourselves in an unprecedented public health crisis, and entire sections of the population are being left out of relief packages, especially immigrant populations who make up large parts of the workers now deemed essential to the current efforts against COVID-19.<sup>9</sup> This is not only unfair and grotesque abdication of responsibility by the federal government, as well as an immoral disregard for human life, it is also wholly counterproductive to the goals of stay-at-home orders and flattening the curve. When people are not given the resources to comply with federal health and safety guidelines<sup>10</sup>, they will have no choice but break them and find ways to generate income.

Secretary DeVos, you can still redress this immoral exclusion by rescinding the guidance in the recent FAQ and releasing new guidance allowing and encouraging institutions to use the emergency funds to directly assist all their students, regardless of immigration status as well as committing to applying the same guidance for any future emergency relief funds.

We expect this oversight to be rectified as soon as possible given the urgent need for relief for these students.

Respectfully,

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<sup>7</sup> National Immigration Law Center. "Toolkit | Access to Postsecondary Education." Accessed April 22, 2020. <https://www.nilc.org/issues/education/eduaccesstoolkit/eduaccesstoolkit2/>.

<sup>8</sup> Narea, Nicole. "The Missing Piece in the Coronavirus Stimulus Bill: Relief for Immigrants." Vox, April 1, 2020. <https://www.vox.com/2020/4/1/21197017/immigrants-coronavirus-stimulus-relief-bill>.

<sup>9</sup> Gelatt, Julia. "Immigrant Workers: Vital to the U.S. COVID-19 Response, Disproportionately Vulnerable." migrationpolicy.org, March 26, 2020. <https://www.migrationpolicy.org/research/immigrant-workers-us-covid-19-response>.

<sup>10</sup> CDC. "Coronavirus Disease 2019 (COVID-19)." Centers for Disease Control and Prevention, February 11, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.



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