

December 10, 2018

Samantha L. Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

Re: DHS Docket No. USCIS-2010-0012

Dear Chief Deshommes,

The American Council on Education (ACE) and the undersigned higher education associations submit these comments in response to Department of Homeland Security (DHS) Docket Number: USCIS-2010-0012 regarding the proposed change to inadmissibility on public charge grounds. Together, ACE and the undersigned higher education associations represent approximately 4,300 two- and four-year public and private non-profit colleges and universities.

American colleges and universities are part of a worldwide network of learning, research, and education. We enroll millions of students from all over the United States and from foreign nations in undergraduate, graduate, and professional degree programs. Many students have gone on to invent groundbreaking technology, start thriving businesses, and assume leadership roles in governments and organizations, both in this country and abroad. Our colleges and universities also employ faculty and researchers from around the globe. We are therefore concerned that the proposed change to public charge will impact American students with immigrant family members and foreign students, including graduate and professional students who upon graduation may become legally employed in the United States. We are deeply troubled that the broadening of the public benefit programs included under the proposed rule, such as SNAP and Medicaid, will have a negative impact on our immigrant and U.S. citizen students, as well as our ability to provide services to our larger community through community food banks and early childhood education such as Head Start. However, we focus our comments on two concerns specific to higher education: Title IV federal student aid programs and international students on F-1 and J-1 visas.

Under current law, federal student aid is only available to U.S. citizens or green card holders, with very few exceptions¹. Nonetheless, we have heard anecdotal reports of students who are U.S. citizens turning down financial aid packages because they are concerned that receiving educational assistance may adversely impact their non-U.S. citizen family members' applications for admission or legal residency. While we

¹ <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>

understand that DHS does not intend to include these programs, we ask that all Title IV student aid programs be explicitly excluded from the final rule. The Pell Grant currently helps over 7 million low-income families access postsecondary education and is the foundational support of federal aid provided for low-income students. Without the Pell Grant, many students would be unable to access postsecondary education, and many state and institutional aid programs are linked to a student's Pell Grant eligibility. We are concerned that unless these programs are explicitly excluded in the final rule, the current ambiguity will have a chilling impact on those first generation U.S. students seeking postsecondary education.

We also believe the expansion of public charge to apply to nonimmigrants, including F-1 students, J-1 exchange visitors, and H-1B specialty workers, will create further delays in visa processing and discourage international students and scholars from pursuing postsecondary education and scholarly research in the United States. If this happens, the proposed rule will likely exacerbate a downward trend in international student enrollment at American colleges and universities. Moreover, the application of public charge considerations to F-1 and J-1 applicants is unnecessary, as they must already provide evidence of "sufficient funds available for self-support during the entire proposed course of study" and demonstrate that they will return to their home country. Accordingly, we ask that F-1 and J-1 visa applicants be explicitly exempted under the final rule.

In conclusion, we ask that DHS make the specified changes in the final rule to ensure that students and families not be unduly harmed by exempting: 1) Title IV federal student aid programs under the definitions of programs considered under this new definition of public charge; and, 2) F-1 and J-1 student and exchange visitors. Including these proposed changes in the final rule will ensure that U.S. citizen students can avail themselves of critical financial aid to which they are legally entitled and help preserve the United States as the destination of choice for the world's most talented students and scholars.

Thank you for consideration of our views.

Sincerely,



Ted Mitchell
President

On behalf of:

ACPA- College Student Educators International
ACT
American Association of Colleges for Teacher Education
American Association of Colleges of Nursing

American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Association of University Professors
American Council on Education
American Dental Education Association
Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Colleges and University Professional Association for Human Resources
Consortium of Universities of the Washington Metropolitan Area
Council for Advancement and Support of Education
Council for Christian Colleges and Universities
Council for Opportunity in Education
Council of Graduate Schools
Council of Independent Colleges
Hispanic Association of Colleges and Universities
EDUCAUSE
NAFSA: Association of International Educators
NASPA- Student Affairs Administrators in Higher Education
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
National Association of Student Financial Aid Administrators
The Common Application
UPCEA