

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

Higher Education Components of Key Immigration Legislation Impacting Undocumented Students¹

June 3, 2021

	American Dream and Promise Act <i>H.R.6</i>	Dream Act of 2021 <i>S.264</i>	U.S. Citizenship Act <i>H.R.1177 & S.348</i>	Bipartisan Working Group Legislation	Registry Fix via Reconciliation ²	Biden Proposed Budget
Repeal Section 505³	Yes	Yes	Yes	Unknown	No	No
Access to Federal Financial Aid (Pell, Loans, Services, Work-Study)⁴	Yes, through access to LPR status	Yes, through access to LPR status	Yes, through access to LPR status	Unknown	Yes, through access to LPR status	Pell grant access for DACA recipients
Repeal of PROWRA Postsecondary Benefit Prohibition⁵	No	No	No	Unknown	No	No, but would require an exception to PROWRA.
Repeal of PROWRA Professional Licensing Prohibition⁶	No	No	No	Unknown	No	No
Professional, Commercial, and Business Licensing⁷	Yes, through access to LPR status	Yes, through access to LPR status	Yes, through access to LPR status	Unknown	Yes, through access to LPR status	No

¹ For more information regarding this document and related legislative and statutory language, please contact the Presidents' Alliance at jose@presidentsalliance.org.

² See generally *Immigration Registry: A Potential Pathway to Citizenship for Many Immigrants*, FWD.us (Apr. 15, 2021), <https://www.fwd.us/news/immigration-registry/>.

³ Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), restricts the ability of states to offer in-state tuition for undocumented immigrant students based on residency unless all citizens of the United States are eligible for those benefits regardless of state residency.

⁴ Conditional Permanent Residency (CPR) is treated as Lawful Permanent Residency (LPR) for all purposes but naturalization, which would make beneficiaries eligible for federal financial aid like Pell grants, federal loans, and work-study, even without explicit language stating so.

⁵ Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) bars “state and local public benefits” for “non-qualified” (undocumented) immigrants (which can include in-state tuition, state financial aid, and even admission) unless the state passes an affirmative law making them explicitly eligible. Federally, PRWORA restrictions prohibit federal financial assistance to immigrant students, making it significantly harder for them to begin, continue, and complete their education. On the state level, PROWRA essentially sets a default state of play where immigrants are excluded from a variety of state-based higher ed assistance and requires the state or state agency to take affirmative action to expand eligibility. For more information on these state policies, see <https://www.higheredimmigrationportal.org/>. For more information on crafting legislation to expand access in light of PROWRA, see the [Presidents' Alliance Legislative Recommendations Regarding Immigrant Students, Higher Education Access, Federal Financial Aid, and Professional and Occupational Licensure](#).

⁶ PRWORA includes a federal and state prohibition on federal professional and occupational licensing for “non-qualified aliens,” including undocumented immigrants. Occupational licensure has a direct higher education connection because many students cannot utilize their higher education degree after graduation in their desired fields without licensure. Over 1,100 different occupations require a license and approximately 25 percent of all workers nationwide are required to obtain a license in order to work in their occupations. For more information on licensure, see [Expanding Eligibility for Professional and Occupational Licensing for Immigrants](#).

⁷ Conditional Permanent Residency (CPR) is treated as Lawful Permanent Residency (LPR) for all purposes but naturalization, which would make beneficiaries eligible for professional, commercial, and business licensing.