

July 10, 2025

**Notification to Grantees and Subgrantees of Assistance Under the
Higher Education Act of 1965 of Updated
PRWORA Interpretation of Federal Public Benefits**

Dear HEA Grantees and Subgrantees:

The U.S. Department of Education (Department) values the important role that its grantees and subgrantees play in promoting postsecondary education so that students receive the skills necessary to get a well-paying career aligned with workforce needs. On February 19, 2025, the President issued Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders,” which is designed to promote the rule of law, ensure that Federal public benefit programs are only provided to U.S. citizens, residents, and certain eligible nonresidents, and prevent spending of American taxpayer dollars on Federal assistance for illegal aliens. The President’s Executive Order reinforces the importance of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, P.L. 104-193), which prohibits illegal aliens and other non-qualified aliens from receiving certain Federal public benefits, including “any... *postsecondary education... or any similar benefit* for which payments or assistance are provided to an individual, household, or family eligibility unit...” (emphasis added).

Tomorrow, the Department will publish a Notice of Interpretation regarding PRWORA. The interpretive rule discusses how the Department interprets PRWORA with respect to career and technical education (CTE) programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins V), as amended, and adult education programs authorized under Title II / Adult Education and Family Literacy Act (AEFLA) of the Workforce Innovation and Opportunity Act of 2014 (WIOA). The interpretation also restates and reinforces that programs authorized under the Higher Education Act of 1965 (HEA), as amended, are subject to the requirements of PRWORA. While the interpretive rule is not binding on grantees, subgrantees, or the Department, it represents the Department’s current interpretation of the law and may be used when taking enforcement actions.

The Department’s Clarification of Postsecondary Education and Other Similar Benefits as Subject to PRWORA

The Department has taken several recent actions to ensure that its interpretation of Federal postsecondary education programs, or those that provide a similar benefit to the enumerated Federal public benefits under 8 U.S.C. § 1611(c)(1), are compliant and aligned with the purpose of PRWORA. On July 11, 2025, the Department will issue a Notice of Interpretation rescinding portions of a 1997 Dear Colleague Letter that incorrectly classified certain programs as outside the scope of PRWORA. The Notice of Interpretation clarifies that Federal programs administered by the Department that provide postsecondary education and other similar benefits to an “individual, household, or family eligibility unit,” including the vast majority of postsecondary education programs authorized under the Higher Education Act of 1965, as amended; CTE

programs under Perkins V; and adult education programs authorized under AEFLA are Federal public benefits subject to the citizenship verification requirements of PRWORA.

HEA Grantee/Subgrantee Responsibilities under PRWORA, Including Citizenship Verification

As grantees and subgrantees of assistance authorized under the HEA who are engaged in the administration of Federal public benefits, your organization is responsible for ensuring that your programs are operating in compliance with the citizenship verification requirements of PRWORA. These verification requirements require that your agency or organization ensure that non-qualified aliens do not receive payment under your program, are not provided or receiving services funded by the program, and that non-qualified aliens are not able to access any Federal public benefit that may be imparted via these programs.

The Department recognizes that numerous postsecondary education programs authorized under the HEA are subject to additional statutory and regulatory restrictions regarding participant eligibility, including many programs that contain their own unique restrictions on noncitizen eligibility to participate in the benefits of that particular program. For example, noncitizen eligibility to participate in the federal student aid programs under Title IV, in addition to being a restricted Federal public benefit, requires eligible noncitizens to provide documentation that they are “in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident” in order to establish their eligibility for federal student aid. *See* 20 U.S.C. § 1091(a)(5). Where a program authorized under the HEA (such as Title IV aid) requires citizenship verification measures that are more specific or restrictive than those addressed under PRWORA, grantees and subgrantees of assistance under that program should continue to comply with the more specific, programmatic restrictions on noncitizen participation. The Department also recognizes that other programs authorized under the HEA, such as the College Assistance Migrant Program (CAMP), contain no direct statutory or regulatory restrictions on noncitizen participation, though grantees have been properly advised of the applicability of PRWORA through previous guidance.¹ Grantees and subgrantees of HEA-authorized programs that have previously been advised of the applicability of PRWORA should continue to follow that guidance, and any additional guidance that the Department may make available.

As described within the Department’s Notice of Interpretation, PRWORA’s explicit prohibition includes funding to any postsecondary education or other similar benefits funded wholly or in-part, or directly or indirectly conferred by your program(s), including coursework or postsecondary or workforce credentials. If your organization is a grantee, your organization has an obligation to effectively monitor the activities of subgrantees to ensure that funds distributed to said subgrantees are in compliance with current law and that such services and programs are

¹ U.S. Dep’t of Ed, Recruitment and Eligibility Guidance, (2012), available at <https://www.ed.gov/sites/ed/files/2021/09/hep-camp-eligibility-non-regulatory-guidance-2012.pdf>

only provided to U.S. citizens and eligible nonresidents, as defined under PRWORA. 8 U.S.C. § 1641(b).

The Department notes that there are existing legal exemptions from verification requirements for nonprofit charitable organizations administering Federal public benefits. Nonprofit charitable organizations that administer Federal public benefits are not required to conduct eligibility verification under 8 U.S.C. § 1642(d). The exemption is narrowly crafted to nonprofit charitable organizations and does not include other entities administering federal public benefits, including the compliance requirements of states and other grantees that may provide disbursements or subgrants to nonprofit charitable organization.

The interpretive rule represents the Department's current position on the issue and may be referenced when enforcing or monitoring grantee and subgrantee compliance with PRWORA. The Department may exercise its enforcement discretion to seek to ensure that this citizenship verification is in use across all postsecondary education and other similar benefit programs covered under PRWORA. In general, the Department does not have any plans to take enforcement actions against any grantee or subgrantee under PRWORA prior to August 9, 2025.

Next Steps

Moving forward, the Department will work with state and local grantees, as well as subgrantees, to ensure that Federal public benefit usage is limited to U.S. citizens, residents, and certain eligible nonresidents.

While the Department is not requiring grantees to engage in specific verification processes or procedures under this non-binding interpretive rule, grantees that may have existing legal obligations under PRWORA may seek to verify citizenship eligibility using, among other things: (1) the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) program; (2) review of U.S. birth certificates; (3) review of REAL ID compliant identification cards (ineligible aliens are not able to obtain such IDs); (4) DHS issued documentation verifying immigration status; or (5) other methods to verify eligibility.

In the future, the Department may conduct a review of grant opportunities, grantees and subgrantees, and other relevant parties to ensure compliance with the citizenship and eligibility verifications of PRWORA and that limited Federal funding is not being improperly distributed to noneligible individuals or used to support programs and services that serve illegal aliens.

The Department notes that, unless it is required by Departmental regulations, grantees have no affirmative obligation to report on verification to the Department. As an interpretive rule, this guidance is not binding nor does it have an effective date; rather, it informs the public, in addition to relevant stakeholders, of the Department's interpretation of the law. The Department may, but is not required to, exercise its enforcement discretion to refrain from taking actions against grantees in certain circumstances. The Department also asks that each HEA grantee distribute and share the contents of this letter with its corresponding subgrantees.

The Department looks forward to working with all grantees, subgrantees, and stakeholders in implementing and ensuring compliance with PRWORA, the corresponding provisions of the Notice of Interpretation, and this letter. This effort is necessary to ensure that taxpayer funds are reserved for individuals who have entered our country through legal means and uphold the rule of law. HEA grantees and subgrantees may submit questions related to the Notice of Interpretation to PRWORA@ed.gov. Thank you for your cooperation in this important matter.

Sincerely,

A handwritten signature in black ink, reading "Christopher J. McCaghren". The signature is written in a cursive style with a large, stylized "M" and "C".

Christopher McCaghren

Acting Assistant Secretary for
Postsecondary Education