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June 28, 2019

*Submitted via [www.regulations.gov](http://www.regulations.gov)*

Office of General Counsel, Rules Docket Clerk  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street SW, Room 10276  
Washington, DC 20410-0500

Re: HUD Docket No. FR-6124-P-01, RIN 2501-AD89 Comments in Response to  
Proposed Rulemaking: Housing and Community Development Act of 1980: Verification  
of Eligible Status

Dear Sir/Madam:

We are writing on behalf of the Community College Consortium for Immigrant Education and the Presidents' Alliance on Higher Education and Immigration, two higher education organizations committed to supporting immigrant students and families. We are writing in response to the Department of Housing and Urban Development's (HUD) proposed rule to express our strong opposition to the changes regarding "verification of eligible status," published in the Federal Register on May 10, 2019 (RIN 2501-AD89; HUD Docket No. FR-6124-P-01). In light of direct and indirect harm it will cause to immigrant-origin students, including citizen students in mixed-status families, we urge the rule to be withdrawn in its entirety, and that HUD's long-standing regulations remain in effect.

The **Community College Consortium for Immigrant Education** is a national network of community colleges and other professional organizations committed to increasing educational and career opportunities for immigrant and refugee students. CCCIE builds the capacity of community colleges to accelerate immigrant and refugee success and raises awareness of the essential role these colleges play in advancing immigrant integration through education. CCCIE's work is guided by a Blue Ribbon Panel of community college leaders, representing over 50 colleges serving an estimated 1.2 million students.

The non-partisan **Presidents' Alliance on Higher Education and Immigration** brings together college and university leaders dedicated to increasing public understanding of how immigration policies and practices impact our students, campuses and communities, and supporting policies that create a welcoming environment for undocumented, immigrant, and international students. The Alliance is comprised of over 430 presidents and chancellors of public and private colleges and universities, serving over four million students in 41 states, D.C. and Puerto Rico.

As educators and leaders of higher education institutions and organizations, we know that when students and their families are unable to meet core living and housing needs or face higher costs, they are less likely to pursue and continue with their educational and career pathways. Although HUD contends that the proposed rule is a means of addressing the waitlist crisis faced by a majority of Public Housing Authorities nationwide,<sup>1</sup> we are very concerned that the rule will result in many immigrant and citizen students in immigrant and mixed status families finding themselves evicted and homeless.

**The proposed rule will hurt immigrant and citizen students and diminish prospects for their educational success.**

We share the concern that millions of U.S. households struggle to find affordable housing in the ongoing nationwide housing crisis, but targeting for eviction struggling immigrant families will not fix this problem. Indeed, HUD's own analysis of the proposed rule concludes that fewer, not more, families are likely to receive assistance as a result of the rule.<sup>2</sup> Public benefits, including housing assistance, support the health and well-being of immigrant students and their families and help low-income students succeed in college and go on to be productive, working adults. The proposed change will bring real and lasting harm to the health and well being of immigrant students, children, parents, and families, and result in significantly diminished prospects for immigrant and citizen student success.

**The proposed rule places tens of thousands of immigrant and citizen students and families at risk of homelessness, jeopardizing their family and housing stability, both of which are critical to ensuring student educational success and promoting these families on a pathway to self-sufficiency and better life outcomes.**

The rule would force mixed status families to make an impossible decision—either break up to allow eligible family members to continue receiving assistance or forgo the subsidies so that the families can stay together. Both options will have a lasting impact on a child's educational prospects and family well being. Family separations undermine family stability, and leads to toxic stress, trauma, and attachment issues in children. Even a temporary separation has an enormous negative impact on the health and educational attainment of these children later in life, and many parents struggle to restore the parent-child bond once it has been disrupted by a separation.<sup>3</sup>

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<sup>1</sup> Tracy Jan, *Trump Proposal Would Evict Undocumented Immigrants from Public Housing*, WASH. POST (Apr. 18, 2019), [https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm\\_term=.c6fd40565b83](https://www.washingtonpost.com/business/2019/04/18/trump-proposal-would-evict-undocumented-immigrants-public-housing/?utm_term=.c6fd40565b83).

<sup>2</sup> HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01 (Apr. 15, 2019).

<sup>3</sup> Laura C. N. Wood, *Impact of Punitive Immigration Policies, Parent-Child Separation and Child Detention on the Mental Health and Development of Children*, 2 BMJ PAEDIATRICS OPEN (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6173255/>.

Since 70% of mixed status families currently receiving HUD assistance are composed of eligible children and at least one ineligible parent, it is likely that these families will forgo the subsidies to avoid separation. HUD makes note of this likely outcome explicitly in its regulatory impact analysis: “HUD expects that fear of the family being separated would lead to prompt evacuation by most mixed households, whether that fear is justified.”<sup>4</sup> Therefore, this rule would effectively evict over 55,000 children who are eligible for the covered housing programs and as many as 108,000 individuals in mixed status families (in which nearly 3 out of 4 are eligible for assistance) from public housing, Section 8, and other programs covered by the proposed rule.<sup>5</sup> These mass evictions and departures from housing assistance will cause increased rates of homelessness and unstable housing among an already vulnerable population.<sup>6</sup> Furthermore, landlords and local public housing administrators who currently provide subsidized housing to mixed status families are opposed to this proposed rule, indicating it would “displace some of their most reliable tenants and add major financial strains to an already cash strapped system.”<sup>7</sup>

**The proposed rule’s impact on housing instability would lead to reduced educational opportunities and health problems for students in mixed status families.**

Close to thirty percent of undergraduates nationally in higher education are first or second generation immigrant students.<sup>8</sup> Immigrant students should not have to sacrifice the health and well being of their families while they are working to complete their education and improve their lives. These outcomes will not only hurt families while they struggle to find housing in the short term, but will also lead to reduced opportunities and health problems for students in these families in the long term.<sup>9</sup> These effects will be particularly prominent in the children, nearly all of whom are U.S. citizens, in these mixed status families. Research has shown that economic and housing instability impedes children’s cognitive development, leading to poorer life outcomes as

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<sup>4</sup> HUD, Regulatory Impact Analysis, *Amendments to Further Implement Provisions of the Housing and Community Development Act of 1980*, Docket No. FR-6124-P-01, at 7 (Apr. 15, 2019).

<sup>5</sup> *Id.* at 8.

<sup>6</sup> PRATT CTR. FOR CMTY. DEV., CONFRONTING THE HOUSING SQUEEZE: CHALLENGES FACING IMMIGRANT TENANTS, AND WHAT NEW YORK CAN DO (2018), <https://prattcenter.net/research/confronting-housing-squeeze-challenges-facing-immigrant-tenants-and-what-new-york-can-do>.

<sup>7</sup> Lola Fadulu and Zolan Kanno-Youngs, “Landlords Oppose President’s Plan to Evict Undocumented Immigrants,” *New York Times*, June 18, 2019.

<sup>8</sup> Sources: U.S. Department of Education, National Center for Education Statistics, 2011-12 National Postsecondary Student Aid Study; 2016 American Community Survey, Department of the Census, U.S. The datapoint includes the additional estimate of unauthorized immigrant students, not included in the NCES report, and other estimates of the current percentage of first and second generation immigrant students in post secondary education. See, Batalova, Jeanne and Michael Fix. 2019. *Credentials for the Future: Mapping the Potential for Immigrant-Origin Adults in the United States*. Washington, DC: Migration Policy Institute.

<sup>9</sup> Megan Sandel et al., *Unstable Housing and Caregiver and Child Health in Renter Families*, 141 PEDIATRICS 1 (2018), <http://pediatrics.aappublications.org/content/141/2/e20172199>.

adults.<sup>10</sup> Housing instability is directly correlated to decreases in student retention rates and contributes to homeless students' high suspension rates, school turnover, truancy, and expulsions, limiting students' opportunity to obtain the education they need to succeed later in life.<sup>11</sup>

Approximately 18 million children in the U.S. live in a family with at least one immigrant parent,<sup>12</sup> and an estimated 5 million children (of whom more than 80 percent are U.S. citizens) live in homes with at least one undocumented parent.<sup>13</sup> While the majority of children in these households are citizens, the fact that they have at least one member of their household who has limited or no eligibility for public assistance based on their immigration status means that children in immigrant families have higher rates of poverty than children in U.S.-born families.<sup>14</sup> These trends impact the post-secondary education prospects and success of first and second-generation immigrant students living in these situations.

**The proposed rule would discourage immigrant and U.S.-born youth from pursuing a college education and undermine immigrant families' ability to support themselves in the future.**

Overall, the proposed rule would increase these families' financial and physical instability and dramatically diminish the children's emotional well-being and health, outcomes that could discourage immigrant youth and U.S.-born youth in mixed status families from pursuing a college education. We need policies that expand, not reduce, access to stable homes for families with children in order to ensure all children have opportunities to be healthy and reach their highest potential.

For the reasons described in this comment letter, we urge HUD to immediately withdraw its current proposal, and dedicate its efforts to advancing policies that strengthen—rather than undermine—the ability of immigrants to support themselves and their families in the future. If we want our communities to thrive, everyone in those communities must be able to stay together and get the care, services and support they need to remain healthy and productive.

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<sup>10</sup> HEATHER SANDSTROM & SANDRA HUERTA, THE NEGATIVE EFFECTS OF INSTABILITY ON CHILD DEVELOPMENT: A RESEARCH SYNTHESIS (2013), <https://www.urban.org/sites/default/files/publication/32706/412899-The-Negative-Effects-of-Instability-on-Child-Development-A-Research-Synthesis.PDF>.

<sup>11</sup> See Mai Abdul Rahman, The Demographic Profile of Black Homeless High School Students Residing in the District of Columbia Shelters and the Factors that Influence their Education 55 (Mar. 2014) (Ph.D. dissertation, Howard University), available at <http://gradworks.umi.com/3639463.pdf> (citations omitted).

<sup>12</sup> *Databank Indicator: Immigrant Children*, CHILD TRENDS (Oct. 2014), [www.childtrends.org/?indicators=immigrant-children](http://www.childtrends.org/?indicators=immigrant-children).

<sup>13</sup> Randy Capps, Michael Fix, and Jie Zong, A profile of U.S. Children with Unauthorized Immigrant Parents (Washington, DC: Migration Policy Institute, 2016), [www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents](http://www.migrationpolicy.org/research/profile-us-children-unauthorized-immigrant-parents).

<sup>14</sup> *Ibid* 1. Page 140.

Thank you for the opportunity to submit comments on the NPRM. Please do not hesitate to contact Miriam Feldblum ([mfeldblum@presidentsimmigrationalliance.org](mailto:mfeldblum@presidentsimmigrationalliance.org)) at the Presidents' Alliance or Jill CasnerLotto ([Jill.CasnerLotto@cccie.org](mailto:Jill.CasnerLotto@cccie.org)) at the Community College Consortium for Immigrant Education to provide further information.

Sincerely,



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