1.6.3 Citizenship and Immigration Status Requirements

Individuals must be United States citizens or eligible non-citizens to be eligible to take out federal student loans. Eligible non-citizens primarily include permanent residents, refugees, and asylees. Victims of human trafficking have the same eligibility for federal benefits as refugees. In addition, immigrants who are victims of domestic violence by their U.S. citizen or permanent resident spouses may, with their designated children, be eligible for federal public benefits, including federal student aid. Parental citizenship does not affect eligibility.

In some circumstances, a borrower who is an eligible non-citizen may be required to present original documentation to the institution that confirms his or her status. However, some students may not be able to present the documentation to the institution easily in person, as in the case of a student enrolled in a distance-education program offered by an institution that is located far from where the student resides. The Department has clarified that, in such cases, an institution may permit borrowers to submit a copy of their immigration documents instead.

Undocumented immigrants who entered the country as minors (sometimes referred to as “Dreamers”)—and who are granted temporary deferment of removal from the country under Deferred Action for Childhood Arrivals (DACA) program—are not currently eligible to receive federal student loans or grants. They are still encouraged to fill out the FAFSA if necessary to apply for any state or school-specific aid for which they may be eligible. A number of states have passed state Development, Relief, and Education for Alien Minors (DREAM) acts that offer benefits for undocumented students, such as access to in-state tuition rates or eligibility for certain scholarships or state financial aid.

All borrowers must have valid Social Security numbers and register with the Selective Service if required. Most applicants for federal student aid are also required to provide parental information, but their parents need not have Social Security numbers.

Footnotes

208 [208] 20 U.S.C. § 1091(a)(5). See, e.g., Mashiri v. Dep’t of Educ., 709 F.3d 1299 (9th Cir. 2013) (“alien” did not qualify for federal student loan), as amended and superseded on denial of reh’g en banc by 724 F.3d 1028 (9th Cir. 2013) (per curiam).

209 [209] 20 U.S.C. § 1091(a)(5) (permanent residents and persons in the United States for other than a temporary purpose with the intention of becoming citizens or permanent residents); 34 C.F.R. § 668.33.

Other eligible immigration categories include those on indefinite parole and/or humanitarian parole, Cuban/Haitian entrants with status pending, and conditional entrants (only if authorization was issued before April 1, 1980). Students in the United States with student visas only are not eligible for federal aid. See U.S. Dep’t of Educ., Fed. Student Aid, Non-U.S. Citizens [1], available at https://studentaid.ed.gov.

210 [210] For more information, see U.S. Dep’t of Educ., Dear Colleague Letter, GEN-10-07, Eligibility for Title IV Aid for Battered Immigrants-Qualified Aliens As Provided For in the Violence Against Women Act (June 4, 2010).


213 [213] The term “Dreamers” comes from a bill known as “The DREAM Act,” which would have provided a path to citizenship for certain undocumented immigrants who had entered the United States as minors. See The Development, Relief, and Education for Alien Minors Act, H.R. 1842, S. 952, 112th Cong. (2011). DACA does not actually affect the immigration status of its recipients and, unlike the DREAM Act, it does not provide a specific path to citizenship, only
1.6.3 Citizenship and Immigration Status Requirements
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Some states also provide in-state tuition for undocumented students. See Nat’l Conference of State Legislatures, Undocumented Student Tuition: State Action [7], available at www.ncsl.org (June 12, 2014).


For selective service requirements, see 34 C.F.R. §§ 668.32(j), 668.37.

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