

U.S. Department of Education Ends Taxpayer Subsidization of Postsecondary Education for Illegal Aliens

July 10, 2025

The U.S. Department of Education today announced it will end taxpayer subsidization of illegal aliens in career, technical, and adult education programs. In an interpretive rule issued today, the Department rescinded a Dear Colleague letter from the Clinton Administration that enabled non-qualified illegal aliens to access federal public benefits in contravention of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). The interpretive rule also ensures that postsecondary education programs authorized under the Higher Education Act (HEA), such as Pell Grants and student loans, continue to be inaccessible to illegal immigrants.

“Postsecondary education programs funded by the federal government should benefit American citizens, not illegal aliens,” **said U.S. Secretary of Education Linda McMahon.** “Under President Trump's leadership, hardworking American taxpayers will no longer foot the bill for illegal aliens to participate in our career, technical, or adult education programs or activities. The Department will ensure that taxpayer funds are reserved for citizens and individuals who have entered our country through legal means who meet federal eligibility criteria.”

The Notice of Interpretation published in the Federal Register today states that federal programs that provide postsecondary education and other similar benefits, including career and technical education (CTE) programs under the Carl D. Perkins Career and Technical Education Act (Perkins V), and adult education programs under Title II of the Adult Education and Family Literacy Act (AEFLA) of the Workforce

Innovation and Opportunity Act (WIOA), are federal public benefits subject to the requirements of PRWORA.

The Notice reminds grantees and subgrantees of their obligations to verify the eligibility of participants to ensure 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 drafted the Notice of Interpretation in response to the President's Executive Order 14218 titled, [*Ending Taxpayer Subsidization of Open Borders*](#).

The Notice also rescinds a portion of a previous Dear Colleague Letter issued in November 1997 that mischaracterized federal public benefits.

Background:

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act generally limits eligibility for "federal public benefits" to U.S. citizens, permanent residents, and certain categories of "qualified aliens." PRWORA defines federal public benefits to include any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefits, or any similar benefits for which payments or assistance are provided to an individual, household, or family eligibility unit.

In 1997, the Clinton Administration issued a Dear Colleague Letter that erroneously exempted career, technical, and adult education programs from being subject to PRWORA. In doing so, the Department's interpretation mischaracterized the law by creating artificial distinctions between federal benefit programs based upon the method of assistance. Congress made no such distinction in PRWORA.

In conjunction with the Notice of Interpretation, the Department will send letters to all Perkins V, AEFLA, and HEA grantees discussing eligibility verification. Interpretive rules cannot have effective dates and are not binding on the public or the Department. 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. 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.