

July 24, 2025

Subject: Implementation Guidance – PRWORA Compliance for Title III

On July 11, 2025, the U.S. Department of Education issued a new Notice of Interpretation officially clarifying that most Higher Education Act programs (including Title III, Part B) now qualify as **federal public benefits** under PRWORA. Below are the key takeaways:

1. July 11th notice vs. July 10th notice

There are **no new rules**, just a formal publication of what was already stated in the 7/10/25 letter. You're still expected to ensure that **Title III funds do not support individuals who are not U.S. citizens or qualified aliens**, including most international students (like F-1/OPT).

- **Repeats** the Department's position that **Title III, Part B** programs are "**federal public benefits**" subject to **PRWORA**.
- **Restates** that recipients of these benefits must be **U.S. citizens or "qualified aliens"** under **8 U.S.C. § 1641**.
- **Revokes** parts of the 1997 Dear Colleague Letter (DCL) that previously implied certain Department programs weren't covered.
- **Adds detailed statutory interpretation**, but **no new operational directives**.

2. Eligibility

The Department of Education's July 2025 **Notice of Interpretation** makes clear that **PRWORA restrictions apply to all individuals who are not "qualified aliens" under 8 U.S.C. § 1641**, even if they are legally present on a temporary basis, such as F-1 visa holders or OPT participants. While these individuals are here lawfully, they **do not fall within the statutory definition of a "qualified alien"** and are therefore ineligible to receive **federal public benefits**—which the Department now explicitly interprets to include **Title III, Part B** program support (e.g., wages, stipends, or services). The Department's updated guidance was issued specifically to clarify this point and revoke prior interpretations that had excluded these programs from PRWORA.

Category	Lawfully Present?	Qualified Alien?	Eligible for Title III Federal Funds?
U.S. Citizen	✓	✓	✓
Lawful Permanent Resident	✓	✓	✓
Refugee / Asylee	✓	✓	✓
F-1 Visa Student (incl. OPT)	✓	✗	✗
DACA Recipient	✓	✗	✗
Undocumented Individual	✗	✗	✗

3. Verification

Verification should occur prior to allocating Title III, Part B support (stipends, employment, services, etc.) Although the Department does **not** mandate a specific process, they suggest reasonable verification methods:

- U.S. passport, certificate of naturalization/citizenship
- Permanent Resident Card (Green Card)
- Refugee or Asylee approval notice (I-94, I-766)
- DHS SAVE system verification
- REAL ID-compliant driver's license (indirect)

4. Recommended Oversight and Implementation

To ensure compliance with PRWORA, Texas Southern University should designate **Human Resources** to verify employment eligibility for all faculty and staff paid with Title III, Part B funds, and the **Office of International Student Affairs** or the **Title III Program Office** to oversee verification for student participants or beneficiaries.

For **current Title III-funded individuals**, departments should:

- Identify all recipients of federal support (including wages, stipends, and services);
- Screen immigration status against the “qualified alien” criteria under 8 U.S.C. § 1641;
- If an individual is found ineligible, **terminate Title III support prospectively** (retroactive recovery is not required);
- Notify the affected individual(s) in writing, citing federal compliance as the reason; and
- Maintain internal documentation of the determination and action taken.

For **future hiring or participation**, TSU should:

- Integrate immigration eligibility review into onboarding checklists;
- Train Title III program staff and grant managers on PRWORA restrictions;
- Retain verification documentation in the grant file (e.g., I-9 forms, SAVE verification printouts); and
- Apply a uniform process to all participants to ensure **equitable compliance** and avoid any discriminatory or excessive data collection.

The Bottom Line:

Effective immediately, Title III, Part B funds may only be used to support individuals who are U.S. citizens or meet the narrow federal definition of a “qualified alien” under PRWORA. TSU must take proactive steps to ensure compliance by reviewing current participants, verifying future eligibility, and implementing a clear, equitable process across departments. These actions will mitigate institutional risk and align the university with the U.S. Department of Education’s updated enforcement posture.

Please let me know if you have any further questions.