



March 2017

IMMIGRATION STATUS VERIFICATION FOR BENEFITS

Actions Needed to Improve Effectiveness and Oversight

Accessible Version

GAO Highlights

Highlights of [GAO-17-204](#), a report to congressional committees

Why GAO Did This Study

Millions of applicants for healthcare, licenses, and other benefits rely on DHS's SAVE system to verify their immigration or naturalized or derived citizenship status at the request of over 1,000 federal, state, and local user agencies. Agencies use the information from SAVE to help determine an applicant's eligibility for benefits. Programs required or authorized to participate include Medicaid, certain license-issuing programs (such as driver's licenses), federal food and housing assistance, and educational programs. The House Appropriations Committee Report accompanying the DHS Appropriations Act, 2016, included a provision for GAO to review the SAVE program.

This report examines the extent to which USCIS has (1) determined the accuracy of SAVE information, (2) instituted safeguards to protect privacy and provide the ability to correct erroneous information, and (3) monitored user agency compliance with SAVE program policies. GAO analyzed SAVE policy documents and performance data, interviewed DHS officials, and interviewed officials from a non-generalizable sample of 13 SAVE user agencies selected to reflect the variety of types of agencies that use SAVE.

What GAO Recommends

GAO is making nine recommendations to USCIS, including, that USCIS improve guidance and ensure training on verification requirements; develop and implement a more effective method for record correction; and develop a documented, risk-based strategy for monitoring and compliance. DHS concurred with our recommendations.

View [GAO-17-204](#). For more information, contact Rebecca Gambler, (202) 512-6912, gambler@gao.gov

March, 2017

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What GAO Found

The Department of Homeland Security's (DHS) United States Citizenship and Immigration Services (USCIS) has taken steps to assess the accuracy of the information reported by its Systematic Alien Verification for Entitlements (SAVE) system. For example, since 2014 USCIS has conducted monthly checks to ensure SAVE is accurately reporting information contained in its source systems. In addition, USCIS reports that SAVE status verifiers, who manually research a benefit applicant's immigration status during a process known as additional verification, accurately reported the applicant's status 99 percent of the time. However, from fiscal year 2012 through fiscal year 2016, GAO found that the majority of SAVE user agencies that received a SAVE response prompting them to institute additional verification did not complete the required additional steps to verify the benefit applicant's immigration status. USCIS does not have sufficient controls to help ensure agencies are completing the necessary steps because of inconsistent guidance, and lacks reasonable assurance that SAVE user agencies have completed training that explains this procedure. Improving guidance and ensuring training on verification requirements could help USCIS better ensure agencies have complete and accurate information for making eligibility determinations.

USCIS has taken actions to protect the privacy of personal information related to SAVE, such as requiring SAVE user agencies to sign a memorandum of agreement (MOA) stating the intended use of the system and provisions for safeguarding information. USCIS has also established mechanisms for access, correction, and redress regarding use of an individual's personal information; however, GAO found these mechanisms were largely ineffective and unlikely to enable benefit applicants to make timely record corrections. Specifically, USCIS provides a fact sheet for benefit applicants stating their immigration status could not be verified, along with information on contacting DHS to update or correct their records. However, the fact sheet's guidance on contacting DHS was not specific or clear, which could hinder benefit applicants' efforts to contact DHS. Without an effective method for ensuring individuals can access and correct their information, benefit applicants may face challenges ensuring accurate information is used in a SAVE check and appealing potentially erroneous denials of benefits with the user agency in a timely manner.

USCIS's SAVE Monitoring and Compliance (M&C) branch monitors user agencies' use of SAVE in accordance with their MOA. However, SAVE M&C's monitoring efforts have not improved agency compliance rates for the two monitored behaviors—deleting inactive user accounts and instituting additional verification when prompted. For example, GAO found that only 4 of 40 agencies monitored from fiscal years 2013 through 2015 had improved their compliance with requirements to complete additional verification when prompted. Further M&C does not have a documented, risk-based strategy for monitoring. Without such a strategy, USCIS is not well-positioned to target its monitoring efforts on the agencies most in need of compliance assistance or ensure the most effective use of its limited resources.

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Abbreviations

ADIS	Arrival and Departure Information System
A-Number	Alien Number
CBP	U.S. Customs and Border Protection
CIS	Central Index System
CLAIMS3	Computer Linked Application Information Management System, V3
CLAIMS4	Computer Linked Application Information Management System, V4
COA	Class of Admission
CPMS	Customer Profile Management Service

CRCL	Office for Civil Rights and Civil Liberties
DHS	Department of Homeland Security
DMV	Department of Motor Vehicles
DOJ	Department of Justice
EDMS	Enterprise Document Management System
ELIS	Electronic Immigration System
EOIR	Executive Office of Immigration Review System
FIPPs	Fair Information Practice Principles
IAV	Institute Additional Verification
IBIS	Interagency Border Inspection System
ICE	U.S. Immigration and Customs Enforcement
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act of 1996
INS	Immigration and Naturalization Service
IRCA	Immigration Reform and Control Act of 1986
IRIES	Immigration Review Information Exchange System
M&C	Monitoring and Compliance
MiDAS	Microfilm Digitization Application System
MOA	memorandum of agreement
OMB	Office of Management and Budget
PIA	Privacy Impact Assessment

PII	personally identifiable information
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act of 1996
RAPS	Refugees, Asylum, and Parole System
RNACS	Reengineered Naturalization Applicants Casework System
SAVE	Systematic Alien Verification for Entitlements
SEVIS	Student and Exchange Visitor Information System
SNAP	Supplemental Nutrition Assistance Program
TANF	Temporary Assistance for Needy Families
TECS	(not an acronym)
USCIS	U.S. Citizenship and Immigration Services

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March 23, 2017

The Honorable John Boozman
Chairman
The Honorable Jon Tester
Ranking Member
Committee on Appropriations
Subcommittee on Homeland Security
United States Senate

The Honorable John R. Carter
Chairman
The Honorable Lucille Roybal-Allard
Ranking Member
Committee on Appropriations
Subcommittee on Homeland Security
House of Representatives

Since fiscal year 2012, over 86 million immigration or citizenship status checks have been conducted using the U.S. Citizenship and Immigration Service’s (USCIS) Systematic Alien Verification for Entitlements (SAVE) program. SAVE is a primarily web-based system used to verify the immigration or naturalized or derived citizenship status of applicants for federal, state, or local benefits.¹ To verify an immigration or citizenship status, the SAVE system draws information from numerous databases, most of which are managed by the Department of Homeland Security (DHS).² Programs required or authorized to participate in status

¹Throughout this report, we use the term “benefits” to generally refer to the range of federal, and state or local, public benefits, transactions, or programs for which an individual must have qualified immigration or citizenship status, such as cash, food, housing, and other forms of direct assistance, as well as licenses (including driver’s licenses or occupational licenses), and voter registration. For the statutory definitions of “Federal public benefit” and “State or local public benefit,” see 8 U.S.C. §§ 1611(c), 1621(c). Accordingly, we refer to all agencies administering these programs as benefit granting agencies or SAVE user agencies. Further, the SAVE program does not verify the citizenship status of native born U.S. citizens—status verification through SAVE refers to the verification of immigration, or naturalized or derived citizenship status. In this report, reference is made to naturalized or derived citizenship status verification, unless otherwise provided for by statute.

²DHS is a multi-mission federal department with responsibility for preventing terrorism and enhancing security, managing the U.S. borders; administering immigration laws; securing cyberspace; and ensuring disaster resilience. USCIS is a component of DHS.

verification through SAVE include Medicaid, federal food assistance programs, health insurance programs under the Patient Protection and Affordable Care Act, educational and housing assistance programs, and certain license-issuing programs.³ The number of benefit granting agencies using SAVE has increased since the program's inception in 1987, and in 2016 included over 1,141 federal, state, and local agencies. While SAVE was originally only used by certain federal benefit programs, additional provisions for SAVE usage and immigration status verification have since been enacted. For example, The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 provides for unrestricted communication between government agencies regarding immigration status verification for "any purpose authorized by law," and required former Immigration and Naturalization Service (INS), whose functions were generally transferred to DHS,⁴ to respond to citizenship or immigration status verification inquiries from federal, state, or local agencies related to any individual within such agencies' jurisdiction, for any lawful purpose. In addition, the REAL ID Act of 2005 requires states to use SAVE in verifying immigration status for driver's license issuance in order for such documents to be accepted by federal agencies for official purposes.⁵ Under these and other relevant legal authorities, states and localities seek access to SAVE for the purpose of conducting immigration or naturalized or derived citizenship status checks for various benefits, including occupational licenses and voter registration.

³See 42 U.S.C. § 1320b-7 and 1320b-7 note, regarding income and eligibility verification for certain federal programs such as Block Grants to States for Temporary Assistance for Needy Families (TANF); Medical Assistance Programs; Unemployment Compensation; Supplemental Nutrition Assistance Program (SNAP); and state programs for assistance for the aged, and aid to the blind and those with disabilities, and Supplemental Security Income (SSI). In addition, see 42 U.S.C. § 1436a (Restriction on use of assisted housing by non-resident aliens); 20 U.S.C. § 1091 (Eligibility for Student Assistance Programs); Patient Protection and Affordable Care Act, Pub. L. No. 111-148, tit. I, subtit. E, pt. I, subpt. B, § 1411, 124 Stat. 119, 224-31 (2010) (classified at 42 U.S.C. § 18081).

⁴Homeland Security Act of 2002 (Pub. L. No. 107-296, 116 Stat. 2135) dismantled the former Immigration and Naturalization Service (INS) and distributed its functions across three components within the newly created Department of Homeland Security (DHS). On March 1, 2003, DHS's Bureau of Citizenship and Immigration Services, now known as U.S. Citizenship and Immigration Services (USCIS), officially assumed responsibility for the federal government's immigration services functions, including immigration benefit adjudication and status verification, among other duties.

⁵Pub. L. No. 104-208, div. C, tit. VI, subtit. D, § 642, 110 Stat. 3009, 3009-707 (classified at 8 U.S.C. § 1373); see also Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, tit. IV, subtit. D, § 434, 110 Stat. 2105, 2275 (classified at 8 U.S.C. § 1644).

SAVE does not indicate whether a person is eligible for a particular benefit; rather, the benefit granting agency makes that decision based on benefit-specific eligibility criteria, including immigration or naturalized or derived citizenship status. SAVE provides an immigration or citizenship status verification service to the benefit granting (user) agency. However, questions have been raised regarding the accuracy of the immigration status responses, the sufficiency of applicant notification and processes to correct errors, and USCIS's ability to effectively monitor and oversee the program, among other issues.

The report of the House Appropriations Committee accompanying the DHS Appropriations Act, 2016, included a provision for us to examine aspects of the SAVE program related to accuracy, privacy, and monitoring.⁶ This report examines the following questions:

- To what extent has USCIS determined the accuracy and timeliness of the information it reports in a SAVE response?
- To what extent has USCIS instituted safeguards to protect privacy and prevent misuse of the SAVE system, including processes that provide the ability to address erroneous immigration status responses returned by SAVE?
- To what extent is USCIS monitoring user agency compliance with SAVE program policies and requirements, including safeguards to protect privacy and prevent misuse?

To address our first objective, we analyzed USCIS performance data and internal policies on SAVE accuracy and timeliness from fiscal years 2012 through 2016.⁷ In addition to our analysis of DHS documents and data, we interviewed officials from a nonprobability sample of 13 SAVE user agencies, of different types such as federal, state, and local agencies, as well as state departments of motor vehicles, to discuss the extent to which SAVE responses were accurate and timely, among other topics. The information we obtained from these user agencies during our

⁶See H.R. Rep. No. 114-215, at 95 (July 21, 2015), accompanying Pub. L. No. 114-113, div. F, 129 Stat. 2242, 2493-2526 (2015).

⁷We selected this period because it followed a 2012 report from the DHS Office of the Inspector General with recommendations related to the accuracy and timeliness of SAVE responses, among other topics. See DHS Office of the Inspector General, *U.S. Citizenship and Immigration Services, Improvements Needed for SAVE to Accurately Determine Immigration Status of Individuals Ordered Deported*, OIG-13-11 (Revised) (Washington, D.C.: December 2012).

interviews is not generalizable, but provides insights into how the SAVE program operates.⁸ We analyzed USCIS data on the number of agencies that do not complete additional verification when prompted by the SAVE system—a step that is important for ensuring an accurate and complete response. We analyzed data from fiscal years 2012 through 2016 that included the total number of SAVE queries, number of queries where the response was to institute additional verification, and total number of agencies that ran SAVE checks in those years. We interviewed USCIS officials regarding how these data are generated and what procedures are in place to ensure its reliability. Based on our review of the data and information obtained from USCIS, we determined that these data are sufficiently reliable for the purposes of our report. We also interviewed officials from DHS’s U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) to discuss the accuracy and timeliness of the immigration records generated by these components and the extent to which USCIS SAVE has coordinated with these entities regarding accuracy and timeliness. Last, to gain insight into immigration record accuracy and other issues related to the use of SAVE, we interviewed officials with DHS’s Office for Civil Rights and Civil Liberties (CRCL) and the DHS Ombudsman Office. We compared our observations and findings to the principles set forth in *Standards for Internal Control in the Federal Government* and the standard terms of SAVE user agency memorandums of agreement (MOA) that are generally applicable to all user agencies, and outline agency responsibilities and requirements for using SAVE for the approved purposes(s).⁹

To address our second objective, we reviewed the Fair Information Practice Principles (FIPPs) adopted by the DHS Chief Privacy Officer and

⁸Agencies interviewed for this review included: U.S. Department of Education Federal Office of Student Aid; Florida Department of Children and Families; California Department of Motor Vehicles; Arkansas Department of Finance and Administration, Office of Driver Services; Idaho Transportation Department, Driver Services; New York City Human Resources Administration, Department of Social Services; Georgia, City of Milton; Alabama Home Builders Licensure Board; the Internal Revenue Service; the National Science Foundation; Colorado Secretary of State; North Carolina Division of Motor Vehicles; and the Connecticut Mashantucket Pequot Tribal Nation Gaming Commission.

⁹GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). These controls update the 1999 version, which was applicable in fiscal year 2012 through 2015. The 2014 internal controls became effective in fiscal year 2016. We applied these controls to the whole time period because we assessed current fiscal year 2016 policies.

assessed the extent to which USCIS has included these principles within the SAVE program. We also reviewed USCIS guidance on applicant redress and record correction. To evaluate USCIS's efforts to track SAVE-related immigration record corrections, we spoke with officials from the SAVE program, USCIS Central and Western Region Field Offices, CBP, ICE, and DHS's Office of Performance Quality. We interviewed officials from the 13 user agencies, as previously mentioned, to identify any common challenges with ensuring an accurate benefit determination based upon SAVE responses. We compared SAVE user agencies' responsibilities to provide adequate written notification of the denial to the types of notification provided by the agencies in our sample. We evaluated USCIS guidance on redress and record correction by following the instructions presented in USCIS's fact sheet for benefit applicants, which is USCIS's main notification resource for benefit applicants, to determine if the information provided in the fact sheet would enable individuals to correct their immigration records in a timely manner. We conducted this work following the instructions on USCIS's fact sheet from June through December 2016. Finally, we spoke with CRCL and a selection of immigrant advocacy organizations to gain insight into applicant experiences with addressing challenges with SAVE verification. We identified organizations that had expressed concerns with the SAVE program or had public comments on the SAVE program and solicited additional recommendations for organizations to contact from those we interviewed. We selected advocacy organizations to represent a range of type (legal advocacy, refugee assistance, etc.) and legal considerations related to SAVE. We selected a nonprobability sample of organizations to interview and, therefore, the information gathered from advocacy organizations is not generalizable beyond those we interviewed.

To address our third objective, we focused on SAVE Monitoring and Compliance (M&C) efforts since fiscal year 2012.¹⁰ We reviewed documentation on monitoring efforts such as annual reports, standard operating procedures, and other relevant documents to determine what monitoring and oversight policies and requirements were in place and what actions SAVE M&C officials had taken to help ensure user agency compliance with the MOA. We also interviewed SAVE M&C officials to determine what and how agency practices are monitored, what metrics and data are collected from agencies, and how current monitoring efforts

¹⁰We selected 2012 because the SAVE M&C branch began its oversight activities this fiscal year. This period also follows a 2012 report with recommendations from the DHS Office of the Inspector General related to SAVE.

reviewed safeguards to protect privacy and prevent misuse. We analyzed USCIS data regarding the failure to institute additional verification for fiscal years 2012 through 2016. We interviewed USCIS officials regarding how these data are generated and what procedures are in place to ensure their reliability. Based on our review of the data and information obtained from USCIS, we determined that the data were sufficiently reliable for the purposes of our report. We also interviewed user agencies about their interactions with SAVE M&C, observed a virtual site visit conducted by SAVE M&C, and observed SAVE M&C officials provide a demonstration of the desk review process and compared our observations to provisions in the SAVE MOA, *Standards for Internal Control for the Federal Government*, and *Government Auditing Standards*.¹¹ Our full scope and methodology can be found in Appendix I.

We conducted this performance audit from February 2016 to March 2017 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

SAVE Check Process and Information Sources

¹¹[GAO-14-704G](#). These controls update the 1999 version, which was applicable in fiscal year 2012 through 2015. The 2014 internal controls became effective in fiscal year 2016. We applied these controls to the whole time period because we assessed current fiscal year 2016 policies.

SAVE Sources

SAVE checks several Department of Homeland Security (DHS) and non-DHS databases in order to verify a benefit applicant's immigration status or naturalized or derived citizenship status.

Source: GAO analysis of DHS documents. | GAO-17-204

Since the early 1970s until the inception of the SAVE Program, some federal programs had specified the immigration status that would qualify a foreign national for public benefits. Programs used various procedures for status verification, and in 1984, legacy INS created SAVE pilot projects, through which federal, state, and local benefit-granting agencies could—on a voluntary basis—verify applicants' immigration status.¹² In 1987, legacy INS established the SAVE Program pursuant to the Immigration Reform and Control Act (IRCA) of 1986, which set requirements for the verification of immigration status of foreign nationals applying for benefits under certain federal programs, and required INS to implement a nationwide system to verify immigration status of such individuals and to make the verification system available to all the states.¹³ The SAVE program, run by USCIS, is a verification service for federal, state and local benefit granting agencies to verify a benefit applicant's immigration

¹²GAO, *Immigration Reform: Verifying the Status of Aliens Applying for Federal Benefits*, [GAO/HRD-88-7](#) (Washington, D.C.: October 1987); GAO, *Immigration Reform: Federal Programs Show Progress in Implementing Alien Verification Systems*, [GAO/HRD-89-62](#) (Washington, D.C.: March 1989); GAO, *Immigration Reform: Alien Verification System Data Base Problems and Corrective Actions*, [GAO/IMTEC-89-52](#) (Washington, D.C.: June 1989).

¹³Pub. L. No. 99-603, tit. I, pt. C, § 121(a), 100 Stat. 3359, 3384-90 (classified, as amended, at 42 U.S.C. § 1320b-7 and 1320b-7 note). The SAVE program is not to be used by DHS for administrative (non-criminal) immigration enforcement purposes. See *id.* § 121(c)(1), 100 Stat. at 3391 (classified at 42 U.S.C. § 1320b-7 note). With respect to the eligibility of foreign nationals for public benefits, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 generally prohibited Federal, and state, or local public benefits from going to foreign nationals who do not meet the statutory definition of "qualified alien" (with certain exceptions). Pub. L. No. 104-193, tit. IV, §§ 401, 411, 110 Stat. 2105, 2261-62, 2268-69 (classified, as amended, at 8 U.S.C. §§ 1611, 1621). The term "qualified alien" was defined under PRWORA as including lawful permanent residents, refugees, asylees, parolees, those granted withholding of removal, and persons granted conditional entry. The definition of "qualified alien" has since been expanded, and specific programs and benefits have been added as exceptions to the general rule that foreign nationals must be deemed "qualified aliens" to be eligible for federal benefits (see 8 U.S.C. §§ 1611(b)(3)-(5), 1641(b), (c)). PRWORA also provided for limited eligibility of qualified aliens for Supplemental Security Income (SSI), and Supplemental Nutrition Assistance Program (SNAP); with exceptions such as for those receiving benefits at the time of the enactment of PRWORA, refugees, asylees, certain permanent resident aliens, veterans and active duty personnel, and certain American Indians, among others (see 8 U.S.C. § 1612). PRWORA also made qualified aliens ineligible (with certain exceptions) for federal means-tested public benefits for their first five years after U.S. entry (see 8 U.S.C. § 1613).

Initial Verification

The first step in a SAVE check is called **initial verification** and is typically completed within seconds.

Source: GAO analysis of DHS documents. | GAO-17-204

Additional Verification

If initial verification cannot determine a status or if the agency needs to resolve an ambiguity or to get additional data, the check proceeds to **additional verification**, which searches additional DHS and non-DHS systems and is completed by a U.S. Citizenship and Immigration Services status verifier. Additional verification typically takes 3 to 5 federal working days. If a status still cannot be resolved, the case goes to 3rd step verification, which takes 10-20 federal working days.

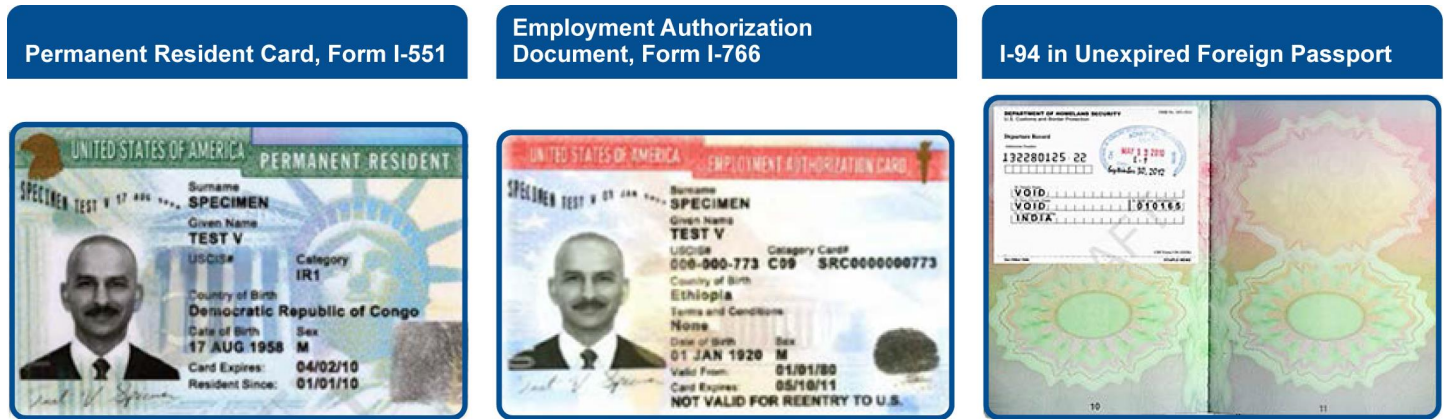
Source: GAO analysis of DHS documents. | GAO-17-204

status, or naturalized or derived citizenship status.¹⁴ To provide this information, SAVE accesses multiple immigration record systems from a variety of DHS components such as USCIS, CBP, and ICE, as well as information from the Department of Justice (DOJ). SAVE itself is not a database—it draws an applicant’s most current immigration status information from one of numerous source systems. Further, SAVE does not make determinations on an applicant’s eligibility for a specific benefit—it provides information to SAVE user agencies to allow them to make eligibility decisions using their own criteria.

When applying for public benefits or licenses at a registered federal, state, tribal, or local government benefit or license granting agency that uses SAVE, applicants must generally present an immigration document or such other documents determined to be reasonable evidence of a satisfactory immigration status. This can include a Permanent Resident Card (often referred to as a “green card”), an employment authorization document, a valid foreign passport, or other government-issued document. In order to verify an applicant’s status, SAVE requires a numeric identifier (such as an Alien Number, I-94 number, or unexpired foreign passport number), name, date of birth, and the benefit the applicant is seeking. To confirm the person’s status, authorized personnel from the benefit-granting agency are to use SAVE to compare the data from the immigration document to what SAVE found in federal records. Examples of documents that can be used in a SAVE check are shown below in figure 1.

¹⁴Under U.S. immigration law, there are many types of immigration benefits or forms of relief or protection from removal that provide lawful immigration status or presence in the United States whether on a temporary or permanent basis. The process for lawfully entering or remaining in the United States is based on a number of factors, including the type of immigration benefit sought, and applicable eligibility criteria. Foreign nationals may enter or be admitted into the United States under various immigrant and nonimmigrant visa categories or other forms of immigration relief or protection, including humanitarian relief such as asylum. A person may be eligible for naturalization after residing continuously in the United States as a lawful permanent resident for at least five years (three years for a U.S. citizen’s spouse), and meeting other requirements. Separate requirements apply to members of the military and their families. See 8 U.S.C. § 1427. In addition, a child born outside of the United States will automatically derive U.S. citizenship when at least one parent is a U.S. citizen, the child is under 18 years old, and the child is residing in the United States in legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence. See 8 U.S.C. § 1431. A citizen parent may apply for naturalization on behalf of a child born outside the United States who has not acquired citizenship automatically. See 8 U.S.C. § 1433.

Figure 1: Sample Immigration Documents used in Checks of the Systematic Alien Verification for Entitlements (SAVE) System



Issued to lawful permanent resident (lawful immigrant) non-citizens. The status is indefinite. This card is commonly referred to as a “green card.”

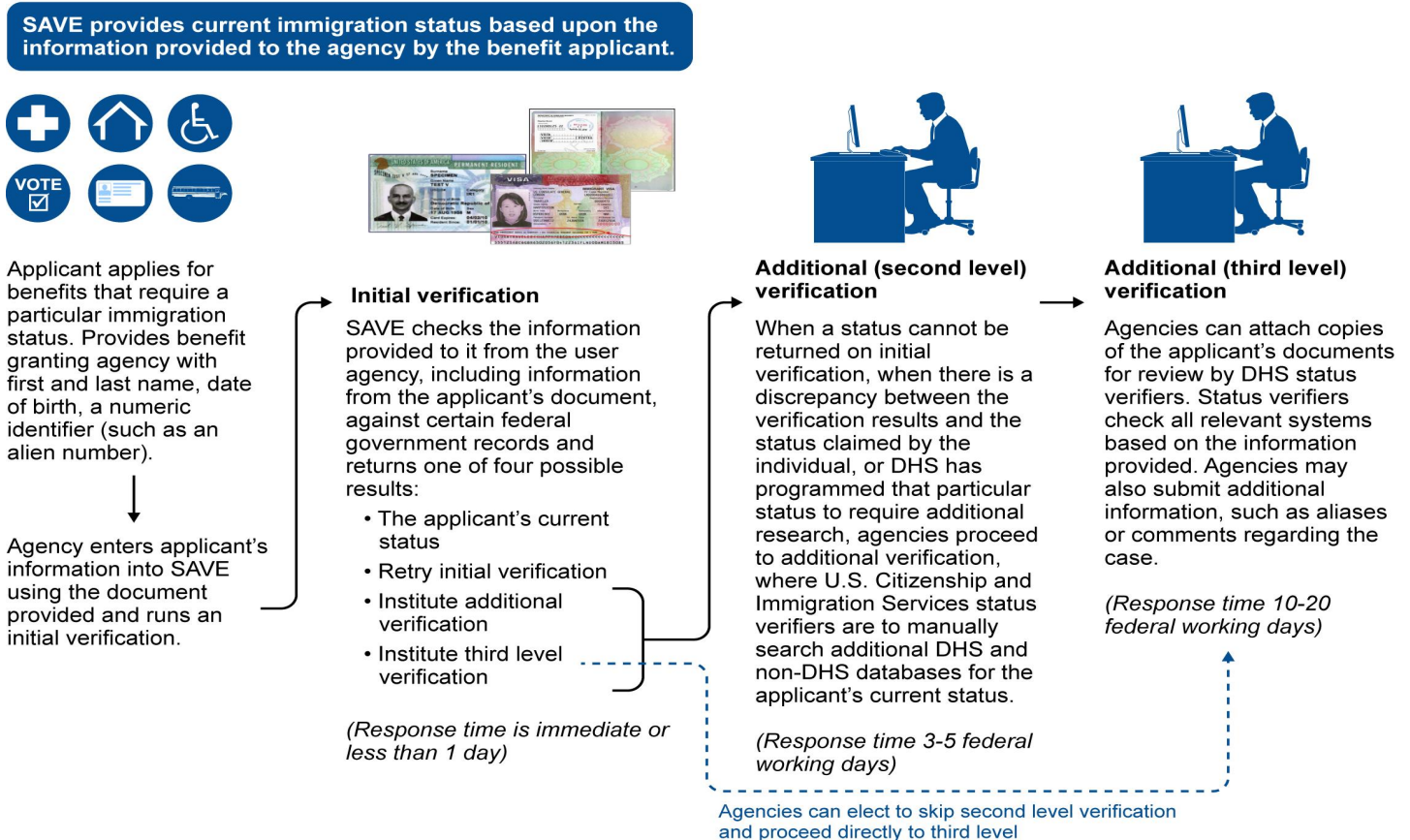
Issued to non-citizens that are not permanent residents but have been granted permission to be employed in the United States for a specific period of time or who are authorized to work incident to their immigration status.

I-94’s are issued by U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), or Immigration and Customs Enforcement. Foreign passports are issued by foreign countries. CBP scans the foreign passport number when the alien enters the United States.

Source: GAO analysis of USCIS documents; Department of Homeland Security (photos). | GAO-17-204

A SAVE check can take up to three steps to complete. The first step, initial verification, is an automated search of several DHS databases for records that match the benefit applicant’s information. According to USCIS, within seconds, the system provides an electronic response with the applicant’s current immigration status or prompts the benefit granting agency to institute additional verification, as shown in figure 2 below.

Figure 2: Process for Verifying Immigration or Citizenship Status Using the Department of Homeland Security's (DHS) Systematic Alien Verification for Entitlements (SAVE) System



Source: GAO analysis; DHS (photo); Art Explosion (clip art). | GAO-17-204

SAVE officials said that the verification process was designed as a multi-step process to ensure an accurate response, since not all relevant immigration records can be captured in the initial verification search. Further, according to USCIS, approximately 9 percent of all relevant classes of admission will not be confirmed upon initial verification because they have been programmed by USCIS to automatically require

additional verification by USCIS status verifiers.¹⁵ SAVE officials stated that some immigration status categories have been programmed in SAVE to automatically require additional verification for reasons such as privacy and confidentiality considerations, because the information is not readily available, or because a hard copy of the file needs to be requested. Additionally, officials stated that immigration statuses are complex and can change over time; thus benefit granting agencies may need additional information and context to make benefit eligibility decisions.

SAVE user agencies are charged a minimum of \$25 to access SAVE each month, plus \$0.50 for each initial verification query totaling over \$25. However, there is no monthly charge if a SAVE user agency does not submit any SAVE queries. If the initial verification query cannot be resolved, SAVE user agencies are required by USCIS to perform the additional verification steps before denying a benefit based on a SAVE response. There is a \$0.50 fee for any additional verification query. If an agency proceeds to additional verification, USCIS status verifiers can check additional DHS and non-DHS databases, as shown in figure 3.

¹⁵USCIS reported that there are 1,053 classes of admission (COAs) and that 312 of these are programmed to automatically require agencies to institute additional verification (IAV). However, officials explained that many of the COAs are set to respond with IAV because the COA belongs to a nonimmigrant category and the individual should not have an alien number. If the person does, the check is sent to IAV in order to investigate further. When accounting for these cases, this reduces the number of COAs set to proceed to IAV to 149, or 14 percent of all COAs. Officials explained that there are additional exceptions that include COAs that will never return on initial verification, thus reducing the number of COAs programmed for IAV to 96, or 9 percent of all COAs.

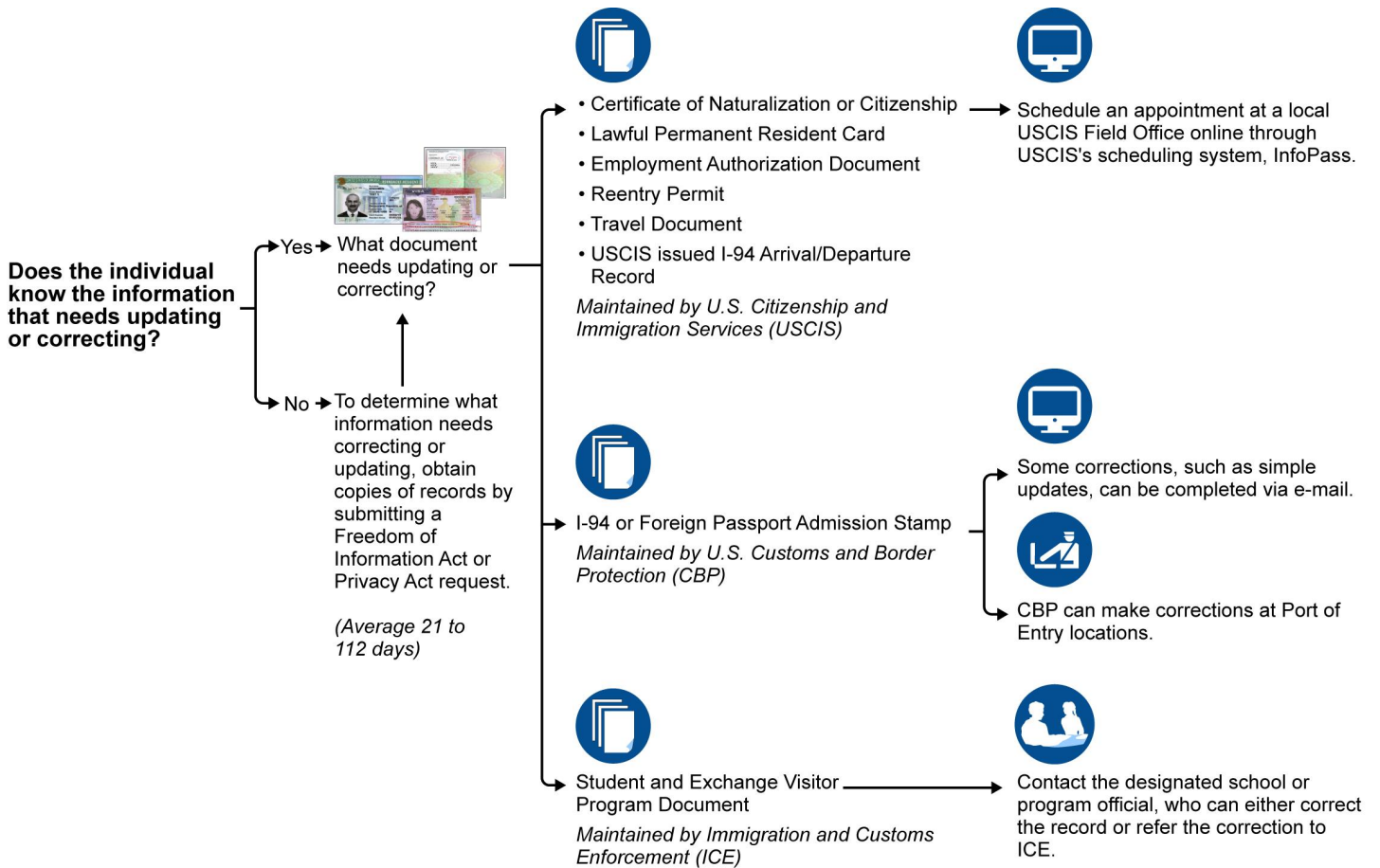
Figure 3: Systematic Alien Verification for Entitlements (SAVE) Source Systems



SAVE Record Correction Process

The process for benefit applicants to correct or update their immigration records with DHS can involve multiple steps. Applicants who feel that they were erroneously denied benefits because of an inaccurate immigration status returned by SAVE should first correct or update their immigration records, if necessary, and then appeal the denial using the benefit granting agency’s existing appeals process. Applicants needing to correct or update their immigration records, such as name or date of birth corrections, are instructed by USCIS to follow the steps for the DHS component (USCIS, CBP or ICE) which maintains the record needing modification, as shown in figure 4.

Figure 4: Department of Homeland Security (DHS) Immigration Records Correction Process



Source: GAO analysis; DHS (photos); Art Explosion (clip art). | GAO-17-204

If an individual does not know what information needs correcting, he or she would then file a Freedom of Information Act or Privacy Act request with DHS to gain copies of their immigration records to determine what information is inaccurate and which DHS component to contact.

Process to Approve Agency Access to SAVE

To gain access to SAVE, an agency must be seeking to verify the immigration, or naturalized or derived citizenship status of persons within its jurisdiction for legally authorized purposes.¹⁶ In reviewing agency

¹⁶See 8 U.S.C. §§ 1373, 1644.

applications to use SAVE, USCIS staff reported filtering out any prospective users that are not eligible to use the system (such as certain private firms or private individuals) or that should be using it in conjunction with a federal, state, or local government agency. For example, educational institutions administering federal student aid would fall under the Department of Education's authority to use SAVE and would therefore not need their own access. According to USCIS officials, all other potential SAVE user agencies are reviewed further by USCIS and its Office of Chief Counsel and Office of Privacy to check that the proposed use is authorized by law and the individuals for whom status verification is sought are within the agency's jurisdiction. USCIS also looks at whether the agency applying is involved in any relevant ongoing litigation that could affect the agency's authority to verify immigration or citizenship status through SAVE for particular purposes.¹⁷ If USCIS determines that the prospective user agency meets the eligibility criteria, the agency enters into a MOA (see standard MOA terms in appendix II) with USCIS that outlines USCIS and agency purpose and responsibilities for participation in, and oversight of, the program.¹⁸

¹⁷For example, an Alabama state agency was delayed from gaining access to the SAVE system when a 2011 Alabama law, which, among other things, made it a felony for an individual not lawfully present in the U.S. to enter into a public records transaction with the state or a political subdivision, including applying for or renewing certain licenses, and required that immigration status be determined by verification with the federal government, faced legal challenges. The agency was eventually able to access the system, and USCIS specified that the agency could use SAVE to determine lawful presence, for purposes of valid statutory provisions under state law, but may not use the system to conclude an individual is in violation of U.S. immigration law. Pursuant to IRCA, the SAVE program is not to be used by DHS for administrative (non-criminal) immigration enforcement purposes. Pub. L. No. 99-603, tit. I, pt. C, § 121(c)(1), 100 Stat. at 3391 (classified at 42 U.S.C. § 1320b-7 note).

¹⁸The MOA includes standard terms that are generally applicable to all user agencies, and outline agency responsibilities and requirements for using SAVE for the approved purpose(s).

SAVE Provides Accurate and Timely Responses, but USCIS Could Better Ensure User Agencies Complete all Required Steps and Improve its Guidance and Training

USCIS has taken steps to assess the accuracy of the information reported by the SAVE system, but does not have sufficient controls to help ensure agencies are completing the necessary verification steps (1) because of guidance that does not clearly indicate what agencies are required to do to follow the MOA provision to perform any additional verification procedures the SAVE program requires and (2) because USCIS lacks reasonable assurance that SAVE users are completing SAVE training that explains the additional verification process. From fiscal years 2012 through 2015, USCIS exceeded its targets for providing agencies with timely SAVE responses, but agencies and benefit applicants are not always aware the SAVE response has been returned to them and therefore may be delayed in processing benefit determinations.

USCIS Works to Ensure SAVE Provides Accurate Responses through a Multi-Step Process and Internal Reviews

To help ensure initial verification accuracy, since 2014 USCIS has conducted monthly checks to ensure SAVE is accurately reporting information contained in its source systems.¹⁹ According to USCIS officials, as part of this check, each month USCIS generates a random sample of 64 verifications and then matches the alien numbers (A-number) against the same A-numbers in select SAVE source systems to ensure SAVE accurately pulled the information from its source. Next, officials use the related A-numbers to pull all relevant I-94 numbers (which record arrivals to and departures from the United States) and

¹⁹USCIS reported implementing this process in response to recommendations from the DHS Office of the Inspector General. See DHS Office of the Inspector General, DHS Office of the Inspector General, *Improvements Needed for SAVE to Accurately Determine Immigration Status of Individuals Ordered Deported*, OIG-13-11 (Revised) (Washington, D.C.: Dec. 7, 2012).

passport numbers from other USCIS systems and compares them with SAVE's system to ensure the information in the records is accurately reflected. USCIS does not track initial verification accuracy as an official performance measure, but officials stated in May 2016 that there is very rarely an instance in which the SAVE system failed to provide a response based upon data in the source systems.

To help ensure the accuracy of SAVE's additional verification steps (referred to as "IAV," which stands for "institute additional verification"), USCIS implemented a process in 2010 designed to ensure the immigration statuses arrived at by the status verifiers reflected the immigration status on record for persons seeking benefits—in other words, that there were no false positives (providing a status when one does not exist) or false negatives (failing to provide a status when one exists). Drawing a monthly simple random sample of approximately 385 verification responses, SAVE officials follow the steps of the status verifiers to ensure they arrive at the same response. In 2015, USCIS reported that its additional verification responses were 99.16 percent accurate (exceeding the agency's goal of 98.4 percent accuracy). During fiscal year 2015, USCIS identified 30 instances in which additional verifications had resulted in false negatives and eight instances of false positives. USCIS followed up with user agencies in appropriate cases to ensure the agency was aware of the error and provided with a correct status response.

SAVE officials stated that they have taken actions to improve the accuracy of additional verifications since implementation of these quality assurance testing processes. For example, officials said they implemented a corrective action review process in which they generate reports in response to findings uncovered throughout the process and share these reports with SAVE supervisors for review and corrective action. Status verifiers must often reconcile several pieces of information generated at different points in time with varying periods of effect or applicability across multiple sources in order to accurately arrive at the status reflected in the source systems. For example, a 2016 corrective action report showed an instance where a status verifier queried information from three separate systems to determine that an applicant was employment authorized until September 2016, but did not identify that the applicant had also been approved for a status that conferred employment authorization until September 2017. The status verifier was provided with counseling and the correct status was provided to the benefit granting agency. SAVE officials also developed a SAVE response guide to assist status verifiers in providing quality verification responses.

The response guide, which USCIS officials stated became effective in October 2015, is designed to capture real-time information changes, such as relevant policy changes affecting benefit eligibility or interpretation of immigration status.

USCIS Could Improve SAVE Accuracy by Strengthening Controls to Help Ensure Benefit Granting Agencies Complete All Required Steps of a SAVE Check

Agencies that use SAVE are required to complete all steps in the status verification process, but USCIS does not have sufficient controls to help ensure agencies are completing the necessary steps. According to our analysis, from fiscal year 2012 through fiscal year 2016, the majority of SAVE user agencies that received a SAVE response prompting them to institute additional verification did not complete the required additional steps to further verify the benefit applicant’s immigration status, a quality-control step of the SAVE process intended to help ensure that user agencies make a benefit eligibility determination with a fully verified SAVE response. Additional verification entails an in-depth query by USCIS status verifiers to determine the applicant’s immigration status if such status cannot be returned by SAVE upon initial verification. The SAVE MOA states that agencies agree to ensure all users perform any additional verification procedures the SAVE program requires or the applicant requests after the user agency initiates a request for verification. Of the over 86.6 million SAVE checks that have been conducted during this time frame, 16 percent of those checks (approximately 14 million), returned a response prompting the agency to institute additional verification. Of those 14 million IAV responses, agencies did not proceed to additional verification nearly 60 percent of the time (approximately 8.5 million checks), as shown in table 1.

Table 1: Systematic Alien Verification for Entitlements (SAVE) Responses Requesting Agencies to Institute Additional Verification (IAV), by Fiscal Year

Fiscal Year	Initial SAVE Queries	Number of Responses Requesting Additional Verification	Percentage of Responses Requesting Additional Verification	Times Agency did not proceed to Additional Verification	Percentage of Additional Verification Responses Not Completed ^a	Number of Agencies with Responses Requesting Additional Verification
2012	11,002,453	1,711,453	15.6	966,155	56.5	461
2013	13,220,774	2,022,454	15.3	1,076,067	53.2	493
2014	20,895,020	3,054,314	14.6	1,784,234	58.4	485

Fiscal Year	Initial SAVE Queries	Number of Responses Requesting Additional Verification	Percentage of Responses Requesting Additional Verification	Times Agency did not proceed to Additional Verification	Percentage of Additional Verification Responses Not Completed ^a	Number of Agencies with Responses Requesting Additional Verification
2015	21,204,357	3,527,902	16.6	2,184,320	61.9	506
2016	20,308,282	3,802,141	18.7	2,450,138	64.4	494
Total	86,630,886	14,118,264	16.3	8,460,914	59.9	

Source: GAO analysis of U.S. Citizenship and Immigration Services Data. | GAO-17-204

Note: This data represents those cases in which the SAVE system returned a response prompting the agency to initiate additional verification. This data does not include cases in which agencies elected to send a case to additional verification without being prompted by the system.

^aThere are an unknown number of instances in which applicants may voluntarily withdraw their benefit applications. When agencies elect to close a case instead of initiating additional verification, USCIS does not currently track the reason the agency is not proceeding, such as the applicant withdrawing or the applicant presenting different documentation to run a new initial verification.

There may be legitimate reasons user agencies do not proceed to additional verification when prompted. For example, USCIS officials reported that in some cases applicants may choose to withdraw their benefit application before the case is adjudicated, or agencies may choose to use their own discretion in adjudicating benefit eligibility based on the initial SAVE response and other evidence of satisfactory immigration status. There is also an unknown number of cases that may be duplicate submissions, according to USCIS, where an applicant could have provided the agency with different documentation to re-run an initial verification, rather than instituting additional verification. However, our analysis of SAVE check data indicates that some user agencies are not instituting the required verification steps on a more systematic basis. Specifically, from fiscal years 2012 through 2016, 14 percent of agencies that had at least one SAVE response of IAV did not proceed to additional verification 100 percent of the time, and 57 percent of agencies did not proceed to additional verification at least half the time, as shown in table 2.

Table 2: Systematic Alien Verification for Entitlements (SAVE) User Agencies' Rates of Failure to Institute Additional Verification (IAV), by Fiscal Year

Fiscal Year	Number of Agencies Requesting a SAVE Check that Received an IAV Response	Number and Percentage of Agencies Not Initiating Additional Verification			
		Rate of 50% or more	Rate of 75% or more	Rate of 90% or more	Rate of 100%
2012	461	292 (63.5%)	157 (34.1%)	88 (19.1%)	64 (13.9%)
2013	493	328 (66.5%)	186 (37.7%)	105 (21.3%)	79 (16.0%)
2014	485	337 (69.5%)	220 (45.4%)	125 (25.8%)	79 (16.3%)

Fiscal Year	Number of Agencies Requesting a SAVE Check that Received an IAV Response	Number and Percentage of Agencies Not Initiating Additional Verification			
		Rate of 50% or more	Rate of 75% or more	Rate of 90% or more	Rate of 100%
2015	506	355 (62.2%)	217 (38.0%)	116 (20.3%)	67 (11.7%)
2016	494	323 (57.3%)	178 (36.0%)	92 (18.6%)	55 (11.1%)
Average		57.3%	44.9%	25.7%	14.1%

Source: GAO analysis of U.S. Citizenship and Immigration Services Data. | GAO-17-204

Generally, the percentage of agencies not initiating additional verification steadily increased from fiscal year 2012 through fiscal year 2014. However, the percentage generally decreased by fiscal year 2016 near to or below the level in fiscal year 2012. There have also been a fluctuating number of agencies that have failed to institute additional verification 100 percent of the time in each fiscal year from 2012 through 2016. For example, in fiscal year 2016, 494 agencies received at least one SAVE response that required additional verification and 55 of those agencies did not proceed to additional verification 100 percent of the time—not completing a total of 4,415 checks. When including agencies that did not complete IAV 98 percent of the time or more, that number increases to 65 agencies and over 256,000 incomplete SAVE checks.

The types of agencies that did not complete additional verification covered every type of SAVE user (federal, state, local, and departments of motor vehicles) and many types of benefits, including driver’s licenses, health care, and voter registration. For example, in fiscal year 2016, agencies that did not complete additional verification 98 to 100 percent of the time included a state children’s health program, a department of motor vehicles, a state unemployment insurance department, two counties (from the same state) responsible for elections and voter registration, a county property appraiser’s exemptions investigations unit, and a state health care services department. These seven agencies requested a combined total of over 1.7 million SAVE checks and did not complete additional verification over 245,000 times—approximately 14 percent of the agencies’ total SAVE checks that fiscal year.

We found a variety of reasons agencies may not be completing each step of the SAVE process, when required, including (1) guidance that does not clearly indicate what agencies are required to do to follow the MOA provision to perform any additional verification procedures the SAVE program requires and (2) no mechanism to ensure agencies are

completing required SAVE training that explains the additional verification process.²⁰

Guidance on IAV Purpose and Requirement. The SAVE program provides several guidance documents and training videos for user agencies, but the guidance and training videos use inconsistent and potentially ambiguous language to describe agencies' responsibilities for completing IAV. For example, the SAVE Program Guide—which USCIS instructs agencies to be familiar with prior to using SAVE—uses both permissive and mandatory language to describe additional verification requirements, stating in one section that agencies “must” submit an additional verification request to allow the SAVE program to conduct further research, and stating in another that it “may” be necessary to enter additional information in certain scenarios, such as when a user receives a response to institute additional verification.²¹ The guide also does not define key verification terms, noting that agencies should proceed to additional verification when a status is “not confirmed,” which could be

²⁰As previously noted, USCIS officials reported that agencies may have legitimate reasons to not proceed to additional verification and are not necessarily denying benefits at this stage.

²¹Specifically, page 8 of the Program Guide states, “All users must perform any additional verification procedures the SAVE Program requires and/or the applicant requests. When the system returns a response of Institute Additional Verification, Resubmit Doc, or otherwise indicates additional verification is required, or the benefit applicant requests additional verification, the user must continue the verification process to ensure that SAVE conducts the necessary research on behalf of the benefit applicant.” In addition, page 12 of the Program Guide notes that where status cannot be verified immediately through initial verification, “the user must submit an additional verification request to allow the SAVE Program to conduct further research.” However, page 13 of the guide, in the section on Additional Verification, states, “There are times with [sic] [when] it may be necessary to enter additional information to complete the verification process, for example: [w]hen the user receives a response ‘Institute Additional Verification.’” Given the examples included, it is not entirely clear whether this section is referring only to instances in which an agency needs to provide additional information to complete the verification process, or whether the additional verification process only occurs when the agency has additional information to provide.

confusing since “not confirmed” is not a response SAVE returns.²² The SAVE User Reference Guide contains similarly unclear language. Specifically, under the section on additional verification, the guide states that users have the following options: (1) click “request additional verification” button to submit additional information for verification, (2) click “initiate a new case” button to request initial verification, or (3) click “close case” button to close the case. The guide does not provide instruction on how agencies should decide which option is most appropriate, and is further unclear since the second option—request initial verification—is what the user did to arrive at that set of options. In addition to the Reference Guide and the Program Guide, in 2015 USCIS developed a SAVE Self-Assessment Guide for agencies to use to assist with the proper use of SAVE and to improve the integrity of their SAVE verifications, among other goals. The SAVE Self-Assessment Guide provides user agencies with an explanation of SAVE’s multi-step verification requirement; however, none of the 13 agencies we met with reported either being aware of this guidance or using it.²³

²²Page 13 of the Program Guide states, “If the applicant’s immigration status is confirmed, the verification process is complete. If the status is not confirmed, or the user or applicant has a concern about the verification response, the verification process continues by the user requesting additional verification.” Prior sections (on page 8 of the Program Guide and as previously described) do not mention concern on the part of the SAVE user as a reason for proceeding to additional verification after an applicant’s immigration status has been confirmed. It is unclear what kind of concerns could or should compel an agency to push a case to additional verification after an applicant’s immigration status has been confirmed. It is also unclear whether or how an applicant would be able to request additional verification since the Program Guide’s verification steps do not include sharing the SAVE response with the benefit applicant.

²³Page 3 of the Self-Assessment guide states, “Some cases cannot be verified immediately. In other situations, the applicant may not agree with the SAVE determination. Conducting additional verification provides the opportunity for the SAVE agency or the applicant to present more information that may be helpful to obtain an accurate response. Without the additional verification, the process may be incomplete and the integrity of the process could be compromised. Accordingly, the MOA and Program Guide require users to perform all additional verification procedures that SAVE requires or the benefit applicant requests after initiating electronic verification.” Page 8 of the SAVE Program Guide states that “[a]gencies may not rely on a SAVE response to deny an application for benefits unless the agency has followed all SAVE verification procedures—including submitting the request for additional review when prompted by the system, and/or as requested by the applicant—and has received a response indicating the applicant’s immigration status. Otherwise, the user agency may deny eligible persons benefits that they are lawfully entitled to receive.” Of the 13 agencies we interviewed, officials from 11 had not heard of the Self-Assessment guide and officials from 2 reported using some USCIS guidance, such as the Program Guide, but did not report using the Self-Assessment.

In addition to written guidance, the SAVE Program provides online informational videos and training. At the time of our review, the information available on USCIS's SAVE Resources webpage included three videos (SAVE Overview, SAVE Requirements, and SAVE Features) and under a page for SAVE Training Opportunities, a SAVE Tutorial which contained four interactive lessons and a mastery test.²⁴ The SAVE Tutorial has a lesson dedicated to the SAVE Verification Process that explains that SAVE can be a three step process and that additional verification is a required step when SAVE cannot verify an immigration status after initial verification. The tutorial also covers this requirement in its final mastery quiz.

However, other training videos and tutorials were less clear about the purpose of additional verification and agencies' responsibilities for completing it. For example, we reviewed USCIS's resources for benefit applicants in August 2016 and found incomplete information on additional verification. Specifically, the SAVE Awareness Video for benefit applicants stated, "If the applicant gives the agency outdated or incorrect immigration documents, SAVE will prompt the agency to start a second step verification" and further states, "If your immigration status cannot be verified immediately based on incorrect, invalid, or out of date immigration documents, you may have to update or correct your immigration documents before the agency can submit an additional verification. This is known as third step verification." These instructions are inconsistent with guidance provided to user agencies. For example, the video omits other situations in which additional verification occurs aside from when an applicant gives outdated or incorrect information. Additional verification can also be necessary when a particular document is not readily accessible by SAVE or is programmed to automatically require additional verification. The video also states that an applicant may have to update or correct their immigration documents before the agency can proceed to second step verification. However, an applicant's information may not be

²⁴The four tutorial lessons are (1) SAVE Program Overview, (2) Immigration Classifications and Most Common Immigration Documents, (3) SAVE Verification Process, and (4) Setting up Your Agency and User Roles and Responsibilities. We were unable to access the tutorial by clicking through the SAVE webpage (which is noted as current as of 12/1/16 while the training opportunities page was last updated 4/15/15). USCIS officials provided us a link to the SAVE Tutorial, which we were then later able to find by typing "training opportunities" into the SAVE homepage search bar. Additionally, since we reviewed the SAVE Resources in August 2016, USCIS has added two additional videos, "How SAVE Can Help Your Agency" and "SAVE Registration." We did not review these videos.

out of date; rather a SAVE response may not be returned during initial verification if the applicant's information is not in one of the systems SAVE searches on initial verification, for example. The video is also inconsistent with the SAVE Program Guide which states that additional verification must be initiated upon the benefit applicant's request—something that benefit applicants are not made aware of in the SAVE video, brochure, and fact sheet for applicants that we reviewed.²⁵

In response to a 2012 recommendation from a DHS Office of the Inspector General report to determine whether SAVE is at risk of erroneously verifying certain populations, USCIS reported in 2013 that it had established internal monthly meetings to analyze trends in agencies' failures to institute additional verification.²⁶ USCIS officials reported that these meetings resulted in USCIS identifying particular classes of admission for further study, as well as studying which customer agencies ran the queries and what immigration documents the applicants presented as proof of status. However, in May 2016, officials stated these reports had been used to identify ways to reduce the number of responses requiring additional verification and have more checks completed upon initial verification. Nonetheless, since fiscal year 2012, the number of checks requiring IAV has grown each fiscal year, from about 16 percent of checks in 2012 to about 19 percent in 2016. Reducing the number of checks that return a response of IAV is an important goal, but does not help user agencies understand their roles and responsibilities with respect to the nearly 4 million IAV responses SAVE returned in fiscal year 2016. The SAVE agency MOA states that user agencies agree to ensure all users perform any additional verification procedures the SAVE program requires or that the applicant requests after the user agency initiates a request for verification. Further, *Standards for Internal Control in the Federal Government* call for agencies to implement controls, such as communicating quality

²⁵The SAVE Privacy Impact Assessment (PIA) provides a similarly inconsistent description of additional verification which may further contribute to agency misunderstandings about IAV. Specifically, the PIA states that "the SAVE customer agency may initiate the additional verification procedure to...determine the applicant's immigration status. At the point at which the "Institute Additional Verification" message is displayed, customer agencies are required to inform benefit applicants of the additional verification option and to pursue it if requested by the applicant." This appears to indicate that additional verification is optional and completed if requested by the benefit applicant.

²⁶See DHS Office of the Inspector General, *Improvements Needed for SAVE to Accurately Determine Immigration Status of Individuals Ordered Deported*, OIG-13-11 (Revised) (Washington, D.C.: Dec. 7, 2012).

information and demonstrating commitment to competence (including quality guidance and training), to enable an agency to achieve its objectives.²⁷ Taking action to ensure that SAVE guidance clearly and accurately reflects user agencies' responsibilities for completing each step of a SAVE check could help reduce the number of SAVE checks that fail to complete each required step and help USCIS ensure that user agencies are receiving and using accurate and complete information.

Methods for Ensuring Agencies are Completing Training on SAVE IAV Procedures. Under the SAVE MOA, agencies agree to ensure all users complete required training, but USCIS does not track or monitor whether users have completed training and therefore does not have reasonable assurance that users have mastered SAVE policies and procedures prior to accessing the system.²⁸ The SAVE user agencies we met with reported a variety of ways in which they trained new users on their roles and responsibilities for using SAVE, including procedures for completing additional verification. Six of 13 agencies reported showing new users USCIS's SAVE training videos or the SAVE tutorial, 3 agencies reported using the SAVE Program Guide as a source of guidance, and 4 agencies reported that their users learned SAVE policies and procedures through on-the-job training. Two of 13 agencies reported that they relied on their MOA for guidance, while 4 agencies were not sure of the location or contents of their MOA.²⁹

Officials from 9 of 12 agencies that commented on additional verification said they fully understood the requirement to proceed to IAV. However, only 3 of the 9 agencies completed IAV more than half of the time in fiscal

²⁷[GAO-14-704G](#).

²⁸The MOA states that agencies agree to "ensure that, prior to using [SAVE], all users performing verification procedures complete SAVE required training, including: reading the SAVE Program Guide, taking the latest version of Web tutorial(s) and maintaining a working knowledge of requirements contained therein and in this MOA, as updated." It also states that agencies agree to "ensure all users performing verification procedures comply with all requirements contained in the SAVE Program Guide, web-based tutorial, and this MOA, and updates to these requirements."

²⁹Total does not add to 13 since not all agencies had a comment on their agency's use of the MOA.

year 2015.³⁰ Of the agencies we met with, 3 of the 4 with the highest number of checks in fiscal year 2015 that did not institute additional verification reported developing their own in-house training using SAVE materials.³¹ Of these 3, one agency reported teaching new SAVE users on-the-job and another agency said it had no additional training needs. Further, a state DMV we spoke with that did not complete additional verification approximately 77 percent of the time in fiscal year 2015 reported that the SAVE training was very helpful and that they had no additional training needs. A senior official from this DMV further stated that it was the agency's understanding that a SAVE response that does not verify on initial verification (meaning the agency should institute additional verification) was an indication that the applicant's documents were counterfeit, and the agency would only proceed to additional verification at the discretion of the individual licensing agent or when faced with an applicant that strongly insisted he or she had no other documentation to provide—which is not consistent with USCIS's guidance or the SAVE MOA. The official from this agency reported that, in general, the agency will request an applicant return with different documentation and then will run another initial verification, and about half of applicants do not return.

USCIS officials stated that users are required, per the MOA, to complete training prior to using the system, but USCIS does not track whether users have taken the training because it is the user agencies' responsibility to do so. USCIS officials said they would like to have a tracking capability in the future, but competing priorities and limited funding have prevented them from doing so thus far. Officials explained that they hoped to develop an update to SAVE that would require all new users to pass a SAVE mastery test prior to accessing the system, but

³⁰Specifically, these 3 agencies requested approximately 1.07 million SAVE checks in fiscal year 2015. Approximately 147,000 of those checks returned a response of institute additional verification. Agencies completed additional verification in approximately 136,000 of these cases—or 92 percent of the time. In contrast, the other 6 agencies requested approximately 1.3 million SAVE checks, of which about 253,000 returned a response of institute additional verification. Agencies completed additional verification approximately 68,000 times—or 27 percent of the time.

³¹Of these 3 agencies, officials from one state DMV reported that a lack of legal status was not a barrier to obtaining a license in their particular state. Therefore, the lack of completed verifications may not signify a negative impact on applicants in their state. In fiscal year 2015, this state DMV submitted approximately 914,000 SAVE queries, of which about 150,000 were returned with a response of "institute additional verification." The DMV submitted the check for additional verification in about 44,000 of these cases.

officials were uncertain when this capability would be added. However, officials stated it is ultimately it is each agency's responsibility to ensure its SAVE users have completed the necessary training. The SAVE Monitoring and Compliance (M&C) Branch (discussed in detail later in this report), analyzes the extent to which agencies are completing additional verification, but does not monitor the extent to which agencies are completing SAVE training and does not evaluate the extent to which agency training sufficiently addresses SAVE MOA provisions for completing additional verification.

The SAVE MOA states that user agencies agree to ensure that all users performing verification procedures complete SAVE required training, including reading the SAVE Program Guide, taking the latest version of Web tutorial(s), and maintaining a working knowledge of requirements contained therein and in the MOA. Taking steps to track whether user agencies are appropriately training their SAVE users would provide USCIS, as the agency responsible for managing and overseeing SAVE, with reasonable assurance that SAVE information is being accessed and used properly. Further, *Standards for Internal Control* call for agencies to establish expectations of competence for key roles, including possessing the necessary knowledge, skills, and abilities, and training individuals appropriately.³² Without a mechanism to oversee agencies' completion of training—such as through requiring annual completion of the SAVE Tutorial as a condition for access to the system—USCIS cannot ensure agencies are aware of the importance of additional verification in ensuring an accurate SAVE response.

USCIS Has Worked to Help User Agencies Use SAVE Responses to Determine Benefit Eligibility

SAVE user agencies we met with reported facing challenges interpreting certain SAVE responses and effectively using them to make benefit eligibility determinations, and USCIS has provided tools and guidance aimed at addressing these challenges. A SAVE initial verification response returns an individual's immigration or naturalized or derived citizenship status as 1 of 1,053 possible codes, along with other information to help agencies clarify what the code means. User agencies interpret the code and any additional clarifying information returned by SAVE and compare that information against documentation provided by

³²[GAO-14-704G](#).

the applicant and their specific benefit-eligibility criteria. For example, some states require individuals to show proof of satisfactory immigration status when applying for a driver's license. The applicant would have to provide the department of licensing with information supporting his or her lawful presence, which would be submitted through SAVE. The SAVE result would not indicate whether the applicant has lawful status or presence, per se—rather it would provide that individual's current status as indicated by source systems (such as "student," indicated by the code F-1, or "Cuban Haitian Entrant," indicated by the code CH6). The department of licensing would then interpret this response to determine if that status meets immigration requirements, and for temporary statuses, how long the applicant will be lawfully present in order to grant the proper benefit. The benefit granting agencies we met with identified a range of challenges they faced in making these determinations and in using SAVE responses to adjudicate benefit eligibility, as shown in table 3.

Table 3: Systematic Alien Verification for Entitlements (SAVE) Selected User Agency Reported Challenges Determining a Benefit Applicant’s Eligibility based upon SAVE Responses

Challenge	Example
Interpreting eligibility of unique statuses and designations	Agency officials we interviewed reported facing challenges with understanding certain immigration statuses and designations, such as Cuban/Haitian Entrant, based upon SAVE responses. Cuban/Haitian Entrant is a special immigration parole status for nationals of Cuba or Haiti that affords eligibility for certain benefits and services and such individuals may obtain additional statuses or designations such as temporary protected status or lawful permanent resident status provided they satisfy the applicable eligibility requirements. ^a An agency may not be aware of these various designations and, as a result, may not adjudicate benefits appropriately.
Provided dates not applicable for determining benefit eligibility	Some agencies award benefits for shorter or longer durations depending upon an applicant’s eligibility, but agency officials we interviewed reported that SAVE responses do not easily allow agencies to make those determinations. For example, some departments of motor vehicles (DMVs) we spoke with stated that the ‘duration of stay’ response is confusing for their purposes and they are unsure whether to issue a short or long term license given the SAVE response. Additionally, according to officials from a few user agencies we spoke with, SAVE often provides the ‘date of entry’ field as the date of the applicant’s most recent change in status instead of the actual date of entry into the United States. They said that this can be confusing for user agencies, require additional time and research on their part to determine the actual date of entry as opposed to the date of admission under a particular status, and have a potentially negative impact on eligibility for certain benefits that require a particular duration of time in the U.S.
Response differs from applicant’s documentation	The SAVE response may be more or less favorable for the applicant’s benefit eligibility than the document the applicant presents, thus requiring the user agency to decide which one is authoritative for purposes of a benefit determination. For example, officials from a DMV we spoke with stated that an applicant presented an employment authorization card, which would authorize the applicant for a 2 year license. However, the SAVE response stated that the applicant was a lawful permanent resident, meaning the DMV could issue a 5 year license. This situation was more favorable for the applicant, but the DMV was unsure if the response was accurate.

Source: GAO analysis of interviews with SAVE user agencies. | GAO-17-204

^aSee Matter of L-T-P-, 26 I. & N. Dec. 862, 869 (BIA 2016) (citing Refugee Education Assistance Act of 1980, Pub. L. No. 96-422, § 501(e), 94 Stat. 1799, 1810 (classified, as amended, at 8 U.S.C. § 1522 note)). “[T]he purpose of the [Cuban/Haitian Entrant] provision was to treat Cuban and Haitian migrants as refugees for purposes of the Federal refugee resettlement program and most other Federal benefits and assistance.” Id. (citing Cong. Research Serv., RS21349, U.S. Immigration Policy on Haitian Migrants 8-9 (2011)).

To help user agencies better understand and interpret SAVE responses, USCIS has provided guidance and tools aimed at addressing some of the challenges mentioned by user agencies we selected. For example, USCIS has provided user agencies with fact sheets for interpreting complex immigration designations, such as Cuban-Haitian Entrants or Temporary Protected Status Beneficiaries. USCIS has also held an annual virtual forum for user agencies since 2012 to discuss SAVE initiatives and customer support efforts, which includes a period of time for questions and concerns from agencies. In addition to guidance, USCIS established a hotline for user agencies that need assistance with interpreting a SAVE response. The hotline is also a resource for other inquiries, including responding to agencies wishing to check on the status of a pending SAVE response, prospective user agencies with questions

on registering for SAVE, and those wishing to request SAVE trainings. According to our analysis, in fiscal year 2015, 37 percent of SAVE users that had at least one SAVE check that year (212 of 572 agencies) called the hotline. Further, in fiscal years 2014 and 2015, approximately 20 percent of all calls to the hotline were related to clarifying a SAVE response. Seven of the user agencies we met with called the hotline in fiscal year 2015 with questions and officials from 4 of those agencies reported that calling the hotline typically resolved the challenges they faced. Officials from some user agencies we spoke with reported that when challenges arise, they address them by reviewing SAVE's online resources and guidance. For example, officials from one agency stated that when they have questions, they find the information they need by checking the SAVE system homepage, including utilizing the help button. Further, USCIS provides user agencies with a help e-mail address.

In addition to USCIS's current guidance and tools, in February 2016, USCIS initiated a mandated independent evaluation of the SAVE program.³³ According to the evaluation project summary, the evaluation will assess how user agencies are integrating SAVE into their business processes as well as their satisfaction with the SAVE program. Some of USCIS's specific questions will include whether SAVE users know how to access help when needed, whether there are common misunderstandings about the purpose or function of SAVE, and what support users need to more fully and properly use SAVE. The project summary further states that results of the evaluation are expected in July 2018. USCIS officials said they have long sought to better understand customer use and implementation of SAVE as a means of improving the program and that this study would help them in this goal.

³³The mandate for this evaluation originated with the Fiscal Year 2015 Office of Management and Budget (OMB) pass back guidance to DHS stating: "Guidance requests that the FY2015 program funding level for SAVE be set at a level that supports an independent evaluation of the SAVE program. This independent evaluation...should analyze how the program is implemented by user agencies and the experience of individuals attempting to correct their records in response to SAVE issued information." Department of Homeland Security 2015 Guidance, Jan. 22, 2014, pg. 25.

USCIS is Meeting SAVE Timeliness Response Goals, but Improved Notification and Guidance Could Help Agencies and Benefit Applicants

From fiscal years 2012 through 2015, USCIS exceeded its targets for providing agencies with timely SAVE responses, but agencies and benefit applicants are not always aware the SAVE response has been returned to them and therefore may be delayed in processing benefit determinations. From fiscal year 2012 through fiscal year 2015, USCIS exceeded its targets for returning information to user agencies within 3 to 5 federal working days for second-step verifications and within 20 days for third-step verification.³⁴ Specifically, USCIS's target percentage for SAVE requests responded to within 3 federal workdays of receipt was 97 percent each fiscal year, according to its guidance. USCIS exceeded this target each year, meeting its turnaround target 98.9 to 99.8 percent of the time. When there have been delays, USCIS officials said they believed that user agency business processes or delays in the systems searched by SAVE were the reason, such as records not being uploaded in a timely manner, and therefore not being accessible by SAVE.³⁵

Delays in the SAVE process can also occur when user agencies are unaware that the SAVE case status has been returned and the case is ready for adjudication at the user agency level. Specifically, 8 of 9 user agencies we met with reported that they would like to receive updates or communication during the additional verification period or notification from SAVE when the case is ready for adjudication—that is, when SAVE has completed the additional verification.³⁶ Currently, some agencies reported developing business processes to manually check the individual statuses of all cases undergoing additional verification, which for some agencies could be thousands of cases. Officials from 8 of 9 agencies that commented on additional verification timeliness said that having a notification from SAVE would be helpful for ensuring the timely

³⁴USCIS officials reported that SAVE did not have a timeliness metric for initial verifications, but reported that these verifications are generally completed in seconds.

³⁵This would, in turn, result in an individual's status not being returned in the SAVE check, since the underlying record would not yet be accessible. The applicant would have to return at a later date to try the initial check again, or the agency would have to request additional verification, which takes an additional 3 to 5 days.

³⁶We interviewed officials from 13 agencies, but officials from 4 agencies did not comment on additional verification and/or had not had a case proceed to additional verification.

adjudication of benefit applications. For example, officials from a state department of motor vehicles that was prompted to initiate approximately 29,000 additional verifications in fiscal year 2015 stated that users must log into SAVE to check on the status of their cases and may have to click through 10 pages of cases to identify which cases they are working on and if there are any updates. Officials from a federal agency that was prompted to initiate 257 additional verifications in fiscal year 2015 also agreed that notification from SAVE that a case is complete would be helpful, but said their agency had developed business processes to manually check cases.

SAVE officials have not developed a system to notify user agencies when cases are ready for adjudication after additional verification because they instead have focused their efforts on implementing an online tool for benefit applicants (rather than user agencies) to check their own case status. This tool—known as Case Check—was implemented in 2012 in order to better meet the needs of applicants as well as to assist agencies by reducing the number of calls and walk-ins from individuals wanting to know the status of their case. According to the Case Check fact sheet, benefit applicants can use Case Check to see whether their case has been adjudicated so they know when to return to the benefit granting agency. In other words, benefit applicants can use Case Check to alert the agency when their case is ready for adjudication. However, none of the 4 agencies we met with that discussed Case Check were making applicants aware of this tool because either the agencies were unaware of it themselves, they misunderstood its purpose (thinking it was for the agencies' use—not the benefit applicants), or it was not applicable based on their agency's use of SAVE.³⁷ Over the course of our review, USCIS updated its online Case Check guidance to clarify how benefit applicants can use the system, and also reported making enhancements to the system to make it easier for applicants to use. However, Case Check does not provide a notification to the applicant (or to the agency, in those cases where agencies may be using the system) when his or her case is ready for adjudication—the applicant must log into the system each day to check the status of his or her case. *Standards for Internal Control in the*

³⁷Specifically, Department of Education officials reported being aware of Case Check, but since applicants for federal student aid apply through an automated process, officials said there is no need for Case Check. Additionally, SAVE officials said that other federal agencies, including the Department of Health and Human Services, did not want their benefit applicants to use Case Check because it interfered with their established business processes.

Federal Government state that agencies should communicate quality information so that external parties can achieve agency objectives and address related risks.³⁸ Without timely notification to user agencies that a case is complete, user agencies may be required to spend time and resources manually checking cases and applicants may be delayed in receiving time sensitive benefits such as voter registration.

USCIS Has Instituted Applicant Privacy Protections for SAVE, but Could Improve Efforts to Assist Applicants with Resolving Potential Errors

USCIS Has Taken Actions to Protect the Privacy of Personal Information Checked through SAVE

USCIS has taken actions to minimize risks to the privacy of benefit applicants' personal information that is checked through SAVE.³⁹ The Fair Information Practice Principles (FIPPs), adopted in a 2008 memorandum from DHS's Chief Privacy Officer, are the basis for the department's privacy policy. These principles are Transparency, Individual Participation, Purpose Specification, Data Minimization, Use Limitation, Data Quality and Integrity, Security, and Accountability and Auditing. USCIS has taken actions in the SAVE program related to these principles, as shown in table 4.

³⁸ [GAO-14-704G](#).

³⁹ As provided in IRCA, the system used to check immigration status of foreign nationals applying for certain federal benefit programs is to protect the individual's privacy to the maximum degree possible. See 42 U.S.C. § 1320b-7(d)(3)(B).

Table 4: Examples of Actions to Address the Fair Information Practice Principles in the Systematic Alien Verification for Entitlements (SAVE) Program

Principle	Description	Examples of how U.S. Citizenship and Immigration Services (USCIS) Addressed the Principle in the SAVE Program
Transparency	The Department of Homeland Security (DHS) should be transparent and provide notice to the individual regarding its collection, use, dissemination, and maintenance of personally identifiable information (PII).	USCIS published updated Privacy Impact Assessments (PIA) in 2012 and 2013. DHS also published an updated System of Record Notice in 2016. The PIAs defined parameters for the use of information within the SAVE program, including setting limits on DHS's collection and use of personal information.
Individual Participation	DHS should, to the extent practical, seek individual consent for the collection, use, dissemination, and maintenance of PII and should provide mechanisms for appropriate access, correction, and redress regarding DHS's use of PII.	USCIS established mechanisms for access, correction, and redress regarding use of an individual's personal information for the SAVE program.
Purpose Specification	DHS should specifically articulate the authority that permits the collection of PII and specifically articulate the purpose or purposes for which the PII is intended to be used.	USCIS published updated PIAs in 2013 and 2014 and System of Records Notice in 2016. The PIAs defined specific legal authorities, arrangements, and/or agreements that permit the collection of PII for the SAVE program and also described all uses of the information.
Data Minimization	DHS should only collect PII that is directly relevant and necessary to accomplish the specified purpose(s) and only retain PII for as long as is necessary to fulfill the specified purpose(s).	To mitigate the risk of unauthorized release of information, SAVE user agencies are categorized and coded according to the type of benefit they administer and, according to USCIS, only the minimum data required for accurate verification of an individual checked through SAVE is returned to the user agency according to the agency's legally authorized use. We did not independently verify the extent to which the minimum data necessary was provided to user agencies.
Use Limitation	DHS should use PII solely for the purpose(s) specified in the notice. Sharing PII outside the department should be for a purpose compatible with the purpose for which the PII was collected.	USCIS required all SAVE customer agencies to sign a memorandum of agreement (MOA) stating the intended use of the system, including provisions for safeguarding of information obtained from the system. Further, SAVE program officials reported reviewing all applications to use SAVE to confirm data would be used only for authorized purposes.
Data Quality and Integrity	DHS should, to the extent practical, ensure that PII is accurate, relevant, timely, and complete.	USCIS established procedures for status verifiers to manually review cases where SAVE is unable to automatically verify an individual's status and search other DHS databases in an attempt to verify an individual's status.
Security	DHS should protect PII (in all forms) through appropriate security safeguards against risks such as loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure.	USCIS included provisions of compliance with relevant sections of the Privacy Act and the Federal Information Security Management Act to safeguard and protect data from potential misuse in all SAVE MOAs and Computer Matching Agreements signed by user agencies. ^a We did not assess security protection or the oversight thereof.

Principle	Description	Examples of how U.S. Citizenship and Immigration Services (USCIS) Addressed the Principle in the SAVE Program
Accountability and Auditing	DHS should be accountable for complying with these principles, providing training to all employees and contractors who use PII, and auditing the actual use of PII to demonstrate compliance with these principles and all applicable privacy protection requirements.	USCIS included provisions in MOAs that all SAVE users complete SAVE training, web tutorials, and other guidance; however we found that USCIS was not tracking the extent to which agencies were completing this training. Additionally, the USCIS Verification Division’s Monitoring and Compliance Branch monitors agencies’ use of SAVE in accordance with provisions outlined in the SAVE MOA.

Source: GAO analysis of DHS information. | GAO-17-204

^aThe Federal Information Security Modernization Act of 2014 (Pub. L. No. 113-283, 128 Stat. 3073) replaced the Federal Information Security Management Act of 2002 (Pub. L. No. 107-347, tit. III, 116 Stat. 2899, 2946-61) with generally similar provisions. In addition, we would note that our audit work was conducted prior to the issuance of an Executive Order signed by the President on January 25, 2017, which included a provision for agencies to update their Privacy Act policies. See Exec. Order No. 13768, § 14, 82 Fed. Reg. 8799, 8802 (Jan. 30, 2017); see also John Kelly, Enforcement of the Immigration Laws to Serve the National Interest 5 (Feb. 20, 2017).

USCIS Could Improve the Notification User Agencies Provide to Applicants Who Are Denied Benefits Based on a SAVE Response to Assist in Resolving Potential Errors

As noted above, USCIS has established a mechanism for access, correction, and redress regarding use of an individual’s personal information in the SAVE program; however, we found that this mechanism does not provide clear information to help benefit applicants make timely corrections to their records. USCIS’s mechanism for access, correction, and redress is described in the SAVE agency MOA, which states that user agencies agree to provide individuals who are denied a benefit based solely or in part on a SAVE response with (1) adequate written notice of the denial and (2) the information necessary to contact DHS so that the individual may correct their records in a timely manner, if necessary. User agencies also agree to allow applicants denied benefits based on a SAVE response to use the agencies’ existing appeals processes and to contact DHS to correct their records prior to a final decision, if necessary.

To help agencies provide adequate written notice of a denial and the information necessary to contact DHS, USCIS officials developed a fact sheet for benefit applicants—a one page document stating, among other information, that a person’s immigration status could not be confirmed using SAVE and providing information on correcting immigration records—as their standard for adequate written notification; however, we found that user agencies were not consistently providing this type of

notification.⁴⁰ Specifically, of the eight agencies we interviewed that reported having denied a benefit based on information from a SAVE response, officials from each reported providing information on the factors that led to the denial of benefits, such as informing applicants that the reason for denial was for lacking satisfactory immigration or derived or naturalized citizenship status. However, officials from three agencies reported that they did not provide written notice of the denial and officials from three agencies reported that they did not provide applicants with information to contact DHS.⁴¹ Further, only one agency reported providing USCIS's fact sheet to denied applicants.

According to USCIS, the fact sheet for benefit applicants is also intended to help agencies meet the SAVE MOA provision to provide applicants with the information necessary to contact DHS to correct or update their records. However, we found that the fact sheet's guidance on contacting DHS was not specific or clear, which could hinder benefit applicants' efforts to contact DHS components. At various times from June through December 2016, we attempted to follow the instructions presented in the most recent fact sheet and encountered the following challenges, shown below in table 5.⁴²

⁴⁰The fact sheet is attached to the standard SAVE MOA, provided in the SAVE Program Guide, and located on USCIS's public website where it is available in seventeen languages. See copy of fact sheet in appendix III.

⁴¹Two agencies were unsure if applicants denied benefits due to SAVE were provided information on contacting DHS to update or correct their immigration record. Agencies that did not provide information on contacting DHS reported various reasons for this, such as not having direct contact with applicants who were applying for benefits through a third party.

⁴²The 2014 fact sheet included information on scheduling an appointment with USCIS Infopass and submitting a request in writing to the Freedom of Information Act/Privacy Act Office to obtain copies of records. This information was not included in the 2015 version of the fact sheet.

Table 5: GAO Attempts to Follow the Instructions in the Fact Sheet for Benefit Applicants Denied a Benefit Because of a Systematic Alien Verification for Entitlements (SAVE) Response, Conducted June through December 2016

Option provided in Fact Sheet for Benefit Applicants	GAO Results when Following Fact Sheet Directions
Visit the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov	<p>GAO found multiple circuitous or unrelated links and non-specific information.</p> <ul style="list-style-type: none"> • Clicked first result, <i>“How to Correct your Immigration Records.”</i> <ul style="list-style-type: none"> • Routed to a page specific to resolving Tentative Non-confirmations for the E-Verify Program. • Clicked second result, <i>“Fact Sheet: How to Correct your Records with USCIS.”</i> <ul style="list-style-type: none"> • Result said to visit www.uscis.gov, call the National Customer Service Center, or visit CBP.gov or ICE.gov/SEVIS. • Clicked third result, <i>“How to Correct Your Records.”</i> <ul style="list-style-type: none"> • Results displayed a page of “Information for Applicants” listed in 17 languages. Clicked on information in English. Linked back to the general Fact Sheet for Benefit Applicants stating to visit www.uscis.gov, call the National Customer Service Center, or visit CBP.gov or ICE.gov/SEVIS. • Clicked fourth and fifth results, <i>“Fact Sheet: How to Correct USCIS Records.”</i> <ul style="list-style-type: none"> • Routed to PDFs with instructions on resolving a tentative non-confirmation in the E-Verify Program. • Clicked sixth result <i>“Questions about your records?”</i> <ul style="list-style-type: none"> • Result said to visit www.uscis.gov, call the National Customer Service Center, or visit CBP.gov or ICE.gov/SEVIS.
Call the National Customer Service Center at 1-800-375-5283	<p>GAO called and found multiple layers of prompts, none of which related to correcting a record.</p> <p>GAO spoke with a call center employee who directed us to USCIS Infopass online to schedule an in-person appointment with a local field office to make a record correction.</p>
Visit the U.S. Customs and Border Protection (CBP) website at www.cbp.gov/contact	<p>GAO found information unrelated to correcting CBP issued documents and non-working contact numbers.</p> <ul style="list-style-type: none"> • GAO searched CBP’s Question and Answer tool for the term “Correct my I-94” <ul style="list-style-type: none"> • Returned general results on the Form I-94 and nothing related to how to correct a record. • GAO clicked “Information Correction Request” <ul style="list-style-type: none"> • Routed to a webpage on how to correct errors found on CBP’s internet site. This page stated that individuals looking to have personal records reviewed or corrected to visit the Department of Homeland Security’s Traveler Redress Inquiry Program (TRIP) page. • GAO Called the Contact Number listed for CBP on the Contact Page <ul style="list-style-type: none"> • GAO called on multiple occasions from June 2016 through December 2016 and found this to be a non-working number on 4 occasions (i.e., no tone or message). The number connected to a prerecorded message on one occasion which stated that the center was closed.

Option provided in Fact Sheet for Benefit Applicants

GAO Results when Following Fact Sheet Directions

Visit the U.S. Immigration and Customs Enforcement (ICE) website at www.ice.gov/SEVIS

GAO found general information on the Student and Exchange Visitor Program but with no obvious links to correcting records.

- GAO clicked the homepage link, “For Students”
 - No information on correcting records
- GAO clicked the homepage link, “SEVIS (Student and Exchange Visitor Information System) Fact Sheets”
 - No information on correcting records
- GAO called the SEVP response center
 - Did not speak to a representative, but followed prompts to one that asked if the caller had been denied a driver’s license, ID card, or other USCIS-administered benefit.

Source: GAO analysis. | GAO-17-204

Immigrant advocacy groups we interviewed also reported that the notifications provided by user agencies to benefit applicants who have been denied benefits based on a SAVE response have been inadequate for supporting individuals needing to correct their records in a timely manner. For example, officials from one organization said that individuals will receive a notice when they are denied a benefit and are told to go to any one of several DHS components to obtain more information—a daunting process for individuals with limited English proficiency or other barriers. Officials from a legal aid services organization stated that correcting immigration records with DHS and appealing an erroneous denial with a user agency can take anywhere from three months to over two years to complete and can result in hardship for families while benefits are pending. Advocacy groups and user agencies reported that some benefit applicants addressed these and other challenges by contacting their local elected representatives or seeking the assistance of an attorney, who may charge fees.

Further, in a 2015 internal departmental memorandum, DHS’s Office of Civil Rights and Civil Liberties (CRCL) noted that individuals may receive incomplete or inaccurate information from user agencies and recommended that USCIS require user agencies to provide standardized written notification letters (created by USCIS) that described SAVE, explained user agency responsibilities, explained why the particular agency was using SAVE, identified the information provided to SAVE and the SAVE response, and explained the individual’s right to resolve data discrepancies before the agency took any adverse action.

SAVE Program officials told us that their program does not maintain or manage the immigration records used in a SAVE check and therefore

does not have the ability to directly update or change records held by other branches of USCIS or by CBP or ICE. Further, officials told us that the SAVE program's purpose is to work with user agencies and not with the benefit applicants themselves, thus limiting their ability to provide applicants with mechanisms for access, correction, and redress beyond the information shared in the fact sheet. However, during the sixth annual SAVE user forum, SAVE officials recognized that USCIS can help ensure the needs of benefit applicants are addressed in SAVE program policies and procedures and reported that a working group had been exploring ways to assist user agencies to better meet the needs of benefit applicants. Such plans are a positive step toward aligning SAVE program policy with the Individual Participation principle of the FIPPs, which provides that DHS should provide mechanisms for appropriate access, correction, and redress. However, USCIS has not yet developed an effective mechanism for accomplishing this principle, thus limiting the ability of benefit applicants to ensure their personally identifiable information is correct. Developing and implementing a more effective method for ensuring that individuals are aware of how they can access and correct their information could help benefit applicants ensure the most current information is used in a SAVE check and to appeal any potentially erroneous denials of benefits in a timely manner.

USCIS is Unable to Determine How Many Requests for Immigration Record Corrections are SAVE-Related, but is Taking Steps to Better Understand Applicants' Experiences Correcting Records

USCIS has limited visibility into the overall effectiveness of the record correction process, including data on the number of applicants who are denied a benefit due to potentially erroneous information returned by SAVE, but is taking actions to better understand the challenges applicants face. When an applicant needs to correct an immigration record, he or she typically begins the process by making an appointment at a USCIS field office; however, USCIS does not know how often this happens because USCIS does not have the capability to report or track this information given limitations in system software. In addition to making record corrections with USCIS field offices, applicants can also make record corrections with CBP and ICE. However, CBP and ICE officials reported that they also do not track SAVE-related record corrections because SAVE is one of many programs they provide records to.

To better understand how user agencies are implementing the program and applicants' experiences correcting immigration records in response to SAVE issued information, in 2015, USCIS contracted for an independent evaluation of the SAVE program. According to the evaluation project summary, USCIS expects to have results of this study in July 2018. Additionally, in September 2016, DHS announced an Immigration Data Integration Initiative with long term goals to ensure that immigration records are connected across all DHS systems, so that DHS can analyze immigration benefits data at the individual level or demographic level, as well as by DHS component or Field Office. Although these initiatives are ongoing, they are positive steps toward obtaining data that could provide USCIS greater awareness about the use and effectiveness of its record correction process.

USCIS Monitors Agencies' Use of SAVE in Accordance with the SAVE MOA, but Could Improve Overall Effectiveness of Monitoring Efforts

The SAVE Monitoring and Compliance Branch Audits User Agencies, but Does Not Have a Risk-based Strategy for its Monitoring Efforts

Consistent with the Accountability and Auditing principle of the FIPPs, SAVE M&C audits user agencies for two behaviors related to protecting privacy and preventing misuse of the program; however, SAVE M&C does not have a documented, risk-based strategy related to these efforts.⁴³ Specifically, SAVE M&C monitors agencies for (1) the failure to deactivate inactive user accounts (inactive user accounts) and (2) the failure of user agencies to institute additional verifications when necessary (IAV failure). Inactive user accounts can pose a threat to privacy if, for example, former employees of the agency continued

⁴³The Accountability and Auditing principle of the FIPPs states that DHS should audit the actual use of PII to demonstrate compliance with the fair information practice principles and all applicable privacy protection requirements, among other actions.

accessing SAVE after leaving their positions, or employees of the agency without a legitimate need to use SAVE accessed the system using another employee’s account. According to the SAVE MOA and program policies, user agencies are to deactivate inactive user accounts and to institute additional verification when prompted. To assist agencies in meeting these responsibilities, SAVE M&C engages in compliance assistance activities, which include compliance assistance phone calls, desk reviews, and site visits, as detailed in table 6 below. SAVE M&C also provides the SAVE program with recommendations for ways that the SAVE program can provide additional assistance and/or training to the agency.

Table 6: Systematic Alien Verification for Entitlements (SAVE) Monitoring and Compliance (M&C) Activities

Activity type	Activity description	Behavior monitored	Activities conducted from Fiscal Year (FY) 13 through FY 15	Documentation Provided by SAVE to User Agency
Compliance Call	A phone call to inform user agencies that they have inactive user accounts that should be deactivated or logged into	Inactive user accounts	1,601 calls to agencies	Not applicable
Desk Review	A virtual process in which documentation on user agency policies and procedures regarding their use of SAVE is collected and analyzed by SAVE M&C officials	Primarily the failure to institute additional verification, but can include inactive user accounts	23 desk reviews	Recommendation report
Site Visit	An on-site or virtual session in which user agencies learn about the SAVE program and compliance requirements and ask questions of SAVE M&C officials	Primarily the failure to institute additional verification, but can include inactive user accounts	17 site visits	Recommendation report

Source: GAO analysis of U. S. Citizenship and Immigration Services information. | GAO-17-204

Note: According to USCIS, virtual site visits—conducted online via Adobe® Connect™—are substantively the same as an in-person site visit. Officials stated that conducting visits virtually will allow them to reach a greater number of user agencies, given limited travel resources.

Although SAVE M&C conducts these compliance and monitoring activities to help ensure agencies are using SAVE in accordance with the MOA, SAVE M&C does not have a documented, risk-based strategy that addresses:

- a risk-based approach to selecting behaviors or MOA provisions to monitor,
- compliance standards for selected behaviors, and
- a risk-based process for how to prioritize and select agencies for compliance actions.

Selecting Behaviors or MOA Provisions to Monitor. The two behaviors currently monitored by SAVE M&C are related to protecting privacy and preventing misuse and address some of the FIPPs—which are the basis for DHS’s privacy policy.⁴⁴ M&C officials stated that these two behaviors were selected for monitoring because they were easily quantified using the current data analysis system; however, M&C has not used a risk-based approach for selecting these behaviors.

The SAVE MOA outlines the aspects of SAVE use that user agencies agree to allow SAVE M&C to monitor. This includes the two currently monitored behaviors, but the MOA also establishes that SAVE M&C can monitor any aspect of the MOA, including training records, or the extent to which agencies provide benefit applicants with adequate written notification if they are denied a benefit due to a SAVE response.⁴⁵ However, SAVE M&C officials have not evaluated the various MOA provisions to determine which are most critical for achieving the SAVE program’s objectives and how M&C should prioritize its monitoring activities.

SAVE M&C officials told us in September 2016 that they intend to monitor additional behaviors in the future, but have not documented plans for future monitoring efforts and thus it is unclear the extent to which these plans will be based on an analysis of risk. *Standards for Internal Control in the Federal Government* state that management should define objectives clearly to enable the identification of risks.⁴⁶ Such an analysis would include defining program objectives, including selecting behaviors

⁴⁴The FIPPs are Data Quality and Integrity (DHS should, to the extent practicable, ensure that PII is accurate, relevant, timely, and complete, within the context of each use of the PII), Use Limitation (DHS should use PII solely for the purpose(s) specified in the notice. Sharing PII outside the department should be for a purpose compatible with the purpose for which the PII was collected), and Security (DHS should protect PII (in all forms) through appropriate security safeguards against risks such as loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure).

⁴⁵Monitoring training could also address the FIPPs, including the principles of accountability and auditing. These principles state that DHS should be accountable for complying with these principles, providing training to all employees and contractors who use personally identifiable information (PII), and auditing the actual use of PII to demonstrate compliance with these principles and all applicable privacy protection requirements. Additionally, monitoring whether agencies provide adequate written notice to all benefit applicants who are denied benefits could help address the FIPPs principle of transparency, which states that DHS should be transparent and provide notice to the individual regarding its collection, use, dissemination, and maintenance of PII.

⁴⁶[GAO-14-704G](#). Principles: 6.01.

to monitor and why they were selected as well as related risk tolerances; identifying and analyzing risks to achieving those objectives; and developing appropriate responses. In its 2015 memorandum to the USCIS Director, DHS CRCL noted civil rights concerns and made recommendations to ensure consistent and uniform procedures, accurate SAVE responses and agency determinations, and consistent and fair treatment of benefit applicants. While all of the MOA provisions are important, using a risk-based approach to prioritize which provisions should be monitored now and which can be monitored with additional resources or at a future date could help officials better ensure a more effective monitoring program.

Setting Compliance Standards. M&C has not established or communicated consistent compliance standards for the two behaviors it currently monitors. For example, SAVE documentation, both internal and external, varies in its definition of what constitutes an inactive user account, ranging from 45 days to 360 days of nonuse, as shown in table 7.

Table 7: Systematic Alien Verification for Entitlements (SAVE) Compliance Standards for Inactive User Accounts, According to Various SAVE Guidance and Policy Documents

Source	Standard that indicates account is inactive
Memorandum of Agreement	No standard specified
Standard Operating Procedures	No standard specified
Technical Manual	60 days
Compliance Call Effectiveness Report Fiscal Year (FY) 13 and Annual Report Summary for FY14	360 days
Recommendation Reports in FY14	45 days
Annual Report Summary for FY15	180 days and 360 days
Website Announcement	270 days
Interviews with GAO November 2016	180 days

Source: GAO analysis of U.S. Citizenship and Immigration Services Information. | GAO-17-204

SAVE M&C officials explained in November 2016 that the threshold was 180 days and that previously published standards have evolved along with the maturity of the audit program. Nevertheless, SAVE M&C has not provided consistent information to user agencies on how long an account can be inactive before it is considered a risk to privacy and therefore eligible for review by audit. Regarding IAV failure, SAVE M&C officials told us that they seek to monitor agencies with what they referred to as “egregious non-compliance.” The threshold for “egregious” is not defined in the technical manual for monitoring, although a “high” level of failure is

discussed as both over 60 and 90 percent in different parts of the manual. SAVE M&C officials told us in May 2016 that they considered egregious noncompliance as failure to institute additional verification 80 percent of the time, but in September 2016 officials stated that they sought to monitor agencies between 60 and 89 percent failure rates with desk reviews, and agencies with 90 percent or greater failure rates via site visits.⁴⁷ However, these thresholds are not documented in the standard operating procedures for desk reviews or site visits, nor are they documented in guidance provided to SAVE user agencies.

SAVE M&C officials said that the monitoring program, which was started in 2008, is still being developed and some aspects of the program, such as the compliance standards that guide whether or not M&C will conduct compliance activities, have not yet been documented or finalized, and officials did not provide information on when they planned to make final determinations on compliance standards. *Standards for Internal Control in the Federal Government* state that objectives should be clearly defined in specific terms so they are understood at all levels of the entity.⁴⁸ Additionally, *Government Auditing Standards* requires evaluation against criteria.⁴⁹ Without clear criteria for what triggers compliance actions, USCIS is not well-positioned to target its monitoring efforts on the agencies most in need of compliance assistance or ensure most effective use of its resources. Further, user agencies may not know how often they need to log in to avoid being labeled inactive or how soon to deactivate accounts that are no longer needed.

Selecting Agencies for Monitoring. SAVE M&C also does not have a risk-based process for selecting or prioritizing agencies for oversight and compliance assistance and has not followed its own criteria for agency selection. For failure to institute additional verification, from fiscal year 2013 through fiscal year 2015, the majority of agencies (11 of 17) SAVE M&C selected for site visits had IAV failure rates below the “egregious” noncompliance level of 90 percent failure to institute additional

⁴⁷For analysis of M&C efforts, we used the most recent standards discussed—60-89 percent failure qualifying for a desk review and 90 percent and above qualifying for a site visit. Therefore in our analysis, any agency with a 60 percent or higher failure to IAV qualifies for monitoring.

⁴⁸[GAO-14-704G](#).

⁴⁹GAO, *Government Auditing Standards*, [GAO-12-331G](#) (Washington D.C.: December 2011). Principle 2.10.

verification. For example, one agency selected for a site visit in fiscal year 2015 had failed to institute additional verification 43 percent of the time (a total of 208 times), while 123 unmonitored agencies that year had failure rates above 90 percent. Table 8 below illustrates the number of agencies that qualified for site visit monitoring activities compared to those that were selected for monitoring.

Table 8: Site Visit Monitoring Statistics for Agencies that Fail to Institute Additional Verification (IAV), Fiscal Year 2013 through Fiscal Year 2015

Fiscal year of monitoring	Agencies Monitored by Site Visit		Agencies Not Monitored by Site Visit	
	Total number of agencies receiving an Monitoring & Compliance (M&C) site visit	Number of agencies with an IAV failure rate under 90 percent	Number of agencies with IAV failure rates of 90 percent or above	
2013	4	3		87
2014	7	4		102
2015	6	4		123
Total	17	11		312

Source: GAO analysis of Systematic Alien Verification for Entitlements M&C data. | GAO-17-204.

Note: The agencies monitored by site visit columns include only agencies that M&C completed the site visit for in the given fiscal year.

Furthermore, 8 of the 17 agencies selected for monitoring from fiscal years 2013 through 2015 had failed to complete IAV less than 1,000 times, while 235 agencies not selected failed to complete IAV at least 1,000 times.⁵⁰

SAVE M&C officials stated that given their limited resources to ensure agencies participate in compliance actions, they selected the most readily available and responsive agencies for review, such as visiting agencies in person that were in the same geographic location. However, *Standards for Internal Control in the Federal Government* state that management should identify, analyze, and respond to risks related to achieving objectives.⁵¹ Given SAVE M&C’s limited resources, a risk-based process

⁵⁰For the agencies that were monitored by site visit in fiscal year 2013, the total number of IAV failures for all agencies was 11,718. That same fiscal year, there were 8 unmonitored agencies that each had more than 11,718 IAV failures per agency—in other words, 8 agencies each had more failed IAVs than all the monitored agencies combined. Similarly in fiscal years 2014 and 2015, there were 13 and 4 individual unmonitored agencies, respectively, each with more IAV failures than all of the monitored agencies combined.

⁵¹[GAO-14-704G](#). Principle 7.01.

for selecting user agencies to monitor compliance with the SAVE system would help SAVE M&C better prioritize its resources to address the most non-compliant agencies for monitoring and assistance.

USCIS Does Not Have Effective Processes for Conducting Compliance Activities

USCIS and SAVE M&C do not have effective processes for conducting compliance activities, including contacting agencies, holding agencies accountable for participating in compliance activities, and tailoring monitoring efforts and recommendations to agencies' specific needs.

USCIS Faces Challenges Contacting User Agencies

According to USCIS officials, the SAVE program maintains a list of user agency points of contact (POCs) and SAVE M&C relies on this information to contact user agencies for compliance activities, among other things. However, the list of POCs is not kept up to date and the SAVE program does not have a systematic process for ensuring the POCs are current and accurate, which presents challenges for SAVE M&C when contacting agencies for site visits or desk reviews.

For example, in fiscal years 2014 and 2015, our analysis showed that SAVE M&C was unable to schedule monitoring activities with approximately 31 percent of the agencies it selected (23 out of 74 agencies) for compliance assistance because agencies that were contacted for compliance did not respond or answer SAVE M&C calls and e-mails, as shown in table 9. During the same timeframe, 15 additional agencies were referred to the SAVE program to update information or establish a new point of contact and these agencies did not receive compliance assistance in any subsequent fiscal years as of the end of fiscal year 2016.

Table 9: Systematic Alien Verification for Entitlements (SAVE) User Agencies Contacted for Desk Reviews or Site Visits in Fiscal Year (FY) 14 and FY15

Fiscal Year	Total agencies contacted	Agencies with a non-response or non-answer	Percent of agencies not receiving compliance assistance
2014	42	15	36 percent
2015	32	8	25 percent
Total	74	23	31 percent

Source: GAO analysis of U.S. Citizenship and Immigration Services Information. | GAO-17-204

Note: The Annual Reports produced by SAVE Monitoring & Compliance use both non-response and non-answer, but do not differentiate between the terms.

Under the current process for updating POCs, it is the user agency's responsibility to make sure accurate and current contact information is provided to the SAVE program; however, we found several reasons agencies may not be doing so. For example, SAVE program officials said that some agencies have high turnover rates among SAVE users, which can make it difficult to maintain updated POC information, and that ultimately (per the MOA) it is the agency's responsibility to contact USCIS with POC updates. Five of the 12 user agencies we spoke with were not aware that their SAVE MOA includes a provision to provide updated contact information to the SAVE program and SAVE M&C.⁵² Additionally, some user agencies we spoke with said that they did not know how or whom to contact in the SAVE program, and some user agency officials said they did not know who their agency's primary point of contact was or should be.

Standards for Internal Control in the Federal Government state that management is responsible for communicating quality information externally through reporting lines so that external parties can help the entity achieve its objectives and address related risks.⁵³ By developing and communicating a process to ensure that user agencies consistently provide updated and relevant contact information, USCIS would better ensure that SAVE M&C efforts to contact agencies for compliance activities are achievable.

SAVE M&C Does Not Require Agencies to Participate in Monitoring and Compliance Reviews

USCIS and SAVE M&C do not require agencies selected for monitoring and compliance activities participate in them, undermining the effectiveness of SAVE oversight activities. For example, from fiscal year 2014 through 2016, 9 out of 72 agencies selected by SAVE M&C for desk reviews declined to participate. One agency that began a desk review in fiscal year 2015 declined to continue the process and one agency selected for review in fiscal year 2014 and in fiscal year 2016 declined in both times. The 9 agencies that declined to participate in monitoring

⁵²We spoke with 13 user agencies, but Department of Education officials said they have a Computer Matching Agreement rather than an MOA with the SAVE Program, although the information and responsibilities are the same in each document.

⁵³[GAO-14-704G](#). Principles: 15.03.

activities had failed to initiate additional verification an average of 85 percent of the time over this time period (11,535 times out of 13,592 cases requiring additional verification). In its annual monitoring and compliance reports and call scripts used to schedule desk reviews and site visits, SAVE M&C states that agency participation is voluntary. For example, the desk review call script states “the purpose of this call is to let you know that your agency has been selected for a voluntary desk review. . . . Is this something you would like to pursue with us?” M&C officials said that they try to work with agencies’ schedules and to not overburden them, and accordingly, will allow agencies up to two fiscal years to reschedule their compliance review. However, as of the end of fiscal year 2016, none of the agencies that declined a desk review since fiscal year 2014 had received a desk review in subsequent years.

M&C officials said in May 2016 that they do not have the law enforcement authority permitting them to compel participation in monitoring activities or compliance actions—such as mandatory production of documents, testimony or witnesses—and that is why they allow agencies to decline or delay participating in compliance activities. However, the SAVE MOA states that agencies agree to allow SAVE M&C to conduct desk audits and/or site visits, and that USCIS could terminate their SAVE MOA if they fail to comply with established SAVE procedures. In response to our questions, M&C officials indicated in September 2016 that they were considering updating call scripts in 2017 to better reflect the MOA and clarify that agencies are, in fact, required by their SAVE MOA to consent to monitoring activities. Until SAVE M&C takes these or other actions to ensure user agencies participate in monitoring reviews when selected for them, SAVE M&C is missing opportunities to improve agency compliance with SAVE policy and ensure participants use the SAVE program consistent with program guidance.

USCIS Has Limited Processes to Ensure User Agencies Take Corrective Actions

Monitoring Efforts and Recommendations are Not Tailored to Specific User Agencies

SAVE M&C does not tailor its monitoring efforts and recommendations to address issues facing specific user agencies. Our analysis of SAVE M&C

compliance data showed that, in general, SAVE M&C's monitoring efforts have not resulted in improved agency compliance rates for the two monitored behaviors—deleting inactive user accounts and instituting additional verification when prompted. With respect to inactive user accounts, from fiscal years 2013 through 2015, M&C's compliance calls resulted in agencies updating 17 percent of the identified inactive user accounts, or roughly 25,000 inactive accounts; however, approximately 124,000 of these user accounts remained inactive after M&C's calls during that time period.

SAVE M&C's efforts to improve agencies' rates of compliance with IAV have also had limited effectiveness. Our analysis of SAVE M&C data showed that 4 of the 40 agencies that received a desk review or a site visit in fiscal years 2013-2015 were meeting M&C's threshold for sufficiently completing additional verification at least 60 percent of the time by the end of fiscal year 2016 and did not qualify for future desk reviews or site visits. Of the other 36 agencies remaining above the threshold qualifying for future monitoring, 21 showed failure rate percentages increased after monitoring by the end of fiscal year 2016. In addition to increased percentages of failures, the total number of IAV failures increased by the end of fiscal year 2016. For example, in fiscal year 2015, M&C monitored 17 agencies, using fiscal year 2014 as the base year.⁵⁴ Of the 17 agencies, 2 had failure percentages under M&C's 60 percent threshold, 6 showed lower IAV failure percentages, and 9 showed higher IAV failure percentages. The total number of IAV failures for these 17 agencies increased from 114,503 in fiscal year 2014 to 132,020 in fiscal year 2016. Additional information on IAV failure rates for fiscal years 2013-2016 can be found in Appendix IV.

SAVE M&C does not consistently identify the root cause of noncompliance and develop or tailor recommendations specific to each agency and cause as part of its compliance activities. For compliance calls, SAVE M&C staff read off a prepared call script, which does not include prompts or sections to gather information about why a specific agency may not be complying with inactive user policies or additional verification requirements. During a virtual site visit we observed in fiscal year 2016, SAVE M&C explained the importance of instituting additional verification, but not specifically in reference to the user agency, and did

⁵⁴The base year is the fiscal year before M&C monitoring efforts take place, and therefore varies for each agency. For example, M&C compliance activities occurring in fiscal year 2014 are based on data from fiscal year 2013.

not ask why the user agency was not instituting additional verification or note the fact that the agency’s IAV failure rate was the primary reason for the site visit.⁵⁵

In addition, most recommendations that M&C makes to user agencies after a desk review or site visit use general language and are not targeted to each user agency’s specific challenges. For example, SAVE M&C’s recommendations to monitored agencies frequently have been the same or nearly identical each year from fiscal years 2013 to 2015. As a result, agencies may be provided with broad and general recommendations—such as a recommendation to ensure all users perform any additional verification procedures required under the MOA—that reiterate an agency’s responsibility. For agencies that are unaware of the MOA and its provisions, these types of recommendations may be beneficial. But for other agencies, more tailored and specific recommendations—such as, for example, a recommendation for supervisor level SAVE users to run monthly reports to identify specific users that are not completing additional verifications, and to provide specific feedback and training to those users—could help agencies meet their responsibilities and help address the root causes of noncompliance. Table 10 below demonstrates examples of the recommendations given to agencies following desk reviews, which tend to reiterate the agency’s duties rather than identify and address why the agency may not be meeting those duties.

Table 10: Examples of Recommendations Frequently Made by Systematic Alien Verification for Entitlements (SAVE) Monitoring and Compliance after Desk Reviews, Fiscal Years 2013 through 2015

Frequency	Recommendation language
23 of 23 desk reviews	All users should be familiar with the memorandum of agreement (MOA) requirements and the SAVE Program Guide; this will ensure policies and procedures are applied consistently.
23 of 23 desk reviews	“Super-users” and supervisors should use the Web Agency Audit Report to identify users who do not institute additional verifications and may need additional training on instituting additional verification (IAV).
22 of 23 desk reviews	Users should refer to MOA Part IV Responsibilities (h) Ensure all users perform any additional verification procedures.
23 of 23 desk reviews	Users should take advantage of SAVE training opportunities including Webinar Training offered by the SAVE program.

Source: GAO analysis of U. S. Citizenship and Immigration Services documentation. | GAO-17-204

⁵⁵Virtual site visits—conducted online via Adobe® Connect™—are substantively the same as an in-person site visit, according to USCIS.

SAVE M&C officials told us they conduct their monitoring activities in this manner because they view the reviews as training and outreach opportunities, as opposed to compliance enforcement or auditing. However, *Standards for Internal Control in the Federal Government* state that management should evaluate and document internal control issues and determine appropriate corrective actions for those deficiencies on a timely basis.⁵⁶ Similarly, *Government Auditing Standards* state that a purpose of audit reports is to communicate the results of audits to those charged with governance, the appropriate officials of the audited entity, and the appropriate oversight officials to make the results less susceptible to misunderstanding.⁵⁷ Further, the Accountability and Auditing Principle of the FIPPs (as discussed earlier in this report) also states that USCIS should be accountable for auditing compliance with all applicable privacy protection requirements. Without identifying root causes of noncompliance and developing recommendations targeted toward each agency's issues, SAVE M&C is not well positioned to address user agency compliance in accordance with SAVE MOA provisions.

USCIS has Limited Mechanisms for Ensuring User Agencies Take Corrective Actions

SAVE M&C monitoring and oversight efforts have generally not improved agency compliance with SAVE MOA provisions. This is in part because SAVE M&C does not engage in escalating compliance assistance actions for those agencies that remain noncompliant and because SAVE M&C does not ensure agencies take corrective actions after receiving recommendations. SAVE M&C has not instituted escalating compliance assistance actions—or penalties—against user agencies because, according to SAVE M&C officials, the user agencies' right to immigration status information from SAVE supersedes USCIS's authority to restrict agency access.⁵⁸ Further, SAVE M&C does not have a process to follow

⁵⁶[GAO-14-704G](#). Principle: 16.01, 16.09, and 17.01, 17.05, 17.06.

⁵⁷GAO, *Government Auditing Standards*, [GAO-12-331G](#) (Washington D.C.: December 2011). Principle: 7.05.

⁵⁸DHS is statutorily required to respond to requests from Federal, State, or local agencies seeking to verify the immigration or citizenship status of individuals within their jurisdiction, for any purpose authorized by law. See 8 U.S.C. § 1373. There are numerous other actions that SAVE M&C could take without rescinding an agency's access to SAVE for repeated misuse. For instance, issuing warning notices, providing performance reports, and issuing temporary access denials to individual users are examples of progressive compliance actions that SAVE M&C could take.

up on recommendations to user agencies to ensure corrective actions have been taken following a monitoring visit. SAVE M&C officials told us they call user agencies two weeks after a recommendation report is issued to answer any questions about the report; however, the two user agencies we met with that had received a desk review or site visit from the SAVE M&C officials did not recall any follow-up contact or discussions. SAVE M&C officials confirmed that they did reach out to these agencies to ensure they received their recommendation reports, but stated that the agencies did not respond with any questions about the recommendations.

SAVE M&C officials stated that they are exploring options for collecting evidence to close recommendations or to follow-up beyond two weeks. M&C officials said that they have the ability to refer issues of continued noncompliance to SAVE program staff for further referral to the DHS CRCL or DOJ. However, as of September 2016, there had been no referrals made from the SAVE Program to CRCL or DOJ. In a 2015 internal departmental memorandum, CRCL recommended that USCIS identify steps that user agencies that violate program rules must take to continue to use SAVE, such as increased monitoring and reporting or additional training. Further, an official from CRCL told us that CRCL has encouraged USCIS to establish a progressive means of oversight with policies and procedures for continued violation, including procedures to rescind access of non-compliant individual users. M&C officials also told us in September 2016 that they are planning to develop an escalating oversight model that involves agencies receiving a call first and progressing to a site visit for continued non-compliance. Officials said that escalating oversight is important because it will increase compliance; however, M&C did not have a plan or timelines for implementing this model.

Standards for Internal Control in the Federal Government state that audit resolution is only completed after actions have been taken that correct identified deficiencies or produces improvements.⁵⁹ Further, ensuring that corrective actions are being addressed would help USCIS ensure more efficient and effective use of its limited monitoring resources. *Standards for Internal Control in the Federal Government* also state that management should conduct the audit resolution process and monitor the status of remediation efforts so that they are completed on a timely basis.

⁵⁹ [GAO-14-704G](#). Principle: 17.06.

Without developing and implementing a process for ensuring that user agencies implement corrective actions such as through a system of escalating compliance assistance actions and for recommendation follow-up, SAVE M&C is not well positioned to determine if its efforts are making a positive impact or if changes to compliance actions are needed.

Conclusions

Each year, USCIS's SAVE system is used to verify the immigration or citizenship status of millions of individuals applying for housing, health care, and other benefits. Agencies that use SAVE to verify individuals' status rely on the program to provide information that is accurate and timely. Applicants rely on USCIS to provide sufficient avenues through which they can correct or challenge incorrect information. Last, the SAVE MOA states that USCIS is expected to monitor agencies to prevent misuse of the system. USCIS has worked to improve the SAVE system and better meet the needs of the agencies that use SAVE, but could take a range of additional actions to strengthen its management and oversight of the program. In particular, clarifying SAVE guidance to more clearly and accurately reflect user agency responsibilities for completing each step of the SAVE process could help ensure agencies are using the most accurate immigration status information available when making benefit eligibility determinations. Additionally, developing and implementing a mechanism to oversee agencies' completion of training on SAVE policy—including the requirement to complete all required steps of a SAVE check—could also help ensure agencies are using accurate information. Last, while USCIS has met or exceeded its targets for providing timely SAVE responses to agencies, providing notification that a check is complete could help ensure user agencies are aware the case is ready for adjudication and help prevent benefit delays to applicants, including time-sensitive benefits.

When agencies choose to deny benefits based on information from a SAVE response, they agree to provide adequate written notification of that denial and an opportunity for applicants to correct their immigration information, if necessary. Developing and implementing a more effective method for ensuring that individuals are aware of how they can access and correct their information could help benefit applicants ensure the most current information is used in a SAVE check and to appeal any potentially erroneous denials of benefits through the user agency in a timely manner.

USCIS's SAVE M&C has been monitoring the SAVE program since 2008, but has not taken a risk-based approach to selecting behaviors or MOA provisions to monitor; setting standards for compliance; or prioritizing agencies for monitoring. Without a risk-based approach to monitoring and compliance, SAVE M&C is not well-positioned to focus its limited monitoring resources towards the agencies most in need of oversight. Further, without developing a process to ensure user agencies are providing updated and relevant contact information, per the MOA, SAVE M&C is not well-positioned to contact agencies for compliance activities, and ensuring that user agencies participate in monitoring reviews when selected could help SAVE M&C improve selected agencies' compliance with SAVE policy. Although SAVE M&C has reported taking a training-and-outreach approach to oversight, by not identifying root causes of agencies' noncompliance and developing recommendations targeted toward each agency, SAVE M&C efforts are less likely to successfully strengthen user agency compliance with SAVE MOA provisions. Last, without a process for ensuring that agencies implement recommendations resulting from compliance activities, SAVE M&C cannot determine if its efforts are making a positive impact or if changes to compliance actions are needed to prevent misuse of the system.

Recommendations for Executive Action

To improve management and oversight of the SAVE program, we recommend that the director of USCIS take the following 9 actions:

- Ensure SAVE guidance, including written materials and instructional videos, clearly and accurately reflects user agencies' responsibilities for completing each step of a SAVE check, as outlined in each agency's memorandum of agreement.
- Develop and implement a mechanism to oversee agencies' completion of training on additional verification in accordance with SAVE MOA provisions and program policies.
- Provide notifications to user agencies when a case is ready for the user agency to review.
- Develop and implement a more effective method for ensuring that individuals are aware of how they can access and correct their immigration records, such as by updating and improving the Fact Sheet for Benefit Applicants.

- Develop and implement a documented, risk-based approach to monitoring and compliance, including (1) a risk-based approach to selecting behaviors to monitor; (2) standards for what triggers compliance actions for the selected behaviors; and (3) a risk-based process for how USCIS will prioritize and select agencies for compliance actions.
- Develop and communicate a process for user agencies to update contact information.
- Ensure that user agencies participate in compliance reviews when selected, in accordance with SAVE MOA provisions and USCIS policy.
- Identify the root causes of agencies' noncompliance with SAVE MOA provisions and program policies and tailor agency recommendations to those identified causes.
- Develop and implement a process for ensuring user agencies implement corrective actions such as through a system of escalating compliance assistance actions and follow-up.

Agency Comments and Our Evaluation

We provided a draft of this report to DHS, IRS, and Education for review and comment. IRS did not have comments and Education provided technical comments, which we incorporated as appropriate. DHS provided written comments, which are noted below and reproduced in Appendix VI, and technical comments, which we incorporated as appropriate. DHS concurred with the nine recommendations in the report and described actions to address them, as noted below.

With regard to our first recommendation to ensure SAVE guidance clearly and accurately reflects user agencies' responsibilities for completing each step of a SAVE check, DHS concurred. DHS stated that the Verification Division of USCIS's Immigration Records and Identity Services Directorate has taken action to revise and republish the SAVE Program Guide to ensure written materials clearly and accurately reflect user agencies' responsibilities with respect to additional verification steps. USCIS plans to complete all necessary revisions to written materials by September 30, 2017. DHS also stated that other actions will be taken, such as revising and updating instructional videos. These efforts are expected to be completed by March 31, 2018.

With regard to our second recommendation to develop and implement a mechanism to oversee agencies' completion of training on additional verification, DHS concurred. DHS stated that the Verification Division intends to have a new plan for providing additional training for SAVE users in place by September 30, 2017 and associated required system enhancements by March 31, 2018.

With regard to our third recommendation to provide notifications to user agencies when a case is ready for the user agency to review, DHS concurred. DHS stated that the Verification Division will make system enhancements and updates to policy and training materials. Officials expect to have a plan in place by September 2017 with full implementation by March 2018.

With regard to our fourth recommendation to develop and implement a more effective method for ensuring that individuals are aware of how they can access and correct their immigration records, DHS concurred. DHS reported that the Verification Division will update the relevant materials regarding how individuals may access and correct their records by June 30, 2017.

With regard to our fifth recommendation to develop and implement a documented, risk-based approach to monitoring and compliance, DHS concurred. DHS stated that the Verification Division will identify, document, and implement ways to incorporate a risk-based approach to its monitoring and compliance for all risk-based measures. DHS expects to complete these actions by June 30, 2018.

With regard to our sixth recommendation to develop and communicate a process for user agencies to update contact information, DHS concurred. DHS stated that the Verification Division will make the appropriate system enhancements by June 30, 2018.

With regard to our seventh recommendation to ensure that user agencies participate in compliance reviews when selected, DHS concurred and stated that the Verification Division will review current procedures and implement appropriate changes. DHS noted, however, that a balanced approach is necessary whenever considering appropriate compliance enforcement measures for an MOA, including balancing agencies' authority to receive current immigration status information against DHS's responsibilities for administering the SAVE program in such a way as to protect privacy and ensure information is used in an appropriate manner.

DHS expects to complete actions related to this recommendation by September 30, 2017.

With regard to our eighth recommendation to identify root causes of why agencies are not compliant with SAVE MOA provisions and program policies and to tailor agency recommendations to those identified causes, DHS concurred. DHS stated that the Verification Division will evaluate the root causes for agency non-compliance and will also review existing program policies and procedures to identify areas in need of improvement. DHS expects to complete these actions by June 30, 2018.

With regard to our ninth recommendation to develop and implement a process for ensuring user agencies implement corrective actions, DHS concurred and stated that the Verification Division will identify ways to incorporate escalating compliance assistance models into its procedures. DHS expects to complete these actions by March 30, 2018. DHS's planned actions, if implemented effectively, should address the intent of our recommendations.

We are sending copies of this report to the appropriate congressional committees, the Secretary of the Department of Homeland Security, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or gablerr@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in Appendix V.



Rebecca Gambler
Director, Homeland Security and Justice

Appendix I: Objectives, Scope, and Methodology

The report of the House Appropriations Committee accompanying the DHS Appropriations Act, 2016, included a provision for us to examine aspects of the Systematic Alien Verification for Entitlements (SAVE) program related to accuracy, privacy, and monitoring.¹ This report examines the following questions:

- To what extent has U.S. Citizenship and Immigration Services (USCIS) determined the accuracy and timeliness of the information it reports in a SAVE response?
- To what extent has USCIS instituted safeguards to protect privacy and prevent misuse of the SAVE system, including processes that provide the ability to address erroneous immigration status responses returned by SAVE?
- To what extent is USCIS monitoring user agency compliance with SAVE program policies and requirements, including safeguards to protect privacy and prevent misuse?

To address our first objective, we analyzed USCIS data and internal policies related to the accuracy and timeliness of SAVE responses. We compared these policies and actions to the practices and principles set forth in *Standards for Internal Control in the Federal Government*.² First, we reviewed fiscal years 2012 through 2016 internal performance data on the accuracy and timeliness of SAVE initial verifications in order to determine the extent to which USCIS has met its internal accuracy and timeliness targets.³ We interviewed USCIS officials regarding the methodology for determining initial verification accuracy and timeliness

¹See H.R. Rep. No. 114-215, at 95 (July 21, 2015), accompanying Pub. L. No. 114-113, div. F, 129 Stat. 2242, 2493-2526 (2015).

²GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). These controls update the 1999 version, which was applicable in fiscal year 2012 through 2015. The 2014 internal controls became effective in fiscal year 2016. We applied these controls to the whole time period because we assessed current fiscal year 2016 policies.

³We selected this period to follow a 2012 report from the DHS Office of the Inspector General that included recommendations related to the accuracy and timeliness of SAVE.

and compared that to USCIS internal documentation on how it calculates performance. We determined that USCIS's performance data on initial verification accuracy and timeliness were sufficiently reliable for our reporting purposes. For additional verification errors identified by USCIS, we reviewed all related corrective action reports to identify the actions USCIS took in response and whether there were any trends in the types of records that resulted in errors (a total of 53 reports).

To evaluate USCIS's internal policies and procedures for ensuring accurate SAVE responses, we reviewed the SAVE Program Guide, SAVE User Guide, the standard terms of SAVE user agency memorandums of agreement (MOA) which spell out USCIS and user agency responsibilities for the accuracy and timeliness of SAVE responses, among other responsibilities; attended a live demonstration of the SAVE system by USCIS staff; and reviewed other documentation on SAVE source-record systems, including privacy impact statements and system of record notices for the various DHS systems that are queried in a SAVE check.⁴ We compared these policies and guidance to principles and standards outlined in *Standards for Internal Control in the Federal Government*.⁵ We reviewed SAVE training and outreach materials and compared this training to provisions in the SAVE memorandum of agreement. To determine the extent to which USCIS is carrying out its policies for ensuring accurate and timely SAVE responses, we analyzed USCIS data on the number of agencies that do not complete additional verification when prompted by the SAVE system. We analyzed data from fiscal years 2012 through 2016 that included the total number of SAVE queries, number of queries where the response was to institute additional verification, and total number of agencies that ran SAVE checks in those years. To evaluate user agency use of the SAVE customer support hotline, we obtained and analyzed data from fiscal years 2014 and 2015 on user agency calls to the SAVE user agency hotline and reviewed USCIS guidance on the hotline. We interviewed USCIS officials regarding how these data are generated and what procedures are in place to ensure their reliability. Based on our review of the data and information obtained from USCIS, we determined that these data were sufficiently reliable for the purposes of our report.

⁴The MOA includes standard terms that are generally applicable to all user agencies, and outlines agency responsibilities and requirements for using SAVE for the approved purpose(s).

⁵[GAO-14-704G](#).

In addition to our analysis of DHS documents and data, we interviewed officials from a nonprobability sample of 13 SAVE user agencies to discuss the extent to which SAVE responses were accurate and timely, among other topics. The user agencies were selected to represent many different types of SAVE users. Specifically, we selected federal, state, and local agencies, including state departments of motor vehicles. We selected users covering a range of benefits, including health care, cash assistance, housing, educational financial assistance, voting eligibility, licensing (for home builders and gaming), federal contract employment, and REAL ID-compliant drivers licenses and identification cards.⁶ We selected agencies that had (and had not) been audited by the SAVE Monitoring and Compliance Branch and that were geographically dispersed and therefore likely to have interaction with different immigrant populations.⁷ The information we obtained from user agencies during our interviews is not generalizable, but the examples we obtained provide important insights into how the SAVE program operates. We also interviewed officials from the Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) to discuss the accuracy and timeliness of the immigration records generated by these components and the extent to which USCIS SAVE has coordinated with these entities regarding accuracy and timeliness. We interviewed officials with the DHS Office of Performance Quality regarding efforts underway to enhance the accuracy of immigration records across the department and attended two Data Stewardship Tactical Working Group meetings in July 2016. Last, to gain insight into immigration record accuracy impacts and challenges within

⁶Throughout this report, we use the term "benefits" to generally refer to the range of federal, and state or local, public benefits, transactions, or programs for which an individual must have qualified immigration or citizenship status, such as cash, food, housing, and other forms of direct assistance, as well as licenses (including driver's licenses or occupational licenses), and voter registration. For the statutory definitions of "Federal public benefit" and "State or local public benefit," see 8 U.S.C. §§ 1611(c), 1621(c).

⁷Agencies interviewed for this review included: U.S. Department of Education Federal Student Aid Office; Florida Department of Children and Families; California Department of Motor Vehicles; Arkansas Department of Finance and Administration, Office of Driver Services; Idaho Transportation Department, Driver Services; New York City Human Resources Administration, Department of Social Services; Georgia, City of Milton; Alabama Home Builders Licensure Board; the Internal Revenue Service; the National Science Foundation; Office of the Colorado Secretary of State, Elections Division; North Carolina Division of Motor Vehicles; and the Connecticut Mashantucket Pequot Tribal Nation Gaming Commission.

DHS, we interviewed officials with DHS's Office for Civil Rights and Civil Liberties (CRCL) and the DHS Ombudsman Office.

To address our second objective, we analyzed USCIS internal policies on applicant redress processes. To determine the extent to which USCIS has instituted safeguards to protect privacy and prevent misuse of the SAVE system, we reviewed the Fair Information Practice Principles (FIPPs) adopted by the DHS Chief Privacy Officer and identified ways in which USCIS had addressed privacy principles within the SAVE program. Specifically, we reviewed the SAVE Privacy Impact Assessment and System of Records Notice in relation to the FIPPs to assess the extent to which USCIS has incorporated privacy principles within the SAVE program. To evaluate USCIS's efforts to track SAVE-related immigration record corrections, we spoke with officials from the SAVE program, USCIS Central and Western Region Field Offices (selected because they encompassed 15 of USCIS's 26 districts), CBP, ICE, and DHS's Office of Performance Quality. We also attended two meetings of DHS's Data Stewardship Tactical Working Group and obtained documentation from the group about new data integration initiatives that may impact USCIS's efforts to track SAVE related corrections. To evaluate the notification provided to benefit applicants denied benefits due to a SAVE response, we compared user agencies' responsibilities to provide adequate written notification of the denial (as detailed in the SAVE agency MOA) to the types of notification provided by the agencies in our sample. We evaluated USCIS guidance on redress and record correction by following the instructions presented in USCIS's fact sheet for benefit applicants, which is USCIS's main notification resource for benefit applicants, to determine if the information provided in the fact sheet would enable individuals to correct their immigration records in a timely manner. Finally, we spoke with DHS's CRCL and a selection of immigrant advocacy organizations to gain insight into applicant experiences with addressing challenges with SAVE verification. We identified organizations that had expressed concerns with the SAVE program or had public comments on the SAVE program and solicited additional recommendations for organizations to contact from those we interviewed. We selected advocacy organizations to represent a range of type (legal advocacy, refugee assistance, etc.) and considerations related to SAVE. We selected a nonprobability sample of organizations to interview and, therefore, the information gathered from advocacy organizations is not generalizable beyond those we interviewed.

To address our third objective, we identified and analyzed the SAVE Monitoring and Compliance (M&C) Branch's current monitoring efforts

and compared these efforts to principles on monitoring and compliance set forth in *Standards for Internal Control in the Federal Government and Government Auditing Standards*.⁸ We collected documentation on monitoring efforts such as annual reports, technical manuals, standard operating procedures, and other relevant documents. We reviewed this documentation to determine what monitoring and oversight policies and requirements were in place and what actions SAVE M&C officials had taken to help ensure user agency compliance with the MOA. For example, the annual reports from fiscal years 2014 and 2015 compiled information made about compliance calls and all the report recommendations from that year's site visits and desk reviews. We also interviewed SAVE M&C officials to determine how monitoring activities are conducted, what agency practices are monitored, what documents from agencies, and how current monitoring efforts reviewed safeguards to protect privacy and prevent misuse. In order to fully understand the monitoring process we also interviewed user agencies about their interactions with SAVE M&C, observed a virtual site visit, and observed SAVE M&C officials provide a demonstration of the desk review process. In addition, we analyzed USCIS data on agency performance regarding the failure to institute additional verification from USCIS for fiscal years 2012 through 2016.⁹ We analyzed these data to determine if agencies that were monitored showed an improvement in compliance after receiving a site visit or desk review from SAVE M&C and to determine how many agencies not selected for monitoring were also noncompliant with SAVE M&C's standards for instituting additional verification. We interviewed USCIS officials regarding how these data are generated and what procedures are in place to ensure their reliability. Based on our review of the data and information obtained from USCIS, we determined that these data were sufficiently reliable for the purposes of our report.

We conducted this performance audit from February 2016 to March 2017 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that

⁸[GAO-14-704G](#).

⁹We selected this time period because the SAVE M&C branch became operational in fiscal year 2012. Additionally, this period follows a 2012 report from the DHS Office of the Inspector General with several recommendations related to the SAVE program.

the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

**Appendix II: Standard Terms of Memorandums of Agreement for
Agencies to use the SAVE System – Federal Agencies**

Sample

MEMORANDUM OF AGREEMENT

**BETWEEN THE DEPARTMENT OF HOMELAND SECURITY,
U.S. CITIZENSHIP AND IMMIGRATION SERVICES,
AND
FEDERAL AGENCY**

I PARTIES.

The parties to this Memorandum of Agreement (MOA) are the Department of Homeland Security, U.S. Citizenship and Immigration Services (DHS-USCIS), and the (User Agency).

II AUTHORITY.

The authorities governing this MOA include, but are not limited to, the following:

Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, as amended.

Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, as amended.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, as amended.

Privacy Act, 5 U.S.C. § 552a, as amended.

The Economy Act, 31 U.S.C. § 1535, as amended.

Based on a determination and findings, and in accordance with the authority of the Economy Act (31 U.S.C. 1535), as implemented in subpart 17.5 of the Federal Acquisition Regulation, the User Agency certifies that it is entering into this MOA with DHS-USCIS because (1) the services provided under this MOA cannot be obtained as conveniently or economically by contracting directly with a private source, and (2) that this MOA is in the best interest of the Government.

III PURPOSE.

The purpose of this MOA is to establish the terms and conditions governing the participation of the User Agency to provide the specified benefit in the DHS-USCIS Systematic Alien Verification for Entitlements (SAVE) Program for the purpose of verifying citizenship and immigration status information of non-citizen and naturalized or derived U.S. citizen applicants (applicant) applying for (benefit). The limited data will be provided to the User Agency by an:

Sample

- 1) Initial response (initial verification) by SAVE to an on-line inquiry by the User Agency;
and
- 2) Additional verification procedures where applicable; or
- 3) A response to a properly submitted Form G-845.

IV RESPONSIBILITIES.

A. DHS-USCIS agrees to:

- (1) Maintain and make available to the User Agency in limited part and manner determined by DHS-USCIS after consultation with the User Agency, an immigration and naturalized or derived citizenship status information verification system under the SAVE Program known as the Verification Information System (VIS);
- (2) Respond through VIS to properly submitted verification requests from the User Agency by providing the limited information noted in point (1) of **PURPOSE** immediately above;
- (3) Process and respond to properly submitted additional verification requests submitted by the User Agency through VIS or on Form G-845. Response time may vary, depending on DHS-USCIS workload, resources available to process additional verification requests, and the applicant's specific circumstances;
- (4) Provide to the User Agency operating instructions necessary to use VIS so that the User Agency can designate Users within the agency;
- (5) Provide to the User Agency SAVE Program point of contact information for questions or problems regarding the User Agency's participation in SAVE;
- (6) Provide access to training and information regarding the laws, policies, and procedures that govern verifying, safeguarding, using, maintaining, and disclosing certain citizenship and immigration status information;
- (7) Provide the User Agency access to Form G-845, and other forms and/or supplements as appropriate, which may be reproduced and/or computer generated without prior DHS-USCIS approval;
- (8) Recover no more than its actual costs. The total estimated cost of the agreement is specified on the attached USCIS Anticipated Collections from Federal Sources Addendum. The User Agency certifies that it has obligated at least the amount specified on the USCIS Anticipated Collections from Federal Sources Addendum to pay for its SAVE usage. DHS-USCIS shall notify the User Agency's designated Point of Contact (POC) in writing when the amount paid plus what is owed for unpaid usage equals 80 percent of the estimated total costs. DHS-USCIS

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S. Ver. 11/2015

Sample

will not provide services that would result in the amount paid plus the amount owed for unpaid usage exceeding the amount specified on the USCIS Anticipated Collections from Federal Sources Addendum. In this instance, DHS-USCIS will be excused from further performance of the work unless and until the User Agency's authorized official increases estimated total cost of this agreement by modification pursuant to provision VIII of this MOA;

(9) Bill and collect reimbursements for SAVE usage through the Intra-governmental Payment and Collection (IPAC) system. DHS-USCIS will provide documentation supporting all charges to the User Agency's IPAC POC as shown on the USCIS Anticipated Collections from Federal Sources Addendum. The SAVE Program High Level Identifier, the Agency Locator Codes, appropriate accounting code(s), and associated dollar amounts will be referenced on all IPAC transactions;

(10) Not assess the User Agency for any prompt payment interest; and

(11) Promptly initiate year-end and closeout adjustments once final costs are known.

B. User Agency agrees to:

(1) System Use.

(a) Establish the identity of the applicants and require each applicant to present the applicant's immigration or naturalization documentation that contains the information (e.g., alien registration number) required by the SAVE Program;

(b) Physically examine the documentation presented by the applicant and determine whether the document(s) reasonably appear(s) to be genuine and to relate to the individual;

(c) Provide to the SAVE Program the information the SAVE Program requires to respond to User Agency requests for verification of immigration or naturalized or derived citizenship status information, including (1) information from the applicant's immigration or naturalization documentation for initial automated verification, (2) additional information obtained from the alien's immigration or naturalization documentation for automated additional verification, and (3) completed Forms G-845 and other documents and information required for manual additional verification. For manual only verification, ensure that Forms G-845 and other documents and information required for manual verification are provided;

(d) Ensure that, prior to using VIS, all Users performing verification procedures complete SAVE required training including: reading the SAVE Program Guide, taking the latest version of Web tutorial(s) and maintaining a working knowledge of requirements contained therein and in this MOA as updated;

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- (e) Ensure that User Agency representatives are provided with and maintain User Ids only while they have a need to perform verification procedures;
- (f) Ensure all Users performing verification procedures comply with all requirements contained in the SAVE Program Guide, web-based tutorial, and this MOA, and updates to these requirements;
- (g) Ensure that all Users performing verification procedures have contact information for the SAVE Program and SAVE Monitoring and Compliance;
- (h) Ensure all Users perform any additional verification procedures the SAVE Program requires and/or the applicant requests after the User Agency initiates a request for verification;
- (i) Use any information provided by DHS-USCIS under this MOA solely for the purpose of determining the eligibility of persons applying for the benefit issued by the User Agency and limit use of such information in accordance with this and all other provisions of this MOA;
- (j) Comply with the requirements of the Federal Information Security Management Act (Pub. L. No. 113-283, as amended) and OMB guidance as applicable to electronic storage, transport of records between agencies, and the internal processing of records received by either agency under the terms of this MOA;
- (k) Safeguard such information and access methods to ensure that it is not used for any other purpose than described in this MOA and protect its confidentiality; including ensuring that it is not disclosed to any unauthorized person(s) without the prior written consent of DHS-USCIS;¹
- (l) Comply with the Privacy Act, 5 U.S.C. Section 552a, and other applicable laws, regulations, and policies, including but not limited to all OMB and DHS privacy guidance, in conducting verification procedures pursuant to this MOA, and in safeguarding, maintaining, and disclosing any data provided or received pursuant to the MOA;
- (m) Comply with federal laws prohibiting discrimination against applicants and discriminatory use of the SAVE Program based upon the national origin, color, race, gender, religion, or disability of the applicant;
- (n) Provide all benefit-applicants who are denied benefits based solely or in part on the SAVE response with adequate written notice of the denial and the information necessary to contact

¹ Each applicant seeking access to information regarding himself/herself may do so by submitting a written signed request to DHS-USCIS. Instructions for submitting such requests may be found on the Freedom of Information/Privacy Act page of www.uscis.gov.

Sample

DHS-USCIS (see attachment 1: Fact Sheet, which is subject to revision and reposting on the SAVE Website and Online Resources) so that such individual may correct their records in a timely manner, if necessary;

(o) Provide all benefit-applicants who are denied benefits based solely or in part on the SAVE response with the opportunity to use the User Agency's existing process to appeal the denial and to contact DHS-USCIS to correct their records prior to a final agency decision, if necessary; and

(p) Refrain from using SAVE, or assisting any person or entity, to comply with the employment eligibility verification requirements of section 274A of the Immigration and Nationality Act, 8 U.S.C. Section 1324a.

(2) Monitoring and Compliance.

(a) Provide the SAVE Program and SAVE Monitoring and Compliance with the current e-mail, U.S postal service address, physical address, name and telephone number of the User Agency authorized representative for any notifications, questions or problems that may arise in connection with the User Agency's participation in SAVE and with notification of changes in the benefit offered by the User Agency;

(b) Notify the SAVE Program and SAVE Monitoring and Compliance immediately whenever there is reason to believe a violation of this MOA has occurred;

(c) Notify the SAVE Program and SAVE Monitoring and Compliance immediately whenever there is reason to believe an information breach has occurred as a result of User Agency action or inaction pursuant to Office of Management and Budget (OMB) Memorandum M-07-16, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information";

(d) Allow SAVE Monitoring and Compliance to monitor and review all records and documents related to the use, abuse, misuse, fraudulent use or improper use of SAVE by the User Agency, including, but not limited to original applicant consent documents required by the Privacy Act, 5 U.S.C. Section 552a or other applicable authority;

(e) Allow SAVE Monitoring and Compliance to conduct desk audits and/or site visits to review User Agency's compliance with this MOA and all other SAVE-related policy, procedures, guidance and law applicable to conducting verification and safeguarding, maintaining, and disclosing any data provided or received pursuant to this MOA;

(f) Allow SAVE Monitoring and Compliance to perform audits of User Agency's User Ids use and access, SAVE Training Records, SAVE financial records, SAVE biographical information, system profiles and usage patterns and other relevant data;

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(g) Allow SAVE Monitoring and Compliance to interview any and all User Agency SAVE system users and any and all contact persons or other personnel within the User Agency regarding any and all questions or problems which may arise in connection with the User Agency's participation in SAVE;

(h) Allow SAVE Monitoring and Compliance to monitor system access and usage and to assist SAVE users as necessary to ensure compliance with the terms of this MOA and the SAVE Program requirements by its authorized agents or designees; and

(i) Take corrective measures in a timely manner to address all lawful requirements and recommendations on every written finding including but not limited to those of SAVE Monitoring and Compliance regarding waste, fraud, and abuse, and discrimination or any misuse of the system, non-compliance with the terms, conditions and safeguards of this MOA, SAVE Program procedures or other applicable law, regulation or policy.

(3) Reimbursement.

(a) Pay the transaction prices provided in the attached current standard billing rates, which along with methods of payment are subject to change upon prior written notification to the User Agency. Each year, the User Agency will obligate funds sufficient to reimburse DHS-USCIS under a current appropriation upon execution of the attached USCIS Anticipated Collections from Federal Sources Addendum; and

(b) Pay in full within 30 days of the end of the month for which it incurs the expense. Failure to timely pay may result in suspension or termination of services.

V POINTS OF CONTACT.

USCIS SAVE Program MS 2620, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, DC 20529-2620, (888) 464-4218, Attn: SAVE Operations. E-mail: SAVEregistration@uscis.dhs.gov.

USCIS SAVE Monitoring and Compliance MS 2640, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, DC 20529-2640, (888) 464-4218. E-mail: SAVE.monitoring@dhs.gov.

USER AGENCY [Enter Agency's Point of Contact Information]

VI OTHER PROVISIONS.

(A) MOA Responsibilities. Only authorized employees, agents, or designees of DHS-USCIS and the User Agency will carry out the requirements of this MOA. In carrying out these responsibilities, they will operate within the scope of applicable regulations, specifically

Sample

delegated authorities, the program authorities and funding limitations and terms and conditions of this MOA.

(B) Determining Benefit Eligibility. This MOA is limited to the provision of verification services. DHS-USCIS will verify limited citizenship and immigration status information, but will not recommend to the User Agency whether to issue the benefit. The DHS-USCIS response is not intended to be, and should not be construed as, an opinion on the part of DHS-USCIS or the United States regarding any right or benefit under any program administered by the User Agency. The User Agency has the responsibility to determine the applicant's eligibility for the benefit.

(C) Criminal Penalties.

(1) DHS-USCIS reserves the right to use information from the User Agency for any purpose permitted by law, including, but not limited to, the prosecution of violations of Federal administrative or criminal law.

(2) The User Agency acknowledges that the information it receives from DHS-USCIS is governed by the Privacy Act, 5 U.S.C. Section 552a(i)(1), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this MOA may be subject to criminal penalties.

(D) Third Party Liability.

(1) Each party to this MOA shall be solely responsible for its own defense against any claim or action by third parties arising out of or related to the execution and/or performance of this MOA, whether civil or criminal, and retain responsibility for the payment of any corresponding liability.

(2) Nothing in this MOA is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees or the User Agency.

(E) Disputes. Disagreements on the interpretation of the provisions of this MOA that cannot be resolved between the DHS-USCIS program office and the User Agency point of contact should be provided in writing to the authorized officials at both agencies for resolution. If settlement cannot be reached at this level, the disagreement will be elevated to the next level in accordance with DHS-USCIS procedures for final resolution.

(F) Conflicts. This MOA, its attachments and addenda constitute the full MOA on this subject between DHS-USCIS and the User Agency. Any inconsistency or conflict between or among the provisions of this MOA, will be resolved in the following order of precedence: (1) this MOA and

Sample

(2) other documents incorporated by reference in this MOA, i.e., the USCIS Anticipated Collections from Federal Sources Addendum, and standard billing rates.

(G) Severability. Nothing in this MOA is intended to conflict with current law or regulation or the directives of DHS, DHS-USCIS, or the User Agency. If a term of this MOA is inconsistent with such authority, then that term shall be invalid but, to the extent allowable, the remaining terms and conditions of this MOA shall remain in full force and effect. In the event of a conflict that prevents either party from fulfilling its obligations, this MOA may be immediately canceled without providing the 30 day notice period referenced in Section IX.

(H) Assignment. The User Agency may not assign this MOA, nor may it assign any of its rights or obligations under this MOA. To the extent allowable by law, this MOA shall inure to the benefit of, and be binding upon, any successors to DHS-USCIS and the User Agency without restriction.

(I) Waiver. No waiver by either party of any breach of any provision of this MOA shall constitute a waiver of any other breach. Failure of either party to enforce at any time, or from time to time, any provision of this MOA shall not be construed to be a waiver thereof.

VII EFFECTIVE DATE.

This MOA shall be effective when the DHS-USCIS authorized official and User Agency authorized official have both signed the MOA. This MOA shall continue in effect unless modified or terminated in accordance with the provisions of this MOA.

VIII MODIFICATION.

(A) This MOA is subject to periodic review by DHS-USCIS, its authorized agents or designees, and, if necessary, periodic modification and/or renewal to assure compliance with current law, policy, and standard operating procedure(s). This MOA and the attached USCIS Anticipated Collections from Federal Sources Addendum constitute the complete MOA between the parties for its stated purpose, and no modification or addition will be valid unless entered into by mutual consent of both parties evidenced in writing and signed by both parties and appended to this agreement; and

(B) The User Agency may accomplish a unilateral administrative modification to add funds to the MOA, and either party may accomplish a unilateral administrative modification to change POC information. A written bilateral modification (i.e., agreed to and signed by authorized officials of both parties) is required to change any other term of this MOA.

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IX TERMINATION.

Either party may terminate this MOA at any time by providing 30 days written notice of intent. DHS-USCIS, when feasible, will consult with the User Agency and attempt to reconcile issues before terminating this MOA. Notwithstanding any other provision in the MOA, DHS-USCIS may suspend or terminate this MOA without prior notice if deemed necessary because of a requirement of law or policy, upon a determination by DHS-USCIS that there has been a breach of system integrity or security by the User Agency or a failure by the User Agency to comply with established procedures or legal requirements, including but not limited to failure to pay.

Written notices shall be sent to the addresses of the POCs listed herein and shall be effective upon receipt. Either party may change its POC by written notice to the other party.

The foregoing, in conjunction with the referenced and incorporated attachments, constitutes the full agreement on this subject between DHS-USCIS and the User Agency. This MOA supersedes all previous agreements governing the provision of verification services. Those agreements are explicitly acknowledged to be null and void.

The undersigned represent that they are authorized to enter into this MOA on behalf of DHS-USCIS and the User Agency, respectively.

**Appendix III: Standard Terms of Memorandums of Agreement for
Agencies to use the SAVE System – State or Local Government
Agencies**

Sample

MEMORANDUM OF AGREEMENT

BETWEEN THE DEPARTMENT OF HOMELAND SECURITY,
U.S. CITIZENSHIP AND IMMIGRATION SERVICES,

AND

STATE OR LOCAL GOVERNMENT AGENCY

I PARTIES.

The parties to this Memorandum of Agreement (MOA) are the Department of Homeland Security, U.S. Citizenship and Immigration Services (DHS-USCIS), and the (User Agency).

II AUTHORITY.

The authorities governing this MOA include, but are not limited to, the following:

Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, as amended.

Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, as amended.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, as amended.

Privacy Act, 5 U.S.C. § 552a, as amended.

The Inter-Governmental Cooperation Act, 31 U.S.C. § 6501, et. seq. as amended.

Pursuant to the requirements of OMB Circular A-97, which establishes the President's guidelines for implementing the Intergovernmental Cooperation Act, 31 U.S.C. Section 6501, et. seq., as amended, the User Agency certifies that it cannot procure the immigration status verification services requested pursuant to this MOA reasonably and expeditiously through ordinary business channels.

III PURPOSE.

The purpose of this MOA is to establish the terms and conditions governing the participation of the User Agency to provide the specified benefit in the DHS-USCIS Systematic Alien Verification for Entitlements (SAVE) Program for the purpose of verifying citizenship and immigration status information of non-citizen and naturalized or derived U.S. citizen applicants (applicant) applying for (benefit). The limited data will be provided to the User Agency by an:

Sample

- 1) Initial response (initial verification) by SAVE to an on-line inquiry by the User Agency; and
- 2) Additional verification procedures where applicable; or
- 3) A response to a properly submitted Form G-845.

IV RESPONSIBILITIES.

A. DHS-USCIS agrees to:

- (1) Maintain and make available to the User Agency in limited part and manner determined by DHS-USCIS after consultation with the User Agency, an immigration and naturalized or derived citizenship status information verification system under the SAVE Program known as the Verification Information System (VIS);
- (2) Respond through VIS to properly submitted verification requests from the User Agency by providing the limited information noted in point (1) of **PURPOSE** immediately above;
- (3) Process and respond to properly submitted additional verification requests submitted by the User Agency through VIS or on Form G-845. Response time may vary, depending on DHS-USCIS workload, resources available to process additional verification requests, and the applicant's specific circumstances;
- (4) Provide to the User Agency operating instructions necessary to use VIS so that the User Agency can designate Users within the agency;
- (5) Provide to the User Agency SAVE Program point of contact information for questions or problems regarding the User Agency's participation in SAVE;
- (6) Provide access to training and information regarding the laws, policies, and procedures that govern verifying, safeguarding, using, maintaining, and disclosing certain citizenship and immigration status information;
- (7) Provide the User Agency access to Form G-845, and other forms and/or supplements as appropriate, which may be reproduced and/or computer generated without prior DHS-USCIS approval;
- (8) Recover no more than its actual costs. The total estimated cost of the agreement is specified on the attached USCIS Anticipated Collections from Non-Federal Sources Addendum. The User Agency certifies that it has obligated at least the amount specified on the USCIS Anticipated Collections from Non-Federal Sources Addendum to pay for its SAVE usage. DHS-USCIS shall notify the User Agency's designated Point of Contact (POC) in writing when the amount paid plus what is owed for unpaid usage equals 80 percent of the estimated total costs. DHS-USCIS will not provide services that would result in the amount paid plus the amount owed for unpaid

Sample

usage exceeding the amount specified on the USCIS Anticipated Collections from Non-Federal Sources Addendum. In this instance, DHS-USCIS will be excused from further performance of the work unless and until the User Agency's authorized official increases estimated total cost of this agreement by modification pursuant to provision VIII of this MOA;

(9) Submit invoices to the User Agency's payment office at the address specified on the USCIS Anticipated Collections from Non-Federal Sources Addendum, with a copy furnished to the POC. DHS-USCIS may submit invoices when the work is completed or as otherwise authorized. The High Level Identifier, tax identification number, and associated dollar amounts will be referenced on all invoices; and

(10) Promptly initiate year-end and closeout adjustments once final costs are known.

B. User Agency agrees to:

(1) System Use.

(a) Establish the identity of the applicants and require each applicant to present the applicant's immigration or naturalization documentation that contains the information (e.g., alien registration number) required by the SAVE Program;

(b) Physically examine the documentation presented by the applicant and determine whether the document(s) reasonably appear(s) to be genuine and to relate to the individual;

(c) Provide to the SAVE Program the information the SAVE Program requires to respond to User Agency requests for verification of immigration or naturalized or derived citizenship status information, including (1) information from the applicant's immigration or naturalization documentation for initial automated verification, (2) additional information obtained from the alien's immigration or naturalization documentation for automated additional verification, and (3) completed Forms G-845 and other documents and information required for manual additional verification. For manual only verification, ensure that Forms G-845 and other documents and information required for manual verification are provided;

(d) Ensure that, prior to using VIS, all Users performing verification procedures complete SAVE required training including: reading the SAVE Program Guide, taking the latest version of Web tutorial(s) and maintaining a working knowledge of requirements contained therein and in this MOA as updated;

(e) Ensure that User Agency representatives are provided with and maintain User Ids only while they have a need to perform verification procedures;

(f) Ensure all Users performing verification procedures comply with all requirements contained in the SAVE Program Guide, web-based tutorial, and this MOA, and updates to these requirements;

Sample

- (g) Ensure that all Users performing verification procedures have contact information for the SAVE Program and SAVE Monitoring and Compliance;
- (h) Ensure all Users perform any additional verification procedures the SAVE Program requires and/or the applicant requests after the User Agency initiates a request for verification;
- (i) Use any information provided by DHS-USCIS under this MOA solely for the purpose of determining the eligibility of persons applying for the benefit issued by the User Agency and limit use of such information in accordance with this and all other provisions of this MOA;
- (j) Comply with the requirements of the Federal Information Security Management Act (Pub. L. No. 113-283, as amended) and OMB guidance as applicable to electronic storage, transport of records between agencies, and the internal processing of records received by either agency under the terms of this MOA;
- (k) Safeguard such information and access methods to ensure that it is not used for any other purpose than described in this MOA and protect its confidentiality; including ensuring that it is not disclosed to any unauthorized person(s) without the prior written consent of DHS-USCIS;¹
- (l) Comply with the Privacy Act, 5 U.S.C. Section 552a, and other applicable laws, regulations, and policies, including but not limited to all OMB and DHS privacy guidance, in conducting verification procedures pursuant to this MOA, and in safeguarding, maintaining, and disclosing any data provided or received pursuant to the MOA;
- (m) Comply with federal laws prohibiting discrimination against applicants and discriminatory use of the SAVE Program based upon the national origin, color, race, gender, religion, or disability of the applicant;
- (n) Provide all benefit-applicants who are denied benefits based solely or in part on the SAVE response with adequate written notice of the denial and the information necessary to contact DHS-USCIS (see attachment 1: Fact Sheet, which is subject to revision and reposting on the SAVE Website and Online Resources) so that such individual may correct their records in a timely manner, if necessary;
- (o) Provide all benefit-applicants who are denied benefits based solely or in part on the SAVE response with the opportunity to use the User Agency's existing process to appeal the denial and to contact DHS-USCIS to correct their records prior to a final decision, if necessary; and

¹ Each applicant seeking access to information regarding himself/herself may do so by submitting a written signed request to DHS-USCIS. Instructions for submitting such requests may be found on the Freedom of Information/Privacy Act page of www.uscis.gov.

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(p) Refrain from using SAVE, or assisting any person or entity, to comply with the employment eligibility verification requirements of section 274A of the Immigration and Nationality Act, 8 U.S.C. Section 1324a.

(2) Monitoring and Compliance.

(a) Provide the SAVE Program and SAVE Monitoring and Compliance with the current e-mail, U.S. postal service address, physical address, name and telephone number of the User Agency authorized representative for any notifications, questions or problems that may arise in connection with the User Agency's participation in SAVE and with notification of changes in the benefit offered by the User Agency;

(b) Notify the SAVE Program and SAVE Monitoring and Compliance immediately whenever there is reason to believe a violation of this MOA has occurred;

(c) Notify the SAVE Program and SAVE Monitoring and Compliance immediately whenever there is reason to believe an information breach has occurred as a result of User Agency action or inaction pursuant to Office of Management and Budget (OMB) Memorandum M-07-16, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information";

(d) Allow SAVE Monitoring and Compliance to monitor and review all records and documents related to the use, abuse, misuse, fraudulent use or improper use of SAVE by the User Agency, including, but not limited to original applicant consent documents required by the Privacy Act, 5 U.S.C. Section 552a or other applicable authority;

(e) Allow SAVE Monitoring and Compliance to conduct desk audits and/or site visits to review User Agency's compliance with this MOA and all other SAVE-related policy, procedures, guidance and law applicable to conducting verification and safeguarding, maintaining, and disclosing any data provided or received pursuant to this MOA;

(f) Allow SAVE Monitoring and Compliance to perform audits of User Agency's User Ids use and access, SAVE Training Records, SAVE financial records, SAVE biographical information, system profiles and usage patterns and other relevant data;

(g) Allow SAVE Monitoring and Compliance to interview any and all User Agency SAVE system users and any and all contact persons or other personnel within the User Agency regarding any and all questions or problems which may arise in connection with the User Agency's participation in SAVE;

(h) Allow SAVE Monitoring and Compliance to monitor system access and usage and to assist SAVE users as necessary to ensure compliance with the terms of this MOA and the SAVE Program requirements by its authorized agents or designees; and

(i) Take corrective measures in a timely manner to address all lawful requirements and recommendations on every written finding including but not limited to those of SAVE Monitoring and Compliance regarding waste, fraud, and abuse, and discrimination or any misuse

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of the system, non-compliance with the terms, conditions and safeguards of this MOA, SAVE Program procedures or other applicable law, regulation or policy.

(3) Reimbursement.

(a) Pay the transaction prices provided in the attached current standard billing rates, which along with methods of payment are subject to change upon prior written notification to the User Agency. Each year, the User Agency will obligate funds sufficient to reimburse DHS-USCIS under a current appropriation upon execution of the attached USCIS Anticipated Collections from Non-Federal Sources Addendum;

(b) Pay in full within 30 days of the invoice date. The User Agency will pay any applicable sales, use, excise, and like taxes, where required by law, that are stated on each invoice. Regardless of payment type, the User Agency will clearly indicate the High Level Identifier with remittance;

(c) If the User Agency pre-pays for its usage, it shall submit the entire committed amount before being allowed access to VIS; and

(d) Promptly discuss and resolve issues and questions with DHS-USCIS regarding payments. Delinquent payments shall be handled in accordance with the Debt Collection and Improvement Act of 1996, 31 U.S.C. Section 3701. Interest on all unpaid balances shall be charged at the rate of the current value of funds to the United States Treasury effective on the date of the invoice. The rate is the Treasury tax and loan rate. It is published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Handling charges will accrue at monthly rates of \$5.00 for each of the first two months of delinquency and \$10.00 for each month thereafter. In addition to interest and handling charges, if DHS-USCIS does not receive payment within 90 days of the invoice, 6% per annum additional interest will be assessed. Charges will be computed from the date of the invoice and will accrue monthly with the applicable interest and handling charges. In the case of any late payment, the amount received will be applied in this sequence: (1) to any accrued penalty and handling charges; (2) to any accrued interest; and (3) to outstanding principal. Failure to make timely payment may result in termination of services.

V POINTS OF CONTACT.

USCIS SAVE Program MS 2620, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, DC 20529-2620, (888) 464-4218, Attn: SAVE Operations. E-mail: SAVeregistration@uscis.dhs.gov.

USCIS SAVE Monitoring and Compliance MS 2640, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, DC 20529-2640, (888) 464-4218. E-mail: SAVE.monitoring@dhs.gov.

USER AGENCY- (Enter Agency Point of Contact Information)

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S.Ver. 11/2015

Sample

VI OTHER PROVISIONS.

(A) MOA Responsibilities. Only authorized employees, agents, or designees of DHS-USCIS and the User Agency will carry out the requirements of this MOA. In carrying out these responsibilities, they will operate within the scope of applicable regulations, specifically delegated authorities, the program authorities and funding limitations and terms and conditions of this MOA.

(B) Determining Benefit Eligibility. This MOA is limited to the provision of verification services. DHS-USCIS will verify limited citizenship and immigration status information, but will not recommend to the User Agency whether to issue the benefit. The DHS-USCIS response is not intended to be, and should not be construed as, an opinion on the part of DHS-USCIS or the United States regarding any right or benefit under any program administered by the User Agency. The User Agency has the responsibility to determine the applicant's eligibility for the benefit.

(C) Criminal Penalties.

(1) DHS-USCIS reserves the right to use information from the User Agency for any purpose permitted by law, including, but not limited to, the prosecution of violations of Federal administrative or criminal law.

(2) The User Agency acknowledges that the information it receives from DHS-USCIS is governed by the Privacy Act, 5 U.S.C. Section 552a(i)(1), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this MOA may be subject to criminal penalties.

(D) Third Party Liability.

(1) Each party to this MOA shall be solely responsible for its own defense against any claim or action by third parties arising out of or related to the execution and/or performance of this MOA, whether civil or criminal, and retain responsibility for the payment of any corresponding liability.

(2) Nothing in this MOA is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees or the User Agency.

(E) Disputes. Disagreements on the interpretation of the provisions of this MOA that cannot be resolved between the DHS-USCIS program office and the User Agency point of contact should be provided in writing to the authorized officials at both agencies for resolution. If settlement cannot be reached at this level, the disagreement will be elevated to the next level in accordance with DHS-USCIS procedures for final resolution.

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(F) Conflicts. This MOA, its attachments and addenda constitute the full MOA on this subject between DHS-USCIS and the User Agency. Any inconsistency or conflict between or among the provisions of this MOA, will be resolved in the following order of precedence: (1) this MOA and (2) other documents incorporated by reference in this MOA, i.e., the USCIS Anticipated Collections from Non-Federal Sources Addendum, and standard billing rates.

(G) Severability. Nothing in this MOA is intended to conflict with current law or regulation or the directives of DHS, DHS-USCIS, or the User Agency. If a term of this MOA is inconsistent with such authority, then that term shall be invalid but, to the extent allowable, the remaining terms and conditions of this MOA shall remain in full force and effect. In the event of a conflict that prevents either party from fulfilling its obligations, this MOA may be immediately canceled without providing the 30 day notice period referenced in Section IX.

(H) Assignment. The User Agency may not assign this MOA, nor may it assign any of its rights or obligations under this MOA. To the extent allowable by law, this MOA shall inure to the benefit of, and be binding upon, any successors to DHS-USCIS and the User Agency without restriction.

(I) Waiver. No waiver by either party of any breach of any provision of this MOA shall constitute a waiver of any other breach. Failure of either party to enforce at any time, or from time to time, any provision of this MOA shall not be construed to be a waiver thereof.

VII EFFECTIVE DATE.

This MOA shall be effective when the DHS-USCIS authorized official and User Agency authorized official have both signed the MOA. This MOA shall continue in effect unless modified or terminated in accordance with the provisions of this MOA.

VIII MODIFICATION.

(A) This MOA is subject to periodic review by DHS-USCIS, its authorized agents or designees, and, if necessary, periodic modification and/or renewal to assure compliance with current law, policy, and standard operating procedure(s). This MOA and the attached USCIS Anticipated Collections from Non-Federal Sources Addendum constitute the complete MOA between the parties for its stated purpose, and no modification or addition will be valid unless entered into by mutual consent of both parties evidenced in writing and signed by both parties and appended to this agreement; and

(B) The User Agency may accomplish a unilateral administrative modification to add funds to the MOA, and either party may accomplish a unilateral administrative modification to change POC information. A written bilateral modification (i.e., agreed to and signed by authorized officials of both parties) is required to change any other term of this MOA.

IX TERMINATION.

Either party may terminate this MOA at any time by providing 30 days written notice of intent. DHS-USCIS, when feasible, will consult with the User Agency and attempt to reconcile issues

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before terminating this MOA. Notwithstanding any other provision in the MOA, DHS-USCIS may suspend or terminate this MOA without prior notice if deemed necessary because of a requirement of law or policy, upon a determination by DHS-USCIS that there has been a breach of system integrity or security by the User Agency or a failure by the User Agency to comply with established procedures or legal requirements, including but not limited to failure to pay.

Written notices shall be sent to the addresses of the POCs listed herein and shall be effective upon receipt. Either party may change its POC by written notice to the other party.

The foregoing, in conjunction with the referenced and incorporated attachments, constitutes the full agreement on this subject between DHS-USCIS and the User Agency. This MOA supersedes all previous agreements governing the provision of verification services. Those agreements are explicitly acknowledged to be null and void.

The undersigned represent that they are authorized to enter into this MOA on behalf of DHS-USCIS and the User Agency, respectively.

Appendix IV: SAVE Fact Sheet for Benefit Applicants

Figure 5: Systematic Alien Verification for Entitlements (SAVE) Fact Sheet for Benefit Applicants



Fact Sheet for Benefit Applicants

The benefit-granting agency has given you this fact sheet because SAVE could not confirm your current immigration status after the agency followed all verification steps. It is important to note that this does not necessarily mean that you do not have an immigration status or that you are ineligible for the benefit. However, when this happens, the agency must allow you an opportunity to correct or update your immigration record.



**Questions About Your Records?
Depending on your immigration document, you may contact:**

U.S. Citizenship and Immigration Services (USCIS)

- ▶ Visit the USCIS Website at www.uscis.gov or call the National Customer Service Center at **1-800-375-5283** for information on how to correct your record, renew or replace your:
 - Certificate of Naturalization or Citizenship
 - Reentry Permit
 - Lawful Permanent Resident Card
 - Refugee Travel Document
 - Employment Authorization Document
 - USCIS issued I-94 Arrival/Departure Record

Customs and Border Protection (CBP)

- ▶ Visit the CBP Website at www.cbp.gov/contact for information about how to correct your I-94 Arrival/Departure Record or your admission stamp in your foreign passport.

**Note: If USCIS issued your I-94, contact USCIS at www.uscis.gov or call National Customer Service Center at 1-800-375-5283 for information.*

Immigration Customs Enforcement (ICE), Student and Exchange Visitor Program (SEVP)

- ▶ Visit the ICE Website at www.ice.gov/sevis. The website contains information on how to update records for foreign students and exchange visitors.

USCIS SAVE ProgramMarch 2015

Source: U.S. Citizenship and Immigration Services. | GAO-17-204

Appendix V: Frequency and Percentage of SAVE Checks that did not Institute Additional Verification (IAV) for Monitored Agencies, Fiscal Years 2013 through 2015

The three tables in Appendix IV show how frequently agencies did not institute additional verification (IAV) before and after receiving a site visit or desk review (i.e., monitoring) from U.S. Citizenship and Immigration Services' (USCIS) SAVE Monitoring and Compliance (M&C) branch. The tables show rates at which agencies did not institute additional verification the year prior to monitoring (or "base year"—the performance year USCIS uses to select which agencies to monitor); the fiscal year in which the agency was monitored; and the fiscal years after monitoring.

Agency performance is shown for fiscal years 2013, 2014, and 2015. Red text indicates that an agency had a higher failure rate in either frequency or percentage of IAVs not completed when prompted by the SAVE system. Black text indicates that the agency completed additional verification (in frequency or percentage) after being monitored. Agencies agree to institute additional verification when prompted by the SAVE system.

The tables depict both the total number of SAVE checks with a response of IAV that were not completed, as well as the percentage of that agency's total SAVE checks that were incomplete.

Appendix V: Frequency and Percentage of SAVE Checks that did not Institute Additional Verification (IAV) for Monitored Agencies, Fiscal Years 2013 through 2015

Figure 6: Agencies Monitored for Instituting Additional Verification (IAV) Failure in Fiscal Year 2013

Agency type	Percentage and frequency that failed IAV, fiscal year				
	2012 ^a	2013	2014	2015	2016
State A	94.6% 1,080	96.3% 599	72.6% 525	81.9% 908	93.9% 671
State B	80.7% 5,174	83.4% 5,955	89.0% 7,227	89.5% 7,565	85.1% 6,780
Federal A	88.7% 820	83.2% 647	81.6% 607	82.7% 1,126	79.7% 847
State C	76.3% 4,644	82.9% 5,509	87.1% 5,194	83.8% 6,579	87.8% 8,006
State D	97.2% 417	91.8% 336	48.8% 118	56.3% 189	35.1% 79
State E	82.2% 1,432	85.8% 1,301	70.9% 2,440	63.4% 1,858	82.3% 3,829
State F	83.0% 625	83.9% 543	85.3% 486	88.7% 540	86.3% 510
State G	82.4% 1,321	86.7% 1,868	90.3% 1,891	88.1% 2,968	82.3% 1,946
State H	81.1% 396	87.0% 488	94.1% 727	89.6% 1,863	90.1% 1,361

Base year^b
 Received site visit^c
 Received desk review^d
 Subsequent years

The red and black text indicates whether an agency had a higher or lower failure rate compared to the base year used for monitoring. Red text indicates that an agency had a higher failure rate in either frequency or percentage of IAVs not completed when prompted by the SAVE system. Black text indicates that the agency had a lower failure rate in frequency or percentage IAVs not completed when prompted by the SAVE system.

Source: GAO analysis of U.S. Citizenship and Immigration Services data. | GAO-17-204

^aPercentages represent the number of times agencies did not proceed to additional verification out of the total number of Systematic Alien Verification for Entitlements (SAVE) responses prompting the user agency to institute additional verification.

^bThe base year data is the result of an agency's performance for a particular behavior the fiscal year before monitoring efforts take place. For example, monitoring in fiscal year 2013 is based on data from fiscal year 2012 – the base year for 2013 monitoring activities.

^cA site visit is an on-site or virtual training session in which user agencies learn about the SAVE program and compliance requirements and ask questions to SAVE Monitoring & Compliance (M&C) officials.

^dA desk review is a virtual process in which documentation on user agency policies and procedures regarding their use of SAVE is collected and analyzed by SAVE M&C officials.

Appendix V: Frequency and Percentage of SAVE Checks that did not Institute Additional Verification (IAV) for Monitored Agencies, Fiscal Years 2013 through 2015

Figure 7: Agencies Monitored for Instituting Additional Verification (IAV) Failure in Fiscal Year 2014

Agency type	Percentage and frequency that failed IAV, fiscal year			
	2013 ^a	2014	2015	2016
State A	83.8% 5,301	90.0% 6,615	93.0% 5,812	89.7% 3,857
State B	51.5% 585	72.3% 745	59.6% 475	57.7% 472
Department of motor vehicles A	95.3% 102	92.7% 114	86.6% 129	86.8% 1,629
State C	84.3% 812	91.5% 802	91.4% 736	97.9% 5,612
State D	85.0% 2,774	90.2% 3,840	91.7% 5,036	74.8% 5,483
State E	96.5% 192	98.7% 303	98.3% 673	97.4% 922
State F	91.4% 95	92.2% 83	85.5% 47	81.2% 121
State G	77.0% 2,014	76.8% 1,397	75.3% 1,308	76.3% 1,127
State H	63.2% 3,851	84.3% 9,449	87.7% 11,492	87.2% 11,618
State I	94.7% 901	99.8% 1,329	98.2% 1,149	92.3% 624
State J	89.0% 568	95.2% 678	89.2% 531	86.8% 560
State K	73.0% 252	89.1% 565	86.8% 528	81.8% 598
Department of motor vehicles B	74.1% 1,107	79.2% 1,995	80.3% 2,430	80.3% 2,361
State L	73.5% 278	80.6% 386	75.7% 377	83.4% 438

Base year^b
 Received desk review^d
 Received site visit^c
 Subsequent years

The red and black text indicates whether an agency had a higher or lower failure rate compared to the base year used for monitoring. Red text indicates that an agency had a higher failure rate in either frequency or percentage of IAVs not completed when prompted by the SAVE system. Black text indicates that the agency had a lower failure rate in frequency or percentage IAVs not completed when prompted by the SAVE system.

Source: GAO analysis of U.S. Citizenship and Immigration Services data. | GAO-17-204

^aPercentages represent the number of times agencies did not proceed to additional verification out of the total number of Systematic Alien Verification for Entitlements (SAVE) responses prompting the user agency to institute additional verification.

Appendix V: Frequency and Percentage of SAVE Checks that did not Institute Additional Verification (IAV) for Monitored Agencies, Fiscal Years 2013 through 2015

^bThe base year data is the result of an agency's performance for a particular behavior the fiscal year before monitoring efforts take place. For example, monitoring in fiscal year 2013 is based on data from fiscal year 2012 – the base year for 2013 monitoring activities.

^cA site visit is an on-site or virtual training session in which user agencies learn about the SAVE program and compliance requirements and ask questions to SAVE Monitoring & Compliance (M&C) officials.

^dA desk review is a virtual process in which documentation on user agency policies and procedures regarding their use of SAVE is collected and analyzed by SAVE M&C officials.

Figure 8: Agencies Monitored for Instituting Additional Verification (IAV) Failure in Fiscal Year 2015

Agency type	Percentage and frequency that failed IAV, fiscal year		
	2014 ^a	2015	2016
State A	43.2% 208	61.9% 227	63.6% 166
State B	78.7% 67,921	78.0% 75,102	79.3% 78,847
State C	70.0% 3,017	85.7% 6,301	82.7% 3,527
State D	98.3% 1,104	100% 447	100% 676
State E	89.0% 7,227	89.5% 7,565	85.1% 6,780
State F	100% 100	100% 162	100% 191
State G	87.7% 484	93.5% 880	89.4% 826
State H	82.0% 919	84.0% 1,015	80.2% 868
State I	85.8% 7,657	52.1% 6,052	50.3% 6,119
Department of motor vehicles A	79.3% 12,212	81.4% 15,259	83.3% 13,540
Federal A	81.6% 607	82.7% 1,126	79.7% 847
Department of motor vehicles B	82.7% 167	76.9% 166	71.2% 99
State J	62.1% 2,350	68.1% 3,263	62.4% 2,300
State K	75.3% 443	77.4% 465	49.9% 204
State L	87.0% 7,373	93.1% 9,491	91.8% 13,860
State M	73.8% 2,440	77.9% 2,771	73.2% 2,681
State N	81.3% 274	76.3% 429	72.6% 489

- Base year^b
- Received site visit^c
- Received desk review^d
- Subsequent year

The red and black text indicates whether an agency had a higher or lower failure rate compared to the base year used for monitoring. Red text indicates that an agency had a higher failure rate in either frequency or percentage of IAVs not completed when prompted by the SAVE system. Black text indicates that the agency had a lower failure rate in frequency or percentage IAVs not completed when prompted by the SAVE system.

Source: GAO analysis of U.S. Citizenship and Immigration Services data. | GAO-17-204

**Appendix V: Frequency and Percentage of
SAVE Checks that did not Institute Additional
Verification (IAV) for Monitored Agencies,
Fiscal Years 2013 through 2015**

^aPercentages represent the number of times agencies did not proceed to additional verification out of the total number of Systematic Alien Verification for Entitlements (SAVE) responses prompting the user agency to institute additional verification.

^bThe base year data is the result of an agency's performance for a particular behavior the fiscal year before monitoring efforts take place. For example, monitoring in fiscal year 2013 is based on data from fiscal year 2012 – the base year for 2013 monitoring activities.

^cA site visit is an on-site or virtual training session in which user agencies learn about the SAVE program and compliance requirements and ask questions to SAVE Monitoring & Compliance (M&C) officials.

^dA desk review is a virtual process in which documentation on user agency policies and procedures regarding their use of SAVE is collected and analyzed by SAVE M&C officials.

Appendix VI: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



March 9, 2017

Rebecca Gambler
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management's Response to Draft Report GAO-17-204, "IMMIGRATION STATUS VERIFICATION FOR BENEFITS: Actions Needed to Improve Effectiveness and Oversight"

Dear Ms. Gambler:

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's positive recognition of the Systematic Alien Verification for Entitlements (SAVE) program's strong enrollment vetting procedures for the more than 1,000 federal, state, and local user agencies which use the SAVE program to verify the benefit applicants' immigration status. These benefits range from driver's licenses to housing assistance to education programs. In addition, GAO acknowledged:

- SAVE's robust data quality checks, both on initial and additional verification, which help ensure that the information SAVE provides accurately reflects the information present in relevant source systems, and
- the many tools, guides, and other resources SAVE provides to benefit granting agencies to help them understand the complexities and subtleties of confirming an individual's immigration status.

DHS remains committed to providing agencies enrolled in the SAVE program with fast, secure, and reliable immigration status information to assist them in maintaining the integrity of the programs they administer, while protecting the privacy of individuals and balancing appropriate compliance enforcement measures for the benefit granting agencies with undesired adverse impacts on the applicants.

The draft report contained nine recommendations with which the Department concurs. Attached find our detailed response to each of the recommendations.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,



J. H. CRUMACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Attachment

**Attachment: DHS Management Response to Recommendations
Contained in GAO-17-204**

GAO recommended that the Secretary of Homeland Security direct USCIS to:

Recommendation 1: Ensure SAVE guidance, including written materials and instructional videos, clearly and accurately reflects user agencies' responsibilities for completing each step of a SAVE check, as outlined in each agency's memorandum of agreement.

Response: Concur. The Verification Division of USCIS' Immigration Records and Identify Services Directorate has already taken actions such as revising and republishing the SAVE Program Guide, to ensure written materials clearly and accurately reflect user agencies' responsibilities with respect to additional verification steps. USCIS intends to complete all necessary revisions to written materials by September 30, 2017. Other actions requiring systems or technical changes, such as revising and updating instructional videos, will also be taken to complement the updated SAVE Program Guide. Estimated Completion Date (ECD): March 31, 2018.

Recommendation 2: Develop and implement a mechanism to oversee agencies' completion of training on additional verification in accordance with SAVE MOA provisions and program policies.

Response: Concur. The Verification Division intends to have a new plan to address providing additional training for SAVE users in place by September 30, 2017. Implementing this recommendation will also require system enhancements, which will be completed by the end of March 2018. ECD: March 31, 2018.

Recommendation 3: Provide notifications to user agencies when a case is ready for the user agency to review.

Response: Concur. The Verification Division will make system enhancements and updates to policy and training materials. The Verification Division has already begun work in these areas and anticipates having a plan in place by September 2017, with full implementation by March 2018. ECD: March 30, 2018.

Recommendation 4: Develop and implement a more effective method for ensuring that individuals are aware of how they can access and correct their immigration records, such as by updating and improving the Fact Sheet for Benefit Applicants.

Response: Concur. The Verification Division will update relevant materials regarding how individuals may access and correct their immigration records. ECD: June 30, 2017.

Recommendation 5: Develop and implement a documented, risk-based approach to monitoring and compliance, including (1) a risk-based approach to selecting behaviors to monitor; (2) standards for what triggers compliance actions for the selected behaviors; and (3) a risk-based process for how USCIS will prioritize and select agencies for compliance actions.

Response: Concur. The Verification Division will identify, document, and implement ways to incorporate a risk-based approach to its monitoring and compliance for all risk-based measures. This will include incorporating DHS-related policy and guidance, as well as regulations and standards from the Fair Information Practice Principles, Standards for Internal Controls, and the General Auditing Standards. ECD: June 30, 2018.

Recommendation 6: Develop and communicate a process for user agencies to update contact information.

Response: Concur. The Verification Division will make the appropriate system enhancements that will allow user agencies to update contact information. ECD: June 30, 2018.

Recommendation 7: Ensure that user agencies participate in compliance reviews when selected, in accordance with SAVE MOA provisions and USCIS policy.

Response: Concur. The Verification Division will review current procedures and implement appropriate changes. It is important to note, however, that a balanced approach is necessary whenever considering appropriate compliance enforcement measures for an MOA. Benefit granting agencies have broad authority to require DHS to provide them with current immigration status information. This authority must in turn be balanced against DHS's responsibilities to administer the SAVE program in such a way as to protect privacy and ensure the information it provides is used in an appropriate manner. Additionally, DHS must be mindful that moving too aggressively against an agency for noncompliance with SAVE policy, for example by revoking access to the program, could have an undesired adverse impact on both the benefit applicants who depend on a timely and accurate adjudication of their application as well as the integrity of the benefit program the customer agency administers. ECD: September 30, 2017.

Recommendation 8: Identify the root causes of why agencies are not compliant with SAVE MOA provisions and program policies and tailor agency recommendations to those identified causes.

Response: Concur. The Verification Division will evaluate the root causes for agency non-compliance. It will also review existing program policies and procedures to identify areas in need of improvement, including but not limited to how recommendations are tailored. ECD: June 30, 2018.

Recommendation 9: Develop and implement a process for ensuring user agencies implement corrective actions such as through a system of escalating compliance assistance actions and follow-up.

Response: Concur. The Verification Division will identify ways to incorporate improved escalating compliance assistance models into its procedures. This will include on-going monitoring of agency use to ensure SAVE customer agencies comply with SAVE program requirements. ECD: March 30, 2018.

Appendix VII: GAO Contact and Staff Acknowledgments

GAO Contact

Rebecca Gambler, (202) 512-6912 or gablerr@gao.gov

Staff Acknowledgments

In addition to the contact named above, Adam Hoffman (Assistant Director) and Charlotte Gamble (Analyst-in-Charge) managed this assignment. David Alexander, Natalie Block, Marisol Cruz, John de Ferrari, Eric Hauswirth, Susan Hsu, Sasan J. “Jon” Najmi, Cristina Norland, David Plocher, and Edith Sohna made key contributions to this report.

Appendix VIII: Accessible Data

Data Tables

Data Table for Figure 6: Agencies Monitored for Instituting Additional Verification (IAV) Failure in Fiscal Year 2013

	Agency	# of Failed IAV 2012 (Base Year)	% of Failed IAV 2012 (Base Year)	Number of Failed IAV in 2013 – Audit	Percentage of Failed IAV in 2013	Number of Failed IAV in 2014	Percentage of Failed IAV in 2014	# of Failed IAV in 2015	Percentage of Failed IAV in 2015	# of Failed IAV in 2016	Percentage of Failed IAV in 2016
Site Visits	State A	1080	94.57%	599	96.30%	525	72.61%	908	81.88%	671	93.85%
	State B	820	88.74%	647	83.16%	607	81.59%	1126	82.67%	847	79.68%
	Federal A	4644	76.28%	5509	82.90%	5194	87.09%	6579	83.77%	8,006	87.79%
	State C	5174	80.71%	5955	83.38%	7227	89.04%	7565	89.51%	6,780	85.06%
Desk Reviews	State D	1321	82.41%	1868	86.72%	1891	90.31%	2968	88.05%	1,946	82.32%
	State E	417	97.20%	336	91.80%	118	48.76%	189	56.25%	79	35.11%
	State F	396	81.12%	488	86.99%	727	94.05%	1863	89.61%	1,361	90.07%
	State G	1,432	82.20%	1,301	85.82%	2,440	70.89%	1,858	63.43%	3,829	82.27%
	State H	625	83.00%	543	83.93%	486	85.26%	540	88.67%	510	86.29%

Data Table for Figure 7: Agencies Monitored for Instituting Additional Verification (IAV) Failure in Fiscal Year 2014

Site Visits

Agency	# of Failed IAV 2013 (base year)	% Failed IAV 2013 (base year)	Number of Failed IAV in 2014 – Audit	Percentage of Failed IAV in 2014	Number of Failed IAV in 2015	Percentage of Failed IAV in 2015	Number of Failed IAV in 2016	Percent of Failed IAV in 2016
State A	5301	83.80%	6615	89.99%	5812	92.99%	3,857	89.66%
State B	585	51.50%	745	72.33%	475	59.60%	472	57.70%
Department of motor vehicles A	102	95.33%	114	92.68%	129	86.58%	1,629	86.79%
State C	812	84.32%	802	91.45%	736	91.43%	5,612	97.87%
State D	2774	85.01%	3840	90.23%	5036	91.68%	5,483	74.81%
State E	192	96.48%	303	98.70%	673	98.25%	922	97.36%
State F	95	91.35%	83	92.22%	47	85.45%	121	81.21%

Desk Reviews

Agency	# of Failed IAV 2013 (base year)	% Failed IAV 2013 (base year)	Number of Failed IAV in 2014 – Audit	Percentage of Failed IAV in 2014	Number of Failed IAV in 2015	Percentage of Failed IAV in 2015	Number of Failed IAV in 2016	Percent of Failed IAV in 2016
State G	2014	76.96%	1397	76.80%	1308	75.26%	1,127	76.30%
State H	3851	63.23%	9449	84.25%	11492	87.66%	11,618	87.24%
State I	901	94.74%	1329	99.77%	1149	98.21%	624	92.31%
State J	568	89.03%	678	95.22%	531	89.24%	560	86.82%
State K	252	73.04%	565	89.12%	528	86.84%	598	81.81%
Department of motor vehicles B	1107	74.10%	1995	79.21%	2430	80.25%	2,361	80.25%
State L	278	73.54%	386	80.58%	377	75.70%	438	83.43%

Data Table for Figure 8: Agencies Monitored for Instituting Additional Verification (IAV) Failure in Fiscal Year 2015

Site Visits

Agency	# of Failed IAV 2014 (Base Year)	% of Failed IAV 2014 (Base Year)	Number of Failed IAV in 2015 –Audit	Percentage of Failed IAV in 2015	Number of Failed IAV in 2016*	Percentage of Failed IAV in 2016
State A	208	43.15%	227	61.85%	166	63.60%
State B	67921	78.73%	75102	78.02%	78,847	79.34%
State C	3017	69.95%	6301	85.68%	3,527	82.72%
State D	1104	98.31%	447	100%	676	100.00%
State E	7227	89.04%	7565	89.51%	6,780	85.06%
State F	100	100.00%	162	100.00%	191	100.00%

Desk Audits

Agency	# of Failed IAV 2014 (Base Year)	% of Failed IAV 2014 (Base Year)	Number of Failed IAV in 2015 –Audit	Percentage of Failed IAV in 2015	Number of Failed IAV in 2016*	Percentage of Failed IAV in 2016
State G	484	87.68%	880	93.52%	826	89.39%
State H	919	81.98%	1015	84.02%	868	80.22%
State I	7657	85.80%	6052	52.12%	6,119	50.25%
Department of motor vehicles A	12212	79.29%	15259	81.41%	13,540	83.29%
Federal A	607	81.59%	1126	82.67%	847	79.68%

Agency	# of Failed IAV 2014 (Base Year)	% of Failed IAV 2014 (Base Year)	Number of Failed IAV in 2015 –Audit	Percentage of Failed IAV in 2015	Number of Failed IAV in 2016*	Percentage of Failed IAV in 2016
Department of motor vehicles B	167	82.67%	166	76.85%	99	71.22%
State J	2350	62.09%	3263	68.05%	2,300	62.36%
State K	443	75.34%	465	77.37%	204	49.88%
State L	7373	87.01%	9491	93.05%	13,860	91.76%
State M	2440	73.76%	2771	77.91%	2,681	73.17%
State N	274	81.31%	429	76.33%	489	72.55%

Agency Comment Letter

Text of Appendix VI: Comments from the Department of Homeland Security

Page 1

March 9, 2017

Rebecca Gambler

Director, Homeland Security and Justice

U.S. Government Accountability Office 441 G Street, NW

Washington, DC 20548

Re: Management's Response to Draft Report GA0-17-204, "IMMIGRATION STATUS VERIFICATION FOR BENEFITS: Actions Needed to Improve Effectiveness and Oversight"

Dear Ms. Gambler:

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (OHS) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's positive recognition of the Systematic Alien Verification for Entitlements (SAVE) program's strong enrollment vetting procedures for the more than 1,000 federal, state, and local user agencies which use the SAVE program to verify the benefit applicants' immigration status. These benefits range from driver's licenses to housing assistance to education programs. In addition, GAO acknowledged:

- SAVE's robust data quality checks, both on initial and additional verification, which help ensure that the information SAVE provides accurately reflects the information present in relevant source systems, and
- the many tools, guides, and other resources SAVE provides to benefit granting agencies to help them understand the complexities and subtleties of confirming an individual's immigration status.

DHS remains committed to providing agencies enrolled in the SAVE program with fast, secure, and reliable immigration status information to assist them in maintaining the integrity of the programs they administer, while protecting the privacy of individuals and balancing appropriate compliance enforcement measures for the benefit granting agencies with undesired adverse impacts on the applicants.

The draft report contained nine recommendations with which the Department concurs. Attached find our detailed response to each of the recommendations.

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Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,

Jim H. Crumpacker

Director

Departmental GAO-OIG Liaison Office

Page 3

Attachment: DHS Management Response to Recommendations Contained in GA0-17-204

GAO recommended that the Secretary of Homeland Security direct USCIS to:

Recommendation 1:

Ensure SAVE guidance, including written materials and instructional videos, clearly and accurately reflects user agencies' responsibilities for completing each step of a SAVE check, as outlined in each agency's memorandum of agreement.

Response: Concur.

The Verification Division of USCIS' Immigration Records and Identify Services Directorate has already taken actions such as revising and republishing the SAVE Program Guide, to ensure written materials clearly and accurately reflect user agencies' responsibilities with respect to additional verification steps. USCIS intends to complete all necessary revisions to written materials by September 30, 2017. Other actions requiring systems or technical changes, such as revising and updating instructional videos, will also be taken to complement the updated SAVE Program Guide. Estimated Completion Date (ECD): March 31, 2018.

Recommendation 2:

Develop and implement a mechanism to oversee agencies' completion of training on additional verification in accordance with SAVE MOA provisions and program policies.

Response: Concur.

The Verification Division intends to have a new plan to address providing additional training for SAVE users in place by September 30, 2017. Implementing this recommendation will also require system enhancements, which will be completed by the end of March 2018. ECO: March 31, 2018.

Recommendation 3:

Provide notifications to user agencies when a case is ready for the user agency to review.

Response: Concur.

The Verification Division will make system enhancements and updates to policy and training materials. The Verification Division has already begun work in these areas and anticipates having a plan in place by September 2017, with full implementation by March 2018. ECD: March 30, 2018.

Recommendation 4:

Develop and implement a more effective method for ensuring that individuals are aware of how they can access and correct their immigration records, such as by updating and improving the Fact Sheet for Benefit Applicants.

Response: Concur.

The Verification Division will update relevant materials regarding how individuals may access and correct their immigration records. ECD: June 30, 2017.

Recommendation 5:

Develop and implement a documented, risk-based approach to monitoring and compliance, including (1) a risk-based approach to selecting behaviors to monitor; (2) standards for what triggers compliance actions for the selected behaviors; and (3) a risk-based process for how USCIS will prioritize and select agencies for compliance actions.

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Response: Concur.

The Verification Division will identify, document, and implement ways to incorporate a risk-based approach to its monitoring and compliance for all risk-based measures. This will include incorporating DHS-related policy and guidance, as well as regulations and standards from the Fair Information Practice Principles, Standards for Internal Controls, and the General Auditing Standards. ECD: June 30, 2018.

Recommendation 6:

Develop and communicate a process for user agencies to update contact information.

Response: Concur.

The Verification Division will make the appropriate system enhancements that will allow user agencies to update contact information. ECD: June 30, 2018.

Recommendation 7:

Ensure that user agencies participate in compliance reviews when selected, in accordance with SAVE MOA provisions and USCIS policy.

Response: Concur.

The Verification Division will review current procedures and implement appropriate changes. It is important to note, however, that a balanced approach is necessary whenever considering appropriate compliance enforcement measures for an MOA. Benefit granting agencies have broad authority to require OHS to provide them with current immigration status information. This authority must in turn be balanced against DHS's responsibilities to administer the SAVE program in such a way as to protect privacy and ensure the information it provides is used in an appropriate manner. Additionally, OHS must be mindful that moving too aggressively against an agency for noncompliance with SAVE policy, for example by revoking access to the program, could have an undesired adverse impact on both the benefit applicants who depend on a timely and accurate adjudication of their application as well as the integrity of the benefit program the customer agency administers. ECD: September 30, 2017.

Recommendation 8:

Identify the root causes of why agencies are not compliant with SAVE MOA provisions and program policies and tailor agency recommendations to those identified causes.

Response: Concur.

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Recommendation 9:

Develop and implement a process for ensuring user agencies implement corrective actions such as through a system of escalating compliance assistance actions and follow-up.

Response: Concur.

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