

A student has to be a citizen or eligible noncitizen to receive FSA. In this chapter we describe how the student's FAFSA information is matched with citizenship records. We also describe immigration documents that you may have to collect to make sure that the student meets this requirement.

ELIGIBLE CATEGORIES

A student must be a citizen or eligible noncitizen to receive aid from the FSA programs. The general requirement for eligible noncitizens is that they be in the U.S. for other than a temporary purpose with the intention of becoming a citizen or lawful permanent resident, as evidenced by the United States Citizenship and Immigration Services (USCIS) in the Department of Homeland Security (DHS). The USCIS was briefly known as the Bureau of Citizenship and Immigration Services or BCIS, and before that it was the Immigration and Naturalization Service or INS. We use DHS throughout this chapter, and we also refer to USCIS since it is the actual agency that handles immigration matters and whose field offices you and your students might have to contact. The eligible statuses are:

- A U.S. citizen or national;
- A U.S. permanent resident;
- Citizens of the Freely Associated States: the Federated States of Micronesia and the Republics of Palau and the Marshall Islands;
- Other eligible noncitizens.

The Department of Education performs matches against the application to verify the student's citizenship status. In addition, there are procedures that you must follow to confirm a noncitizen's status through the DHS and SSA if the CPS matches don't confirm that status. A student's citizenship status only needs to be checked once during the award year; if the status is eligible at that time, it remains so for the rest of the award year.

Students who are eligible because they are citizens of certain Pacific Islands can only receive aid from some of the FSA programs (see "Citizens of the Freely Associated States" on p. 34). Students in the other categories may receive any federal student aid an eligible

Citizenship issues

- U.S. citizens matched with Social Security Administration (SSA) database
- U.S. permanent residents matched against DHS records
- If the match fails after primary verification and automated secondary confirmation, the school must collect documentation and conduct manual secondary confirmation

Citizenship

HEA Sec. 484(a)(5),
34 CFR 668.32(d),
34 CFR 668.33,
and Subpart I of Part 668.

Documenting citizenship

34 CFR 668.33(c)

Data doesn't match example

Allen put in an incorrect number for his SSN when he completed his FAFSA. The number he used isn't in the SSA database. Therefore, his application fails both the SSN match and the SSA citizenship match. Allen will need to fix the problem before he can receive aid. Because the SSN is incorrect, Sarven Technical Institute asks Allen to complete a new FAFSA instead of making a correction (see Chapter 4 for more on fixing SSN problems).

school in the United States offers. If they're attending foreign schools that participate in the FFEL Program, they may receive Stafford loans.

If a parent wants to take out a PLUS loan for a dependent undergraduate student, both the parent and the student must be U.S. citizens or nationals or eligible noncitizens.

U.S. CITIZEN OR NATIONAL

A person is a United States citizen by birth or by naturalization. Persons (except for the children of foreign diplomatic staff) who are born in the 50 states, the District of Columbia, and, in most cases, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands are U.S. citizens, as are most persons born abroad to parents (or a parent) who are citizens. All U.S. citizens are considered to be U.S. nationals, but not all nationals are citizens: natives of American Samoa and Swain's Island are not U.S. citizens but are nationals and therefore may receive FSA funds.

Citizenship match with Social Security Administration (SSA)

All applications are automatically matched with Social Security records to verify name, date of birth, U.S. citizenship status, the social security number, and possible date of death (see Chapter 4). The result of this match is reported under SSA of the match flags on the ISIR and "SSA Citizenship Code" on the SAR.

If the student leaves the citizenship question on the FAFSA blank, the CPS will still attempt the citizenship match with the SSA. If there is a complete match with the student's Social Security number, name, date of birth, and U.S. citizenship, the CPS will determine the student to be a citizen. The CPS will reject the application for insufficient information if one or more of the items are not provided.

Note that U.S. citizens born abroad might fail the citizenship check with the SSA, unless they have updated their citizenship information (see "Updating status for citizens born abroad," page 20).

▼ *Successful match.* The SAR and ISIR won't have a comment if the match is successful, but a match flag will indicate that the student's status was confirmed.

▼ *Data doesn't match.* If the student's SSN, name, or date of birth, doesn't match Social Security records, the citizenship status can't be confirmed. A comment to this effect will be printed on the output document. The student should make the necessary corrections to the SSN, name, or date of birth (see Chapter 4 for a discussion of SSN match problems). When the corrections are sent to the CPS, the CPS performs the match again, and you must check the new results to see if the match confirmed the student's citizenship status.

If you have resolved the student's SSN problem but the match still doesn't confirm her citizenship, she can instead provide documentation of citizenship (see "Other documentation," page 19).

▼ *Citizenship not confirmed.* If the Social Security match doesn't confirm that the student is a citizen, the SAR and ISIR will include a comment explaining that the student either needs to provide documents proving citizenship or make a correction to show that she is an eligible noncitizen.

If the student is a citizen, he must give you documentation of his citizenship status. If it verifies that he is a citizen, you can disburse aid to him. Unlike the case of eligible noncitizens, you don't submit the documents to the DHS or any other agency for verification, but you do need to keep a copy in the student's file. The student should also contact the Social Security Administration to have it update its database—something all naturalized citizens should do—but he doesn't have to do this to receive aid. See “Other documentation” below.

If the student is an eligible noncitizen, she must submit a correction, which must include the Alien Registration Number or A-Number. When the correction is sent in, the CPS will attempt a match with DHS records to confirm the student's status.

Other documentation

If a student must prove his status as a citizen or national, you decide what documents are acceptable. The Department doesn't specify them, but here are documents you might choose to use:

- A copy of the student's birth certificate showing that she was born in the United States, which includes Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island, or the Northern Mariana Islands, unless the person was born to foreign diplomats residing in the U.S.
- A U.S. passport, current or expired, except limited passports (which are typically issued for short periods such as a year and which don't receive as much scrutiny as a regular passport when applying). In the case of nationals who are not citizens, the passport will be stamped “Noncitizen National.”
- A copy of Form FS-240 (Consular Report of Birth Abroad), FS-545 (Certificate of birth issued by a foreign service post), or DS-1350 (Certification of Report of Birth). These are State Department documents.
- A Certificate of Citizenship (N-560 or N-561), issued by USCIS to individuals who derive U.S. citizenship through a parent.
- A Certificate of Naturalization (N-550 or N-570), issued by USCIS through a federal or state court, or through administrative naturalization after December 1990 to those who are individually naturalized.

Example: citizenship not confirmed

Chavo is a U.S. citizen, but SSA doesn't confirm his citizenship status. Sarven Technical Institute asks him to submit documentation of his status. Chavo first submits a Social Security card, but Sarven explains that the card doesn't document his status because noncitizens can have Social Security cards. Chavo then brings in his U.S. passport. Sarven makes a copy of the passport for its files, and tells Chavo his citizenship has been documented. Sarven also advises Chavo to have the SSA correct its database, so that he won't have this problem again.

Social Security card and driver's license

A Social Security card or driver's license isn't acceptable for documenting citizenship or national status, since noncitizens and nonnationals can also have these forms of identification.

Older versions of the Certificate of Citizenship and of the Certificate of Naturalization instruct the holder not to photocopy them. The USCIS has advised the Department that these documents (and others) may be photocopied if done for lawful purposes (such as documenting eligibility for FSA funds).

Updating status for citizens born abroad

Students born abroad to U.S. citizens are also U.S. citizens, and their status is usually noted in the SSA's database when they receive an SSN. But rarely, a student's citizenship might not be correct, and such a student (for example, one born on a military base abroad) will fail the citizenship match even if he has a Social Security number. He can contact the SSA to have its database corrected.

Such students can document citizenship by providing a "Consular Report of Birth Abroad" (Form FS-240, which is *proof* of U.S. citizenship) or a "Certification of Report of Birth" (Form DS-1350, which is *evidence* of U.S. citizenship and equivalent to a birth certificate). If the birth of the student was registered with the American consulate or embassy in a foreign country before he turned 18, he can receive a copy of one of these by sending a written, notarized request to the State Department at

Passport Services
Vital Records Section
1111 19th Street, NW, Suite 510
Washington, DC 20522-1705
(202) 955-0307

The student should provide his name given at birth, the date and location of birth, the parents' names, available passport information, a return address, and a daytime phone number. The signature and a copy of valid photo identification of the requester must be included. For form FS-240 the student also has to include the original form (to exchange it) or a signed, notarized affidavit that the original was destroyed or lost. The FS-240 is \$30, and the DS-1350 is \$30 plus \$20 for each additional copy. This should be sent as a check or money order (no cash or foreign checks) payable to The Department of State. It will take four to eight weeks to receive the form.

If the student is over 18 and the birth wasn't registered, she can file a self-petition for a "Certificate of Citizenship" to any local USCIS office (Form N-600). Proof of the parents' U.S. citizenship at the time of the student's birth must be provided.

U.S. PERMANENT RESIDENTS AND OTHER ELIGIBLE NONCITIZENS

A lawful permanent resident (LPR) is a noncitizen who is legally permitted to live and work in the United States permanently. Other eligible noncitizens:

- **Refugees** are given indefinite employment authorization. Their status continues unless revoked by DHS or until lawful

permanent resident status is granted, which refugees may apply for after one year.

- **Persons granted asylum** in the United States are also authorized for indefinite employment, and they can apply for permanent residence after one year. Asylee status continues unless revoked by DHS or until permanent resident status is granted.
- **Conditional entrants** are refugees who entered the United States under the seventh preference category of P.L. 89-236 or whose status was adjusted to lawful permanent resident alien under that category. Note that the DHS stopped using this category on March 31, 1980.
- **Persons paroled into the U.S. for at least one year** must provide evidence (such as having filed a valid permanent resident application) from the DHS that they are in the U.S. for other than a temporary purpose and intend to become a citizen or permanent resident.
- **Cuban-Haitian entrants.**

Some **non-eligible statuses** are:

- **Family unity status.** Such individuals have been granted relief from deportation under the Family Unity Program. Previously they were eligible for FSA funds.
- **Temporary residents** are allowed to live and work in the U.S. under the Legalization or Special Agricultural Worker program. Previously they were eligible for FSA funds.
- **Persons with non-immigrant visas**, who include those with work visas, students, visitors, and foreign government officials.

MATCH WITH DHS RECORDS

To verify the immigration status of U.S. permanent residents and other eligible noncitizens, the Department collects A-Numbers on the FAFSA. (The DHS assigns A-Numbers to all legal immigrants.) If the applicant indicates on the FAFSA that he is an eligible noncitizen and provides an A-Number, identifying information from the FAFSA is automatically sent to the DHS for “Primary Verification.”

The results of the match are shown by a match flag in the FAA information section of the output document, under the heading “DHS” on the ISIR or “DHS Match Flag” on the SAR. There will also be a comment about the results on the output document.

Because all applications are matched with SSA records, an application that is matched with DHS records will also be matched with citizenship information from the SSA. Results from the DHS match take precedence over any results from the SSA match, so the latter’s

The A-Number on the FAFSA and the DHS verification number

When the CPS matches with DHS records, a 15-digit verification number is assigned to the student and printed in the “FAA Information” section of the SAR and ISIR. This number is needed for paper secondary confirmation with the DHS (see “Secondary Confirmation”) and is reported in box 6 of the G-845S form. **If the student does not provide an A-Number on the FAFSA, the match can’t be made and the student won’t receive a DHS verification number.** The student’s information should be resubmitted with the A-Number so that a computer match may be attempted because the school won’t be able to check the student’s status through the secondary process unless it has a DHS verification number.

citizenship match flags won’t appear on the output document. You should follow the usual procedures for resolving any DHS match discrepancies.

If a student leaves the citizenship question blank but provides an A-Number, the CPS will assume the applicant is an eligible noncitizen and will attempt to match the A-Number with DHS records. If the student leaves both the citizenship question and A-Number blank, the CPS won’t match with DHS records and will reject the application. The student must submit a correction with the citizenship status and A-Number if he is an eligible noncitizen.

▼ *Successful match.* If the match confirms the student’s immigration status, then he can receive aid if the other eligibility criteria are also met. The SAR and ISIR with the successful match results are documentation of the student’s eligibility. Of course, if you have other information about his status that seems to contradict the successful match result, you must resolve the conflict before paying the student (see “Conflicting Information” in Chapter 1).

▼ *Not enough information.* If the student said she was an eligible noncitizen but provided either no A-Number or an illegible or invalid one, the match won’t be attempted. Instead, the student will receive a C code and a comment stating that there’s a question about the A-Number and directing her to provide the school with documentation of her eligibility. Compare the document with the SAR/ISIR; if appropriate, the student should correct the A-Number and resubmit it so that the match can be conducted.

Note that the same will apply to citizens of the Marshall Islands, the Federated States of Micronesia, and Palau because such students won’t have A-Numbers to report. However, these students aren’t required to provide proof of eligible noncitizen status.

▼ *Status not confirmed.* If the match was conducted but didn’t confirm the student’s status, the discrepancy must be resolved before you pay him. (First make sure that his alien registration number and date of birth are correct.) To confirm he is eligible for FSA funds, his record will have to pass through a subsequent process called secondary confirmation.

AUTOMATED SECONDARY CONFIRMATION

If the database match with immigration records doesn’t confirm a student’s claim to be an eligible noncitizen, the DHS will automatically check if it has documentation that determines the student’s citizenship. If this automated process confirms a student’s eligible noncitizen status, the process obviates the manual or paper secondary confirmation that uses the G-845S form.

The CPS will wait for up to three days to give the DHS time to conduct the automated secondary confirmation. If after three days the DHS has not been able to confirm the student’s citizenship

status, the CPS will process SARs and ISIRs with a secondary confirmation match flag value of “P,” meaning that the procedure is still in progress. Once the DHS finishes the confirmation, the CPS will generate SARs and ISIRs reporting the results.

The school should wait at least five but no more than 15 business days for the result of automated secondary confirmation. If the result has not been received by that time, the school must begin the paper process.

A correction made while the DHS is conducting the automated secondary confirmation will start the process over, i.e., the correction will be sent through primary confirmation. Though unlikely, if the new primary confirmation match yields a “Y,” the transaction can be used to award aid. A correction made to a transaction that contains secondary confirmation results of “Y” or “C” (or a transaction with a primary confirmation result of “Y”) will not be sent through the DHS citizenship match again. Otherwise the record will be re-sent for matching.

PAPER SECONDARY CONFIRMATION

If the student didn’t pass automated secondary confirmation or if you have conflicting information about his immigration status, you must use paper secondary confirmation. The student has to give you unexpired documentation showing that he is an eligible noncitizen. If you determine the evidence is not convincing, he isn’t eligible for FSA funds. However, if the documentation appears to demonstrate that he is an eligible noncitizen, you must submit it to the USCIS (in the DHS) to confirm it is valid.

Documents that establish aid eligibility

The standard document for a **permanent resident** of the United States is the Permanent Resident Card (Form I-551 since 1997) or Resident Alien Card (Form I-551 before 1997). Both forms are referred to colloquially as “green cards,” though they are not green. Permanent residents holding the older Alien Registration Receipt Card (Form I-151, issued prior to June 1978) should have replaced it with a newer card, but for receiving FSA funds it remains acceptable as evidence of permanent residence.

Permanent residents may also present an Arrival/Departure Record (CBP Form I-94) or the new Departure Record (Form I-94A, which is used at land border ports of entry) with the endorsement “Processed for I-551. Temporary Evidence of Lawful Admission for Permanent Residence. Valid until _____. Employment Authorized.” The form will have an A-Number annotated on it and is acceptable if the expiration date has not passed.

The U.S. Customs and Border Protection (CBP) now issues a machine readable immigrant visa (MRIV) in the holder’s passport. The MRIV will have an admission stamp, and the statement “UPON ENDORSEMENT SERVES AS TEMPORARY I-551 EVIDENCING

Automated secondary confirmation comment codes

“Y”: citizenship status confirmed. The student is eligible for aid.

“C”: in continuance. The DHS has not yet been able to confirm that the student is an eligible noncitizen. The school is encouraged but not required to wait ten business days for another ISIR with an updated match result. If there is no update, the school begins the paper (G-845S) secondary confirmation process.

“N”: citizenship not confirmed. The DHS did not confirm the student’s citizenship status as eligible. The school should begin paper secondary confirmation.

“X”: DHS needs more information. The school should begin paper secondary confirmation.

School policies on secondary confirmation

34 CFR 668.134

Status not confirmed example

On his original application Hector didn't give his A-Number and reported that he was a citizen. When the SSA didn't confirm this, Hector told the FAA at Guerrero University that he was a permanent resident. He made a correction, but the USCIS didn't confirm his status as an eligible noncitizen. He explained to the FAA that he had applied for permanent resident status but didn't have documentation yet. The FAA told him that when he had documentation that his application was approved, he should bring it to Guerrero so that it could be submitted to the USCIS for confirmation.

Conditions requiring secondary confirmation

34 CFR 668.133(a)

Use of copy of I-94 or I-94A

Note that a refugee or an asylee may apply for permanent-resident status. During the period in which the application is being reviewed, the student may have a copy of the I-94 that includes the endorsement "209a (or 209b) pending. Employment Authorized." Students with this form of documentation are eligible for FSA funds as long as the I-94 has not expired.

Documentation for Cuban-Haitian entrants

The I-94 for some Cuban-Haitian entrants who are applying for permanent residence may be stamped "applicant for permanent residence." (Or the student may instead be given a separate document acknowledging the receipt of his or her application for permanent residence.) Because the application for permanent residence is not sufficient to make a student eligible for FSA funds, a student who is a Cuban-Haitian entrant must request documentation of that status from the USCIS.

PERMANENT RESIDENCE FOR 1 YEAR" will appear directly above the machine readable section. An MRIV with this statement, contained in an unexpired foreign passport and endorsed with the admission stamp, constitutes a temporary I-551, valid for one year from the date of endorsement on the stamp.

The USCIS now issues the United States Travel Document (mint green cover), which replaces the Reentry Permit (Form I-327) and the Refugee Travel Document (Form I-571). It is used by lawful permanent residents (as well as refugees and asylees) and is annotated with "Permit to Reenter Form I-327 (Rev. 9-2-03)."

For classes of eligible noncitizens other than permanent residents, evidence of their status typically is on the I-94, but other documents will also serve.

- **Refugees** may have a Form I-94 or I-94A annotated with a stamp showing admission under Section 207 of the Immigration Nationality Act (INA). They may also have the old Refugee Travel Document (Form I-571) or the new U.S. Travel Document mentioned above annotated with "Refugee Travel Document Form I-571 (Rev. 9-2-03)."
- **Asylees** will have an I-94 or I-94A with a stamp showing admission under Section 208 of the INA. They may also have the same travel documents described under refugees above.
- **Conditional entrants** will have a stamp indicating the student has been admitted to the United States as a conditional entrant. Because the DHS stopped using this category after March 31, 1980, you should not disburse FSA funds if the student has an I-94 with conditional entrant status granted after that date.
- **Parolees** must have a stamp indicating that the student has been paroled into the United States for at least one year, with a date that has not expired. (Federal student aid cannot be disbursed after the document has expired.)
- **Cuban-Haitian entrants** will have a stamp across the face of the I-94 indicating that the student has been classified as a "Cuban-Haitian Entrant (Status Pending). Reviewable January 15, 1981. Employment authorized until January 15, 1981." Note that a document showing that the holder is a Cuban-Haitian entrant is valid even if the expiration date has passed.

As of January 2005, the above stamps use red and blue security ink: the date of admission is red, and the rest of the stamp is blue. The stamp contains three codes: the first is a two-digit code to the left of the date that designates the field office with jurisdiction over the port of entry. On most stamps this code will be two numbers and no letters. Letters are currently only used on HQ stamps. The three-letter code located under the word "ADMITTED" shows the port of entry. The third code, to the right of the date, is the stamp's unique

four-digit number. When referring to a particular stamp, the port of entry code and the stamp's unique number should be used.

You must always examine and copy original documents, and you must keep in the student's file a copy of the immigration documentation he submits, along with the secondary confirmation results received from the USCIS. While copying immigration documents is generally not permitted, you may legally photocopy documents he uses as proof of his immigration status (such as Forms I-551 or I-94) for a lawful purpose such as applying for Federal Student Aid.

The endorsement or stamp can be placed anywhere on the I-94. If the original stamp does not copy well due to the ink color, you should replicate it by hand on the photocopy. Because DHS Customs and Border Protection (CBP) offices don't have uniform procedures or stamps, you should contact the local office with questions regarding acceptable immigration documents.

Special circumstances

If the student has an I-551 with a baby picture, she should update the I-551 with the USCIS. Permanent residents are expected to get a new picture and be fingerprinted at the age of 14. However, you can submit the documents to USCIS and ultimately pay a student who has an I-551 with a baby picture as long as you can confirm that the I-551 belongs to the student. You can confirm this by comparing the I-551 to a current photo ID that has the student's name, date of birth, and signature. The current photo ID must also be consistent with any identifying information that you keep in the student's file.

A student who has an approved application for permanent residence on file with the USCIS and who is waiting for a permanent resident card may not have proof of her permanent resident status. She should contact her local USCIS office for the passport stamp or I-94 stamp described at the end of this chapter, as these are available to a student before the normal permanent resident documentation is issued. Note that an **application** for permanent resident status is not sufficient for determining eligibility for FSA funds.

The Marriage Fraud Amendments established a two-year conditional permanent resident status for certain alien spouses and their children. The alien spouse of a U.S. citizen or legal immigrant is given conditional permanent resident status if the marriage took place less than two years before the spouse applied for permanent resident status or citizenship. This status may also apply to any of the spouse's children who are aliens.

An alien who is granted conditional permanent resident status will be given a Form I-551. This is the same I-551 that is issued to regular permanent residents, except that the card for a conditional permanent resident expires in two years, as opposed to ten years for the regular card. A conditional permanent resident must file a petition for removal of this restriction in the 90 days before the end of the two

Jay Treaty

There is one unusual circumstance where you will need to collect documentation from the student without requiring secondary confirmation. The Jay Treaty of 1794 (as well as subsequent treaties and U.S. immigration law) gives Canadian-born Native Americans with "50% Indian blood" the legal right to live and work in the United States. Such individuals are not subject to the legal restrictions typically imposed on aliens by the DHS, are not required to obtain documentation from the DHS, and are considered "lawfully admitted for permanent residence." They also are permitted to have an SSN, which they must enter on the FAFSA.

Because few FSA applicants are eligible under the Jay Treaty, the FAFSA does not include a separate response for such students. Therefore, any student eligible for FSA funds through the Jay Treaty should report that he or she is an "eligible noncitizen" and fill in "A999999999" for the A-Number. The student will fail the match and a comment 144 will be printed on the output document. The school must obtain proof that the student has 50% Native American blood and was born in Canada. To do so, the student should provide one or more of the following documents:

- A "band card" issued by the Band Council of a Canadian Reserve, or by the Department of Indian Affairs in Ottawa;
- Birth or baptism records;
- An affidavit from a tribal official or other person knowledgeable about the applicant's or recipient's family history;
- Identification from a recognized Native American provincial or territorial organization.

If the student can provide one of the above forms of documentation, and is otherwise eligible, the school must document the file and can award FSA funds.

years. The USCIS will review the petition and, if the result of the review is satisfactory, drop the restriction and issue new documents. Conditional permanent residents holding a valid I-551 are eligible to receive FSA funds until the expiration date.

If a person is applying to suspend deportation, she must request a hearing before an immigration law judge who will render an oral or written decision. If the decision is favorable, the USCIS will give the applicant a Form I-551, which will certify her lawful permanent resident status. Therefore, there is no special category for persons who have been granted suspensions of deportation.

Documents showing ineligible statuses

If the document a student submits is for a noneligible status, you shouldn't submit the documentation for secondary confirmation. The USCIS can only confirm whether or not the documentation is genuine; it doesn't determine whether the student is eligible for FSA funds. Unless the student can submit documentation for an eligible status, as described above, the student can't receive aid.

An approved Form I-797, "Application for Voluntary Departure Under the Family Unity Program," indicates that the student has been granted relief from deportation under the Family Unity Program. Students with this status are no longer eligible for aid.

The Immigration Reform and Control Act of 1986 (IRCA) established a legalization program (also called the amnesty program) for certain illegal aliens. The alien might eventually be granted permanent resident status. Although these individuals were given documentation that allowed them to work while their application was being processed, they aren't eligible for aid until their application for permanent resident status is approved. Documents such an individual might have in the interim are the Employment Authorization Card (Form I-688A), Employment Authorization Documents (Form I-688B or the I-766), or the Temporary Resident Card (Form I-688). None of these documents qualifies the student for FSA eligibility.

A student with a nonimmigrant visa isn't eligible for FSA funds unless he or she has a Form I-94 with one of the endorsements listed earlier. Nonimmigrant visas include the F-1, F-2 or M-1 Student Visa, B-1 or B-2 Visitor Visa, J-1 or J-2 Exchange Visitors Visa, H series or L series Visa (which allow temporary employment in the U.S.), or a G series Visa (pertaining to international organizations). Also, someone who has only a "Notice of Approval to Apply for Permanent Residence (I-171 or I-464)" cannot receive FSA funds.

Some students may present Forms I-94 stamped "Temporary Protected Status." This status is used for persons who are from countries that are in upheaval, but the status differs significantly from "Refugee" or "Asylee" because it provides no conversion to permanent resident status. A student with this status is **not** eligible for FSA funds.

Using the G-845S for secondary confirmation

To initiate paper secondary confirmation, you must complete a Form G-845S and send it to the USCIS field office for your area within ten business days of receiving the student's documentation. The G-845S ("Document Verification Request") is a standard form that asks the USCIS to confirm the noncitizen's immigration status.

To complete the G-845S, fill in each item on the top half of the form. You must enter the A-Number in box 1. **For box 6 you must provide the 15-digit DHS verification number that is printed on the SAR and ISIR. Secondary confirmation requests without this number will be returned unprocessed.** "Education Grant/Loans/Work Study" must be marked in box 8, "Benefits." You must state your name as the submitting official and your school's name as the submitting agency.

Photocopies of the front and back sides of the student's immigration document must be attached to the G-845S. Be sure to submit each pertinent visa and immigration document along with the form; the G-845S submitted by itself can't be used to determine FSA eligibility. A student who lost documents or surrendered them when entering prison is responsible for getting copies of them before the G-845S is submitted. (See "Replacing Lost DHS Documents" on p. 35.) You can request copies of immigration documents directly from penal institutions at the request of the student. Send the completed G-845S and attachments to the field office serving the prison's locale.

Noncitizens may also present other pertinent documents, such as marriage records or court orders, that indicate the identity or United States residency of the holder. Although these documents may not serve as adequate proof of immigration status, copies of them should be submitted with the G-845S, as they may be useful to the status verifier.

A status verifier at the district USCIS office will search the student's record to confirm his immigration status, complete the "USCIS Response" section, and send the G-845S back to your office, generally within ten working days of receipt. We recommend that you document any mailings to the USCIS and, if you haven't heard back, that you call its office to make sure the G-845S was received. If you don't receive a response from the USCIS after at least 15 working days (ten working days plus five days' mail time) from the date you sent the G-845S, review the file and use your best judgment to determine whether the student meets the eligible noncitizen requirements based on the documentation the student provided and the information in this chapter. If you believe that the student meets the requirements, make any disbursement for which he is otherwise eligible; however, you must note in the student's file that USCIS exceeded the time allotment and that noncitizen eligibility was determined without their verification.

When secondary confirmation results in an eligible status, you must keep the G-845S. If the confirmation process indicates a discrepancy, you must ask the student to correct the discrepancy with

Contacting the USCIS/DHS

Send the G-845S to the USCIS field office that serves your area. This will be either a district office or a sub office. You can get the address by calling the USCIS at 1-800-375-5283 or by visiting their website at www.uscis.gov and looking under field offices.

**School policies and procedures
on secondary confirmation**

34 CFR 668.134–135

**Determining eligibility if USCIS re-
sponse is late**

34 CFR 668.136(b)

the USCIS. No certification of loans or further disbursement of funds can be made until the discrepancy is corrected. If the discrepancy isn't reconciled, the student must repay all aid except wages earned under FWS. Whenever the student is able to provide new information, it must be submitted to the USCIS on a new G-845S.

As long as you have followed the procedures outlined here, including notifying the student of the discrepancy and withholding further payments and loan certifications as soon as a discrepancy is found, your school isn't liable for aid disbursed prior to secondary confirmation. (This, of course, assumes that you had no other conflicting information prior to making the disbursement and had reviewed the available documentation and concluded that the student was otherwise eligible.)

Interpreting the USCIS response

The status verifier will mark one or more of the checkboxes on the G-845S. The following list explains whether checking a box means the student is eligible. In reviewing the completed G-845S, bear in mind that it reflects the student's most recent status with the USCIS and may show a different status than the documentation presented by the student. In this case, you should verify that both documents identify the same person. If they do, the status on the G-845S should be used since it is more current.

1. "This document appears valid and relates to a **Lawful Permanent Resident alien** of the United States." Block #1 is checked when the document submitted is determined to be a valid I-551, I-151, I-94, I-94A, U.S. Travel Document annotated with "Permit to Reenter Form I-327 (Rev. 9-2-03)," or a passport with an MRIV bearing the statement: "Upon endorsement serves as temporary I-551 evidencing permanent residence for 1 year." A student with this status is eligible for FSA.
2. "This document appears valid and relates to a **Conditional Resident alien** of the United States." The document is determined to be a valid I-551, I-94, I-94A, or a passport with an MRIV bearing the statement "Upon endorsement serves as temporary I-551 evidencing permanent residence for 1 year." A student with this status is eligible for FSA.
3. "This document appears valid and relates to an alien **authorized employment** as indicated below:" This indicates whether the authorization covers full-time or part-time employment and when, if applicable, the period of employment will expire ("indefinite" will be indicated if there is no expiration date). Employment authorization by itself doesn't mean that the student is eligible for FSA funds. Unless some other eligible status is also checked or the student can provide other documentation that can be confirmed by the USCIS, the student isn't eligible for FSA.

4. “This document appears valid and relates to an alien who has an application pending for:” This is checked when an alien is waiting for a new immigration status or a change of immigration status. If a change of status is pending, the appropriate block indicating the current status will also be checked elsewhere on the G-845S. A pending application for an immigration status doesn’t (by itself) make the student eligible for FSA funds. To be eligible, the student must have an eligible status checked on the form, or provide other documentation of an eligible status.
5. “This document relates to an alien having been **granted asylum/refugee** status in the United States.” This is checked when an alien has been granted asylum or refuge in the United States. Documentation presented may include a Form I-94 or I-94A stamped with “Section 207-Refugee” or “Section 208-Asylee,” a Refugee Travel Document (Form I-571), or the new U.S. Travel Document annotated with “Refugee Travel Document Form I-571 (Rev. 9-2-03).” A student with this status is eligible for aid.
6. “This document appears valid and relates to an alien **paroled** into the United States pursuant to Section 212 of the I&N Act.” This is checked for parolees, of which there are a few eligible classes. Documentation may include Form I-94 or I-94A stamped with “Section 212(d)(5)—Parolee.” The student is eligible for aid if paroled into the U.S. for at least one year and if he has evidence from the DHS (such as having filed a valid permanent resident application) that he is in the U.S. for other than a temporary purpose and intends to become a citizen or permanent resident.
7. “This document appears valid and relates to an alien who is a **Cuban/Haitian entrant**.” This is checked for Cubans who entered the United States illegally between April 15, 1980 and October 10, 1980 and Haitians who entered the country illegally before January 1, 1981. A student with this status is eligible for FSA aid.
8. “This document appears valid and relates to an alien who is a **conditional entrant**.” This is checked for conditional entrants under the old provisions of P.L. 89-236. Documents may include Form I-94 stamped with “Section 203(a)(7).” Noncitizens who fall into this category had to have entered the United States prior to the enactment of the Refugee Act of 1980. A student with this status is eligible for aid.
9. “This document appears valid and relates to an alien who is a **nonimmigrant**.” This is checked to indicate an alien who is temporarily in the United States for a specific purpose. This category includes students, visitors, and foreign government officials. Documents presented may include the I-94 or I-94A. Students with this status aren’t eligible for aid.

10. “This document appears valid and relates to an alien **not authorized employment** in the United States.” This block is checked when an alien’s status prohibits employment in the United States. Students with this status aren’t eligible for aid.
11. “Continue to process as legal alien. INS is searching indices for further information.” This block is checked if the USCIS is withholding judgment, pending further investigation on the status or validity of documentation. This statement doesn’t imply that the applicant is an illegal alien or the holder of fraudulent documentation. Benefits shouldn’t be denied on the basis of this statement.

The student’s documentation should be accepted at face value until the USCIS sends final notification regarding immigration status. If the student appears to be an eligible noncitizen based upon your review of the documents, you may pay the student any FSA funds for which she is eligible. If the USCIS later notifies you that the student’s documentation isn’t valid, you must cancel further disbursements, but your school isn’t liable for the payments already made—the student is.

12. “This document is **not valid** because it appears to be:” This is checked when the document has expired or when it appears to be counterfeit or altered (there are checkboxes to indicate which of these applies). Notify the student that unless corrective action is taken with the USCIS, the case will be submitted to the Office of Inspector General (OIG). Until this discrepancy is resolved, no further aid may be disbursed, awarded, or certified. If the student does not take corrective action in a timely manner, you must report the case to the OIG. Note, however, that students whose LPR card has expired are still lawful permanent residents, and if there are no other problems, they should not be reported to the OIG, but they should update their card.

Citizenship and Immigration Services will initial and stamp the front of the G-845S in the signature block.

The comments block on the back of the G-845S provides further instructions. The intended meaning of each of the following blocks that may be checked follows:

13. “No determination can be made from the information submitted. Please obtain a copy of the **original** alien registration documentation and resubmit.” This is normally checked when you haven’t provided copies of any of the USCIS documents. You should resubmit the G-845S with copies of the original alien documentation.

Section A-To be completed by the submitting agency.

To: U.S. Citizenship and Immigration Services (USCIS)

6. Verification Number

7. Photocopy of Document Attached.
(If printed on both sides, attach a copy of the front and ___ back.)

Other Information Attached (Specify documents).

From: Typed or Stamped Name and Address of Submitting Agency

8. (Benefit)	(Your Case Number)
AFDC	
Education Grant/Loans/Workstudy	
Food Stamp	
Housing Assistance	
Medicaid/Medical Assistance	
Unemployment Insurance	
Employment Authorization	
Other (specify)	

Attn: Status Verifier

(USCIS may use above address with a No. 20 window envelope)

1. Alien Registration Number or Form I-94 Number

9. Name of Submitting Official

2. Applicant's Name (Last, First, Middle)

10. Title of Submitting Official

3. Nationality

11. Date

4. Date of Birth (mm/dd/yyyy)

12. Telephone Number
()

5. U.S. Social Security Number

Section B-To be completed by USCIS

USCIS RESPONSE: From the documents or information submitted and/or a review of our records we find that:

- | | |
|---|--|
| <p>1. This document appears valid and relates to a Lawful Permanent Resident alien of the United States.</p> <p>2. This document appears valid and relates to a Conditional Resident alien of the United States.</p> <p>3. This document appears valid and relates to an alien authorized employment as indicated below:</p> <ul style="list-style-type: none"> a. Full-Time b. Part-Time c. No Expiration (Indefinite) d. Expires on:
(Specify mm/dd/yyyy below) <p>4. This document appears valid and relates to an alien who has an application pending for:
(Specify USCIS below)</p> <p>5. This document relates to an alien having been granted asylum/refugee status in the United States.</p> <p>6. This document appears valid and relates to an alien paroled into the United States pursuant to Section 212 of the I&N Act.</p> <p>7. This document appears valid and relates to an alien who is a Cuban/Haitian entrant.</p> | <p>8. This document appears valid and relates to an alien who is a conditional entrant.</p> <p>9. This document appears valid and relates to an alien who is a nonimmigrant.
(Specify type or class below)</p> <p>10. This document appears valid and relates to an alien not authorized employment in the United States.</p> <p>11. Continue to process as legal alien. USCIS is searching indices for further information.</p> <p>12. This document is not valid because it appears to be:
(Check all that apply)</p> <ul style="list-style-type: none"> a. Expired b. Altered c. Counterfeit |
|---|--|

USCIS Stamp

Please see reverse for additional comments.

Comments

13. No determination can be made from the information submitted. Please obtain a copy of the original alien registration documentation and resubmit.
14. No determination can be made without seeing **both** sides of the document submitted. (Please resubmit request.)
15. Copy of document is not readable. (Please resubmit request.)

"PRUCOL"

For Purposes of Determining Only If Alien Is Permanently Residing Under Color of Law!

16. USCIS is actively pursuing the removal of an alien in this class/category.
17. USCIS is not actively pursuing the removal of an alien in this class/category at this time.

18. Other.

Instructions

- **Submit copies (*front and back*) of alien's original documentation.**
- **Make certain a *complete return address* has been entered in the "From" portion of the form.**
- The Alien Registration Number ("A" Number) is the letter "A" followed by a series of seven or eight digits. The number found on Form I-94 may also be recorded in this block. (Check the front and back of the Form I-94 document. If the "A" Number appears, record that number when requesting information instead of the longer admission number because the "A" Number refers to the most integral record available.)
- If Form G-845 is submitted without copies of the applicant's original documentation, it will be returned to the submitting agency without any action taken.
- Address this verification request to the local office of the U.S. Citizenship and Immigration Services.

14. “No determination can be made without seeing **both** sides of the document submitted.” Resubmit the G-845S with copies of both sides of each document.
15. “Copy of document is not readable.” Resubmit the G-845S with higher quality copies of the original documentation.

The comments listed under “Permanently Residing Under Color of Law” (PRUCOL) apply to determinations that are no longer made. This section will be removed in the upcoming revision of the G-845S.

Student rights

You must allow the student at least 30 days from the time you receive the output document to provide documentation of his immigration status. During this period and until the results of the secondary confirmation are received, you can’t deny, reduce, or terminate aid to him. If the documentation supports the student’s status as an eligible noncitizen, and if at least 15 business days passed since the date on which the documentation was submitted to the USCIS, you can disburse aid to an otherwise eligible student pending the USCIS response.

Your school isn’t liable if you erroneously conclude that a student is an eligible noncitizen, provided that you had no conflicting data on file and you relied on:

- a SAR or ISIR indicating that the student meets the requirements for federal student aid,
- a USCIS determination of an eligible immigration status in response to a request for secondary confirmation, or
- immigration status documents submitted by the student, if the USCIS did not respond in a timely fashion.

The student (or parent borrower of a PLUS loan) is liable for any FSA funds received if he is ineligible. If you made your decision without having one of these types of documents, your school is held responsible for repaying FSA funds to the Department.

Your school should establish procedures to ensure due process for the student if FSA funds are disbursed but the aid office later determines (using secondary confirmation) that the student isn’t an eligible noncitizen. The student must be notified of his ineligibility and given an opportunity to contest the decision by submitting to your school any additional documents that support his claim to be an eligible noncitizen. If the documents appear to support the student’s claim, you should submit them to USCIS using paper secondary confirmation. You must notify the student of your office’s final decision, based on the secondary confirmation results.

Procedures when ineligibility is determined after disbursement

34 CFR 668.136(c)

Lack of response example

Mikko is a refugee and received aid from Guerrero University for the 2005–06 school year. His status wasn’t confirmed through the DHS match, so Guerrero had to perform secondary confirmation. The DHS didn’t respond in time, so Guerrero paid Mikko without any response. When Mikko applies for 2006–07, the CPS still doesn’t confirm his status. Even though Guerrero began secondary confirmation for Mikko last year and his documents haven’t expired, because the school never received a DHS response, it must perform secondary confirmation again.

Citizens of the Freely Associated States

The Compact of Free Association (P.L. 99-239) created three political entities from the former Trust Territory of the Pacific Islands. Two of these entities, the Marshall Islands and the Federated States of Micronesia, voted in 1986 to end political ties with the United States. The third entity, Palau, voted to ratify the compact in 1994; its independence was effective October 1, 1994. These three entities are the Freely Associated States. 34 CFR 600.2

Losing FSEOG and FWS

The Compact of Free Association Amendments Act of 2003, or the Compact Act, eliminates eligibility for citizens of the Republic of the Marshall Islands and the Federated States of Micronesia for FSEOG and FWS funds. (The citizens of Palau are eligible for these funds under the Higher Education Extension Act.) To mitigate this loss, the Compact Act also authorizes Supplemental Education Grants (SEGs) that can be awarded starting with the 2005 fiscal year. For more information, students should contact their local education authority. Students who are citizens of the above states will continue to be eligible for FWS and FSEOG for up to four academic years after December 17, 2003, provided they were attending an institution of higher education on that date in the United States or its territories, the Federated States of Micronesia, or the Republic of the Marshall Islands. If they were not in such attendance, they are not eligible for FWS and FSEOG.

For every student required to undergo secondary confirmation, you must furnish written instructions providing:

- an explanation of the documentation the student must submit as evidence of eligible noncitizen status (see the “Summary Chart of Acceptable Documentation”);
- your school’s deadline for submitting documentation (which must be at least 30 days from the date your office receives the results of the primary confirmation);
- notification that if the student misses the deadline, he may not receive FSA funds for the award period or period of enrollment; and
- a statement that you won’t decide the student’s eligibility until he has a chance to submit immigration status documents.

CITIZENS OF THE FREELY ASSOCIATED STATES

Students who are citizens of the Freely Associated States (Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia) are eligible for Pell grants, FWS, and FSEOG but are not eligible for FSA loans (see also the margin note); they should indicate on the FAFSA that they are eligible noncitizens and leave the A-Number item blank. If the student doesn’t have an SSN, he enters 888 and ED will give him a number to use, or if he was given a number in the previous year, he should use that. Because he isn’t giving an A-Number, his application won’t go through the DHS match. As long as his file contains consistent information on his citizenship, you aren’t required to collect documentation.

Citizens of the Freely Associated States whose application was sent through FAA Access to CPS Online may indicate that they are eligible noncitizens, and their state of legal residence will be confirmed. If they are determined to be residents of the Freely Associated States, they won’t be required to provide an A-Number.

DOCUMENTING IMMIGRATION STATUS IN LATER AWARD YEARS

There are several cases in which you must document a student’s immigration status in a subsequent award year if that student again is not confirmed through the application process.

For example, a student who presented a Temporary Form I-551 in a prior award year should have received a permanent I-551 by the next year and shouldn’t still have a temporary card. You should refer the student to USCIS to obtain a permanent I-551 or an updated endorsement on the previous card. The documents should also be submitted to USCIS on a G-845S.

You must also document the eligible noncitizen status each award year for a conditional permanent resident, a refugee, a Cuban-Haitian entrant, or a person granted asylum. Students in any of these categories may have been redesignated to permanent-resident status or may have had their statuses revoked. You will have to send the documents for secondary confirmation if the student's status isn't confirmed through the USCIS match.

You don't have to document a student's eligible noncitizen status in subsequent award years if you've documented that the student is a U.S. citizen or national, is a citizen of the Freely Associated States, or has a Form I-551 or I-151.

In addition, you aren't required to perform secondary confirmation if for a previous award year it showed that the student was an eligible noncitizen and the documents used for that secondary confirmation haven't expired. You must also have no conflicting information or reason to doubt the student's claim of having eligible noncitizen status. Also note that you must have **confirmed the status** in a previous award year. (Although you can disburse aid without the USCIS response if the USCIS doesn't respond in time, you can't count that lack of response as confirmation for the following year.)

REPLACING LOST DHS DOCUMENTS

If a student can't locate his official USCIS documentation, the student must request that the documents be replaced because noncitizens who are 18 years and older must have immigration documentation in their possession at all times while in the United States. Requests for replacement documents should be made to the USCIS District Office that issued the original documents.

The student will be asked to complete a Form I-90, "Application to Replace Alien Registration Card" or a Form I-102, "Application for Replacement/Initial Nonimmigrant Arrival-Departure Document." PDF versions of these forms can be downloaded from the USCIS web site at www.uscis.gov. A temporary I-94 may be issued while the replacement documents are pending.

In cases of undue hardship, where the student urgently needs documentation of his status, the Freedom of Information Act (FOIA) allows him to obtain photocopies of the documents from the USCIS District Office that issued the original documents. The student can submit a Form G-639 to make this request or can simply send a letter to the district office. If he is not sure which district office issued the original documents, he can submit the request to the field office nearest to his place of residence.

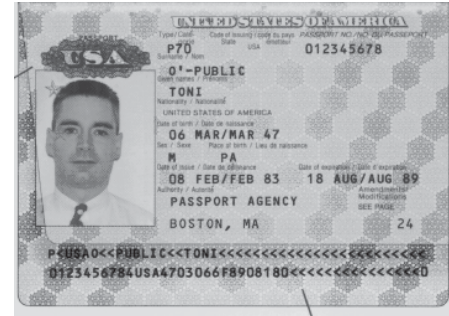
**Exclusion from subsequent
secondary confirmation**
34 CFR 668.133(b)

CITIZEN NOT BORN IN U.S./NONCITIZEN NATIONAL

U.S. Passport

Can be used to document citizenship for citizen born abroad.

For a noncitizen national, must be stamped “Noncitizen National” (Note that a passport issued by another country may be used to document permanent resident status if it has the endorsement “Processed for I-551” and has a currently valid expiration date.)



Certificate of Citizenship

The Certificate of Citizenship is issued to persons who were born abroad of U.S. parent(s), who became citizens when their parents were naturalized, or who were adopted by U.S. parents.

Certification of Birth Abroad

Issued to U.S. citizens born abroad. Must have embossed seal of the State Department.



Certificate of Naturalization

The Certificate of Naturalization is issued to naturalized U.S. citizens.



A revised version of the Certificate of Naturalization is issued to citizens who filed for naturalization after October 1, 1991.



PERMANENT RESIDENT/OTHER ELIGIBLE NONCITIZEN

I-94 Arrival-Departure Record

For permanent resident status, must be stamped “Processed for I-551” with expiration date or “Temporary Form I-551” with appropriate information filled in.

For other eligible noncitizens, must be stamped as Refugee, Asylum Status, Conditional Entrant (before April 1, 1980), Parolee, or Cuban-Haitian Entrant. See pp. 23–25.

Departure Number
742831632 01

U.S. IMMIGRATION
250 WAS 177

Immigration and Naturalization Service
I-94
Departure Record

ADMITTED B-2
UNTIL MARCH 12, 1991 (CLASS)

14. Family Name
DOE

15. First (Given) Name
JOHN

16. Birth Date (Day/Mo/Yr)
01/01/91

17. Country of Citizenship
ENGLAND

See Other Side STAPLE HERE

Warning - A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see “Arrival-Departure” on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

Port: _____

Date: _____

Carrier: _____

Flight #/Ship Name: _____

Departure Record

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

Notes