

Department of Homeland Security **Office of Inspector General**

U.S. Citizenship and Immigration Services Systematic
Alien Verification for Entitlements Program Issues



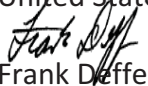


OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 19, 2012

MEMORANDUM FOR: Tammy Meckley
Deputy Associate Director, Enterprise Services Directorate
United States Citizenship and Immigration Services

FROM: 
Frank Deffer
Assistant Inspector General
Information Technology Audits

SUBJECT: *U.S. Citizenship and Immigration Services Systematic Alien
Verification for Entitlements Program Issues*

Attached for your information is our final letter report, *U.S. Citizenship and Immigration Services Systematic Alien Verification for Entitlements Program Issues*. We incorporated the formal comments from the United States Citizenship and Immigration Services in the final report.

The report contains two recommendations aimed at improving the Systematic Alien Verification for Entitlements Program. Your office concurred with Recommendation 1 and did not concur with Recommendation 2. As prescribed by the Department of Homeland Security Directive 077-1, Follow-Up and Resolutions for the Office of Inspector General Report Recommendations, within 90 days of the date of this memorandum, please provide our office with a written response that includes your 1) agreement or disagreement, 2) corrective action plan, and 3) target completion date for each recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the current status of the recommendation. Until your response is received and evaluated, the recommendations will be considered open and unresolved.

Consistent with our responsibility under the *Inspector General Act*, we are providing copies of our report to appropriate congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Major contributors to this report are Sharon Huiswoud, Director; Kevin Burke, Supervisory Auditor; Matthew Worner, Senior Auditor; Charles Twitty, Senior Auditor; and Pamela Chambliss-Williams, Senior Program Analyst.



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Please call me with any questions, or your staff may contact Sharon Huiswoud, Director, at (202) 254-5451.

Attachment



Background

In response to U.S. House of Representatives Committee on Appropriations Report 112-91, Department of Homeland Security Appropriations Bill, 2012, we conducted an audit of the business processes of the Systematic Alien Verification for Entitlements (SAVE) program. The objectives of our review were to determine whether USCIS had established processes to (1) monitor user compliance with the rules of the SAVE program, (2) enforce actions when users were noncompliant with SAVE program rules, and (3) enable benefit applicants to request record corrections.¹ Additionally, our objectives included a review to determine the average length of time USCIS took to adjudicate requests by applicants who received a possibly erroneous SAVE determination.²

SAVE is an electronic system to provide immigration status to Federal, State, and local agencies that award various public benefits such as drivers' licenses, public housing subsidies, and Federal education grants. However, SAVE does not make determinations on any applicant's eligibility for a specific benefit or license. In April 2012, approximately 1,000 agencies were registered to use SAVE.

The legacy Immigration and Naturalization Service created the SAVE program in 1987 in response to the *Immigration Reform and Control Act of 1986*, P.L. 99-603. This law required the creation and implementation of a verification system that confirms the immigration status of individuals applying for certain federally funded benefits. With the creation of the Department of Homeland Security (DHS) in 2003, jurisdiction for the SAVE program is now under the USCIS Verification Division.

Additional Federal legislation expanded the need for benefit-granting agencies to verify immigration status. For example,

- The *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, P.L. 104-208, requires USCIS to respond to inquiries by Federal, State, and local benefit-granting agencies seeking to verify immigration status or naturalized or derived citizenship of an individual for any lawful purpose.

¹ According to USCIS officials, SAVE and the SAVE Monitoring and Compliance Section do not engage in enforcement actions; rather they identify non-compliance and work with agencies to gain compliance.

² According to USCIS officials, the SAVE program does not "adjudicate" SAVE cases. At USCIS, only members of the Officer Corps have the authority to adjudicate cases. Record corrections do not inherently involve an adjudication.



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- The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, P.L. 104-193, restricts immigration status eligibility criteria for certain programs funded by Federal, State, and local government agencies.
- The *REAL ID Act of 2005*, P.L. 109-13, extends the mandate to verify immigration status to include all departments of motor vehicles issuing drivers' licenses.

SAVE Verification Process

Following the completion of a registration process, staff from an authorized SAVE user agency are able to query a benefit applicant's immigration status against DHS databases containing more than 100 million records. USCIS processed approximately 12 million SAVE queries in fiscal year 2011. According to USCIS, there was an average of 935,793 SAVE initial verifications per month during June to August 2010. This initial verification step usually requires only 3 to 5 seconds. Further, this initial query about a benefit applicant's immigration status is document centric; that is, the SAVE system searches specific databases based on the immigration document that was submitted by the SAVE user agency. Throughout fiscal year 2010, more than 94 percent of cases that provided immigration status did so without requiring additional verification. SAVE user agencies are charged a minimum of \$25 to access SAVE each month, plus \$0.50 for each initial verification query. However, there is no monthly charge if a SAVE user agency does not submit SAVE queries.

If the initial verification query cannot be resolved, SAVE user agencies are to perform additional verification steps. The additional verification is biographic centric. That is, SAVE searches the various databases based on the benefit applicant's personal information, such as immigration numeric identifier or name and date of birth. This additional verification may be performed automatically, or following submission of additional data by the SAVE user agency. There is a \$0.50 fee for each additional verification query.

If the benefit applicant's immigration status cannot be confirmed following additional verification, the SAVE program instructs the user agency to provide additional documentation for third step verification. There is no fee for third step verification. However, if the documentation is submitted without performing the first and additional query steps, there is a \$2 fee. The different SAVE program fees resulted in \$6 million in fiscal year 2010 and provide 25 percent of the funding of the SAVE program.



Results of Audit

USCIS' Process To Monitor User Compliance With the Rules of the SAVE Program

USCIS has established a process to monitor compliance with the rules of the SAVE program. Per the SAVE program Memorandum of Agreement, the program rules require—

- The user agency staff to take the SAVE training before using the system,
- The user agency to pay any SAVE-related charges within 30 days or be assessed late fees,
- Performance of any additional verification procedures documented in the SAVE program guide and the web-based tutorial, and
- The user agency to allow USCIS' SAVE Monitoring and Compliance Section access to all records related to the use, or improper use, of SAVE.

USCIS established the SAVE Monitoring and Compliance Section to monitor agency compliance with the above program rules. Additionally, USCIS established the Integrated Monitoring Task Force to help identify specific behaviors of the user agencies, such as failure to deactivate SAVE user accounts. The Monitoring and Compliance Section, in conjunction with the Verification Division SAVE Program, has written technical manuals and standard operating procedures for monitoring agency compliance with SAVE program rules.

The USCIS Verification Division prepares and provides SAVE-related training to user agencies. For example, the SAVE tutorial provides information on the cost of queries, documentation needed from the applicant, how to complete various screens, and the roles and responsibilities of SAVE users.

Enforcement Actions When Agencies Are Noncompliant With SAVE Program Rules

USCIS' Verification Division has established procedures to take when user agencies are non-compliant with SAVE program rules. For example, when SAVE user accounts have been inactive for a year, USCIS notifies the user agency of the inactive accounts. According to USCIS staff, 158 SAVE user agencies have been contacted about inactive user accounts. Additionally, if a SAVE user agency has not paid its bills on time, USCIS



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charges late fees and penalties. As of May 2012, 71 SAVE user agencies were 60 days overdue, for a total of \$622,497 in fees, interest, and penalties.

Further, USCIS' policy requires that if user agencies do not adhere to SAVE program rules, SAVE access may be suspended or terminated. However, according to USCIS staff, restricting or terminating access to the SAVE program would have a negative effect on benefit applicants. Specifically, if user agencies do not have access to SAVE, they may not be able to verify a benefit applicant's immigration status. If user agencies cannot verify immigration status, they may not be able to award the benefit.

USCIS Process To Ensure That Benefit Applicants Can Correct Their Records

USCIS has established a process to help benefit applicants correct their records that were used in the SAVE verification process. Additionally, USCIS has distributed a fact sheet to user agencies that specifies how SAVE benefit applicants can contact USCIS when they want to correct their records. Further, USCIS plans to update its public web pages to assist SAVE benefit applicants further. However, USCIS can do more to assist applicants in correcting their records. Specifically, the Verification Division should request that database owners report whether the applicant's records were corrected.

For example, if a Verification Division review of a benefit applicant's documentation determines that a USCIS database contains erroneous information about that applicant, the Verification Division notifies the USCIS Records Division about the error and provides a positive verification. However, according to USCIS officials, the Verification Division is not required to follow up with the Records Division to determine whether the record was corrected.³ Also, the Verification Division is not required to inform benefit applicants that there was an error in their USCIS records.

Additionally, SAVE accesses databases that are owned by U.S. Customs and Border Protection (CBP). For example, a CBP database accessed by SAVE contains the data from the *Arrival-Departure Record*, CBP Form I-94. When an error is identified in a CBP database, USCIS instructs the SAVE user agency to notify the benefit applicant to contact CBP. However, according to USCIS officials, the Verification Division is not required to follow up with CBP to determine whether the record was corrected.

³ According to USCIS officials, the Verification Division's authority to provide immigration status is between USCIS and the SAVE user agency, not the benefit applicant; the Verification Division does not have the authority to require database owners to correct records.



Average Length of Time To Adjudicate Applicant Requests To Correct Erroneous Information

USCIS staff do not collect information that would enable them to determine the average length of time required to adjudicate applicant requests to correct erroneous information. For example, USCIS does not track the number of SAVE-related appointments made through its InfoPass scheduling website. USCIS cannot calculate the average time needed to resolve SAVE-related queries without knowing how many SAVE benefit applicants have contacted USCIS.⁴ However, we obtained information on 95 SAVE benefit applicant queries that were referred to USCIS. USCIS resolved these queries in an average of 8.9 calendar days.

Officials from the Verification Division said that they plan to track SAVE benefit applicant requests and referrals with a customer relationship management system capability that will be implemented by August 2013.

Recommendations

We recommend that the Deputy Associate Director, Enterprise Services Directorate:

Recommendation #1:

Implement a process to compile and track SAVE benefit applicant requests and referrals.

Recommendation #2:

Implement a process for SAVE database owners to report to the Verification Division whether changes to SAVE benefit applicant records were made.

Management Comments and OIG Analysis

We obtained written comments on a draft of this report from the Director of USCIS. We have included a copy of the comments in their entirety at appendix B. The Director of USCIS concurred with the first recommendation and did not concur with the second recommendation. We also obtained informal technical comments from SAVE program officials that we addressed in the report where appropriate.

⁴ According to USCIS officials, a “query,” in the context of the SAVE program, is a verification request from a User Agency and is not used by the SAVE program to refer to inquiries from benefit applicants.



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Recommendation #1

USCIS concurs with this recommendation. Additionally, USCIS provided further information on planned improvements. These improvements include the implementation of the SAVE Case Check initiative and a Customer Relationship Management (CRM) system. The SAVE CASE Check initiative will enable SAVE benefit applicants to check the status of their case online. Additionally, the initial phase of a CRM system will track and monitor SAVE inquiries.

OIG Analysis

The actions described satisfy the intent of this recommendation. This recommendation is considered resolved, but will remain open until USCIS provides documentation to support that the planned corrective actions are completed.

Recommendation #2

USCIS did not concur with this recommendation. According to USCIS, SAVE is not the owner or custodian of the immigration records it uses to determine immigration status, some of which are outside of USCIS control, and it does not have the legal authority to require database owners to report corrections to applicants' records to the SAVE program. However, USCIS also listed steps they could take to identify whether record changes have been made. For example, Quality Assurance audits conducted by the USCIS Verification Division could inform USCIS leadership of common data errors and the need for policy and process changes. Additionally, the SAVE program may be able to leverage the CRM system to track benefit applicant queries as described in the response to Recommendation 1.

OIG Analysis

USCIS is the owner of some of the databases accessed by SAVE. USCIS should be able to develop internal procedures to report to the SAVE program whether USCIS records have been changed. Additionally, USCIS enters into agreements with other components for SAVE access to their databases. USCIS could use these agreements as a basis for establishing change reporting processes with other DHS components. This recommendation is considered unresolved and will remain open until USCIS provides documentation to support the implementation of corrective actions.



Appendix A

Objectives, Scope, and Methodology

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

We performed an audit to determine whether USCIS established programs and processes to: (1) monitor user compliance with the rules of the SAVE program, (2) enforce actions when users were noncompliant with SAVE program rules, and (3) enable benefit applicants to request record corrections. Additionally, our objectives included a review to determine the average length of time USCIS took to adjudicate requests by applicants who received a possibly erroneous SAVE determination. Our audit focused on the requirements outlined in U.S. House of Representatives Committee on Appropriations Report 112-91, Department of Homeland Security Appropriations Bill, 2012. We reviewed DHS and USCIS guidance and procedures. We also interviewed various DHS personnel regarding SAVE. Additionally, we interviewed staff from several SAVE user agencies concerning their use of SAVE.

We conducted this performance audit between April and July 2012 pursuant to the *Inspector General Act of 1978*, as amended, and according to 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 upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.



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Appendix B
Management Comments to the Draft Letter Report

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director MS-2000
Washington, DC 20529-2000



**U.S. Citizenship
and Immigration
Services**

SEP 13 2012

Memorandum

TO: Frank Deffer
Assistant Inspector General, Information Technology Audits

FROM: Alejandro N. Mayorkas
Director

SUBJECT: Office of Inspector General (OIG) Draft Report: *U.S. Citizenship and Immigration Service's (USCIS) Systematic Alien Verification for Entitlements (SAVE) Program Issues (job code OIG-12-134) - FOUO*

USCIS appreciates the opportunity to respond and generally agrees with the OIG summary of the issues identified in the report. USCIS concurs that the SAVE program has established processes to monitor user compliance with the policies of the SAVE program and follows up when users are noncompliant with SAVE program requirements. USCIS also agrees that the SAVE program enables benefit applicants to request record corrections, but is concerned about USCIS's scope of authority to carry out some of the recommendations because USCIS is not the custodian of all of the databases accessed by SAVE.

USCIS would like to highlight our demonstrated commitment to transparency for SAVE benefit applicants and our efforts to ensure that SAVE user agencies comply with program requirements. USCIS is launching several major initiatives to provide better access to information to support benefit seeking applicants, such as the SAVE Case Check initiative, which allows applicants seeking benefits to obtain information on the status of their SAVE cases. The SAVE Case Check initiative will be available on September 15, 2012, with a phased roll-out to customers planned for a several month period during the 1st Quarter of Fiscal Year 2013. SAVE Case Check is a free service to benefit applicants and will save the applicants time by reducing repeat visits to a benefit-granting agency. USCIS also recently launched the first phase of a Customer Relationship Management (CRM) system that provides a mechanism for tracking and managing all incoming SAVE-related calls and inquiries. USCIS recently developed a pilot between USCIS Field Offices and SAVE program staff to facilitate benefit applicant requests that may require a visit to a USCIS field office. And in FY 2012, the SAVE program released the *SAVE Self-Assessment Guide* to educate user agencies and help them comply with SAVE program requirements.

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Although our responses to the recommendations are outlined below in detail, USCIS would also like to clarify that the SAVE program does not “adjudicate” SAVE cases. At USCIS, only members of the Officer Corps have the authority to adjudicate cases. The SAVE program is only responsible for determining whether the information submitted by the SAVE user agency on behalf of the benefit applicant is consistent with the data found in federal databases. Further, the SAVE program does not engage in enforcement activities but identifies non-compliance and assists agencies as necessary.

And finally, another area in the OIG report that USCIS would like to address is the finding that the SAVE program is not required to inform benefit applicants that there was an error in their record. This is because our current authority to confirm immigration status is between USCIS and the SAVE user agency, not between USCIS and the benefit applicant. However, under current practice we do advocate on behalf of the benefit applicant if there is a record change or update that we can do in coordination with other parts of USCIS and, if contacted by a benefit applicant, we will refer the benefit applicant to the appropriate USCIS or Department of Homeland Security (DHS) component.

DHS OIG recommends that the Deputy Associate Director, Enterprise Services Directorate:

Recommendation 1: Develop a process to compile and track SAVE benefit applicant requests and referrals.

USCIS response: USCIS concurs with this recommendation. Although the process is not yet formalized, the SAVE program does take inquiries from benefit applicants through its customer support hotline publicized on the SAVE website. Benefit applicants can ask questions relating to the status of their SAVE verification case, or ask general questions about the program. Questions regarding the status of the benefit that the applicant applied for are referred back to the federal, state or local agency where the individual applied. The above-mentioned SAVE Case Check initiative will also help to reduce telephone inquiries of this nature, as benefit applicants will be able to check the status of their case online.

USCIS also just launched the initial phase of a CRM system that will track and monitor SAVE inquiries and the SAVE program will develop a plan for a dedicated benefit applicant hotline, to be used in conjunction with the CRM tracking and monitoring effort. A dedicated benefit applicant hotline is necessary to allow the SAVE program to leverage CRM to better track benefit applicant inquiries and redirect calls to other parts of USCIS if record follow-up is necessary. However, the implementation of this plan is contingent on the SAVE program obtaining additional resources to develop the capability and implement the hotline necessary to leverage CRM.

Recommendation 2: Develop a process for SAVE database owners to report to the Verification Division whether changes to SAVE benefit applicant records were made.

USCIS response: USCIS non-concurs with this recommendation. SAVE is not the owner or custodian of the immigration records it uses to determine immigration status, some of which are



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outside of USCIS control, and does not have the legal authority to require database owners to report back to the SAVE program. Each database has policies and procedures in place that allow staff to determine how to address data errors or updates and often the SAVE program and/or USCIS will not have any oversight. Whether or not the SAVE program is aware of when a record is updated does not address the root cause of data accuracy. Other efforts, such as looking at the results of Quality Assurance (QA) audits conducted by the USCIS Verification Division, could inform USCIS leadership of common data errors and the need for policy and process changes. However, the SAVE program will develop a process to track USCIS record correction responses or updates as part of the plan to leverage the CRM system to track benefit applicant queries as described in the response to Recommendation 1. USCIS will determine how best to track these actions and consolidate any contacts made with the SAVE program by the benefit applicants in question.



Appendix C

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