



SAVE Inquiries Made Pursuant to Mandates in Federal Law

January 6, 2023

Fiscal Year 2022 Report to Congress



**Homeland
Security**

U.S. Citizenship and Immigration Services

Message from the Director

January 6, 2023

I am pleased to submit the following report, “SAVE Inquiries Made Pursuant to Mandates in Federal Law,” which has been prepared by U.S. Citizenship and Immigration Services.

This report has been compiled pursuant to direction in House Report 117-187, which accompanies the Fiscal Year 2022 Department of Homeland Security Appropriations Act (P.L. 117-103).

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

Chair, House Appropriations Subcommittee on Homeland Security

Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

If you have any questions, please do not hesitate to contact me at (240) 721-1500.

Sincerely,



Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services





SAVE Inquiries Made Pursuant to Mandates in Federal Law

Table of Contents

| | |
|------------------------------|---|
| I. Legislative Language..... | 1 |
| II. Background..... | 2 |
| III. Data Report..... | 5 |
| Appendix. Abbreviations..... | 7 |

I. Legislative Language

This report responds to the direction set forth in House Report 117-87 accompanying the Fiscal Year (FY) 2022 Department of Homeland Security (DHS) Appropriations Act (P. L. 117-103), which states:

Systematic Alien Verification for Entitlements Program.— USCIS is directed to update the report required in House Report 116–458, which was incorporated by reference into the explanatory statement accompanying the Department of Homeland Security Appropriations Act, 2021, (Public Law 116–260), to include information for fiscal year 2021.

House Report 116-458 (referenced above) states:

Systematic Alien Verification for Entitlements (SAVE) Program.—Not later than 120 days after the date of enactment of this Act, USCIS shall provide a report to the Committees that includes calculations of the percentage of all SAVE inquiries from user agencies made pursuant to mandates in federal law and the percentage related to benefits for which federal law does not require immigration status verification. The report shall provide this information for the last three fiscal years. In addition, the report shall include estimates of the per-inquiry and total amount of SAVE operational costs not recouped in user fees for each fiscal year.

II. Background

SAVE provides a web-based service that registered federal, state, local, territorial, and tribal agencies use to verify immigration status of applicants for public benefits, licenses, and other purposes authorized by law (hereinafter “benefits”).¹ SAVE also allows user agencies to verify the U.S. citizenship of naturalized citizens and in some cases, derived citizens.² SAVE only verifies the applicant’s citizenship or immigration status information and does not determine benefit eligibility.

In 1986, the Immigration Reform and Control Act (IRCA) (P.L. 99-603, 100 Stat. 3359 (Nov. 6, 1986)), instituted requirements for large entitlement programs to determine citizenship or immigration status for certain benefits, including: temporary assistance to needy families, Medicaid, food stamps, unemployment compensation, educational assistance, and certain housing assistance programs. IRCA further authorized the Attorney General to establish a system for electronic verification of citizenship and immigration status and, in 1987, SAVE, which previously had existed as a pilot program, began providing verification services for those benefits.

Nearly a decade later, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ((PRWORA) (P.L. 104-193, 110 Stat. 2105 (Aug. 22, 1996)):

- Expanded SAVE use by instituting citizenship and immigration status verification requirements related to eligibility for additional federal public benefits; and
- Restricted noncitizen eligibility for many benefits to “qualified” noncitizens (a subset of lawfully present noncitizens).

PRWORA also permitted citizenship and immigration status verification by state agencies that grant benefits and licenses.

In the same year, Congress also enacted, and the President signed into law, the Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104-208, 110 Stat. 3009-546 (Sept. 30, 1996)), which requires U.S. Citizenship and Immigration Services (USCIS) to respond to inquiries from federal, state, and local benefit-issuing agencies seeking to verify or determine, for any lawful purpose, the citizenship or immigration status of any individual within their jurisdictions. SAVE is the mechanism that USCIS generally uses for this purpose.

The Real ID Act of 2005 (P.L. 109-13, 119 Stat. 231, 302 (May 11, 2005)), expanded state use of SAVE by establishing minimum eligibility standards for state-issued driver’s licenses and

¹ The Federal Aviation Administration Extension, Safety and Security Act of 2016, (P.L. 114-190, 130 Stat. 615 (July 15, 2016)), also directs the Secretary of Homeland Security to authorize airport operators to have direct access to SAVE to determine the eligibility of individuals seeking unescorted access to any security identification display area of an airport. Some airport operators are private nongovernmental entities.

² This is provided that the derived citizen has applied for and has received a Certificate of Citizenship from USCIS or its predecessor, the Immigration and Naturalization Service.

identification (ID) cards to be acceptable for federal purposes, such as boarding federally regulated commercial aircraft or entering federal facilities. As part of these standards, DHS regulations require states to use SAVE to verify the immigration status of non-U.S. citizens, and permit states to use SAVE to verify certain naturalized and derived U.S. citizens.

The Patient Protection and Affordable Care Act (ACA) of 2010 (P.L. 111-148, 124 Stat. 119 (March 23, 2010)), is the most recent significant SAVE expansion. ACA established federal and state health insurance marketplaces, also known as exchanges, through which eligible U.S. citizens and noncitizens “lawfully present in the United States” can apply for ACA, Medicaid, and/or Children’s Health Insurance Program health insurance plans. Health insurance marketplaces and state health care exchanges are required to use SAVE to verify the immigration status and naturalized or derived citizenship of certain applicants for qualified health benefits and subsidies.

USCIS estimates that about 90 percent of SAVE user agency inquiries are made pursuant to mandates in federal law.³ The following chart provides examples of user agencies and benefits for which there is a federal mandate to use SAVE to verify immigration status:

| User Agencies | Benefits |
|---|--|
| Social Security Administration | Social Security Numbers Supplemental Security Income |
| U.S. Department of Education | Title IV Educational Assistance Programs |
| U.S. Department of Housing and Urban Development U.S. Department of Agriculture, Rural Housing Service | Certain Federally Funded Housing Programs |
| U.S. Health and Human Services, Centers for Medicare and Medicaid Services State Health Care Agencies | ACA Health Care Plans Medicaid Children’s Health Insurance Program |
| State Social Services Agencies | Temporary Assistance for Needy Families Supplemental Nutrition Assistance Program |
| State Unemployment Compensation Agencies | Federally Funded Unemployment Compensation |
| State Departments of Motor Vehicles | REAL ID Driver’s Licenses and ID Cards |
| Defense Counterintelligence and Security Agency | Federal Background Investigations for Security Clearance/Suitability Determinations |
| Transportation Security Administration | Access to Restricted Areas in Federally Regulated Airports |

³ Program registration and verification requests from agencies that *opt* to use SAVE to verify immigration status, rather than being mandated, have remained consistently low over time. For example, local Florida agencies that administer the Florida homestead exemption use SAVE to determine whether the applicant has a temporary visa only, but the use of SAVE is their choice rather than a federal legal or policy requirement. SAVE requires all user agencies, regardless of whether or not they are mandated to use SAVE, to complete a memorandum of agreement or other written agreement with SAVE prior to receiving access to SAVE.

When a user agency submits an initial verification inquiry to SAVE, SAVE electronically checks a range of DHS and DHS-accessed federal immigration databases and returns citizenship or immigration information within seconds in more than 88 percent of cases. For less than 12 percent of initial verification inquiries, SAVE is unable to return a response electronically and provides an Institute Additional Verification (IAV) response to prompt a secondary verification process.

A user agency can submit an additional verification inquiry if it receives an IAV response, suspects fraud, or needs additional information beyond the citizenship or immigration status information that SAVE provides in its initial verification response. A user agency also can submit an additional verification inquiry if the agency or applicant disagrees with the SAVE initial verification response. After a user agency submits an additional verification inquiry, SAVE personnel manually review the case and provide a response.

III. Data Report

SAVE user agencies submitted 17,889,058 inquiries in FY 2021,⁴ 20,321,479 inquiries in FY 2020, and 19,776,043 inquiries in FY 2019. USCIS estimates that the following percentages of inquiries were made pursuant to mandates in federal law, versus not federally mandated.⁵

- FY 2021 – 88.2 percent federally mandated, 11.8 percent not federally mandated
- FY 2020 – 92.5 percent federally mandated, 7.5 percent not federally mandated
- FY 2019 – 90 percent federally mandated, 10 percent not federally mandated

For the purposes of these estimates, USCIS considered an inquiry to be federally mandated if it was required by federal statute, regulation, or agency policy.⁶ For cases in which a user agency made a SAVE inquiry for multiple benefits, USCIS counted the inquiry as federally mandated if at least one of the benefits was due to a federal mandate.

SAVE collects a transaction charge of \$0.50 for each initial verification inquiry and an additional \$0.50 when an agency submits an additional verification inquiry. USCIS estimates the per-inquiry overall cost and the amount not recouped through SAVE transaction charges as follows:

- FY 2021 – \$1.93 cost per inquiry, \$1.43 not recouped through SAVE transaction charge;
- FY 2020 – \$1.62 cost per inquiry, \$1.12 not recouped through SAVE transaction charge; and
- FY 2019 – \$1.49 cost per inquiry, \$0.99 not recouped through SAVE transaction charge.

⁴ The decreased inquiry volume for FY 2021 may have been a result of the Coronavirus Disease 2019 pandemic, for which many user agencies limited their in-person services and sometimes extended the validity period for existing benefits (e.g., some states extended driver's license validity).

⁵ Program registration and verification requests from agencies that *opt* to use SAVE to verify immigration status, rather than being mandated, have remained consistently low over time.

⁶ The main situations for which using SAVE is mandated by federal regulation or agency policy, rather than by federal statute, are verifying immigration status information for: (1) federal security clearance applications, or (2) individuals who apply for access to sensitive locations or items (e.g., airport restricted areas, commercial nuclear licenses, and hazardous materials certification). These federal regulatory and agency policy mandates are longstanding, and the percentage of SAVE inquiries submitted because of them was about 3.5 percent in FY 2019, approximately 2.7 percent in FY 2020, and approximately 3.2 percent in FY 2022.

USCIS estimates the amount and percentage of SAVE operational costs not recouped in SAVE transaction charges as follows:⁷

- FY 2021 – \$25.56 million (74.1 percent),
- FY 2020 – \$22.77 million (69.3 percent), and
- FY 2019 – \$19.36 million (66.6 percent).

These shortfalls are due primarily to case volume, case complexity, and overall cost increases since SAVE transaction charges last were increased in 2008. For example, in FY 2012, SAVE query volume was only 12.2 million cases, but USCIS expects it to exceed 20 million in FY 2023. Other cost drivers include:

- System upgrades, security, and maintenance costs;
- Standard annual increases built into federal employee pay and contracts;
- New requirements related to immigration and federal benefit policy changes;
- Migration to new data sources and improved data matching capabilities;
- Providing additional case information to SAVE customers, such as immigration status grant date and employment authorization document history, in many SAVE responses; and
- Updated costs reflecting SAVE’s footprint for shared services (e.g., information technology infrastructure, facilities, and personnel).

⁷ The overall percentage of each query not recouped through SAVE transaction charges is slightly different than the percentage recouped per query because of factors such as the time that it takes to collect transaction charges, sometimes crossing into the next fiscal year.

Appendix. Abbreviations

| Abbreviation | Definition |
|---------------------|---|
| ACA | Patient Protection and Affordable Care Act |
| DHS | Department of Homeland Security |
| FY | Fiscal Year |
| IAV | Institute Additional Verification |
| ID | Identification |
| IRCA | Immigration Reform and Control Act |
| PRWORA | Personal Responsibility and Work Opportunity Reconciliation Act of 1996 |
| SAVE | Systematic Alien Verification for Entitlements |
| USCIS | U.S. Citizenship and Immigration Services |