

Chapter 5: Verification of Immigration Status

SAVE and FOIA

This chapter explains the Refugee Services Program's policy on verifying immigration status and offers guidance on how to get more information on status if an applicant's documentation is insufficient to determine eligibility. When requesting information from the Department of Homeland Security, specify that the information is to determine eligibility for services funded by the Office of Refugee Resettlement (ORR) that require verification of immigration status under PRWORA.

Background

Under provisions of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193, and other similar legislation, federal law requires verification that a person applying for a Federal public benefit is a qualified alien and is eligible to receive the benefit. In 1998, the Department of Health and Human Services issued a notice specifying that refugee services funded by the Office of Refugee Resettlement (ORR) were among the federal programs requiring verification of the immigration status of clients. As required by PRWORA, the former INS published interim guidance and a proposed rule on verification (November 17, 1997, and August 4, 1998); final regulations are still pending.

Current ORR Policy on Status Verification

In the absence of a final regulation, the Office of Refugee Resettlement (ORR) has suggested that, as a first step in determining immigration eligibility, agencies ask each client to sign a declaration attesting that he or she holds an immigration status that makes him or her eligible for refugee assistance and services.


Note: See page 5-8 for text of ORR's suggested Declaration.

Current guidance from the Office of Refugee Resettlement (ORR) allows refugee service providers to determine eligibility without further verification if an applicant provides DHS documentation that establishes qualification based on:

- identity,
- immigration status
- DHS evidence of the date of status (in some cases referred to as "date of entry"), and
- nationality, where necessary.

If an applicant presents immigration documents that are insufficient to establish eligibility, providers may:

- (1) request additional documents from the applicant,
- (2) refer the applicant to DHS for clarification,
- (3) request verification of *current* status from the SAVE program, or
- (4) request evidence of an applicant's *previous status(es)* by submitting a Freedom of Information Act (FOIA) request to the U.S. Citizenship and Immigration Services (USCIS).
- (5) request information on immigration court proceedings by sending a letter to the Executive Office of Immigration Review in the Department of Justice.

 **Note:** SAVE verifies a person's current status, such as legal permanent resident. FOIA may be used to confirm a person's earlier status.

SAVE (Systematic Alien Verification for Entitlements)

Explanation of Program

What is the USCIS "SAVE" program?

SAVE is an internet-based program intended to help benefit-granting agencies verify an individual's current immigration status from the Department of Homeland Security databases on non-citizens. The SAVE Program also provides additional verification to confirm information in certain situations, called "secondary verification," and a manual verification process.

What agencies must use SAVE?

In the absence of final DHS regulations on status verification, agencies must comply with the requirements of specific benefit programs. Any federal, state, or local benefit granting authority that wishes to verify an applicant's immigration status may apply for participation in the SAVE program. If agencies use the SAVE program, they must comply with relevant USCIS regulations regarding use.

See the U.S. Citizenship and Immigration Services website (www.uscis.gov) for further information on enrolling in SAVE. Explain that the program requiring confirmation of eligibility under SAVE is funded by the Office of Refugee Resettlement (ORR).

Are nonprofit charitable organizations required to verify immigration status with the USCIS SAVE system?

No, nonprofit charitable refugee service providers are exempt under PRWORA from the requirement to use the USCIS SAVE program to verify client eligibility.

Can nonprofit and charitable agencies apply to the USCIS for direct access to automated SAVE verification?

No, USCIS does not provide automated SAVE access directly to non-profit charitable organizations. Non-profit refugee service providers funded by ORR may request assistance with automated access through Refugee Services (RS) in the Department of Children and Families if access would result in better service to clients and lower program costs. Consult with your RS contract manager.

How do agencies clarify client status if they do not use SAVE?

- (1) If an applicant presents DHS documentation that is inadequate, illegible or ambiguous, service providers without automated access to the SAVE system must either: (a) have the applicant bring additional DHS documentation, or (b) ask for clarification through Refugee Services.
- (2) If Refugee Services is unable to confirm eligibility immediately through the automated SAVE system, providers may:
 - (a) refer the applicant back to DHS for further documentation, or
 - (b) Ask that Refugee Services submit Form G-845, Document Verification Request, and G-845 Supplement, Document Verification Request Supplement, to USCIS along with a notarized confidentiality release from the applicant.

What information does SAVE give?

SAVE provides information on the following items:

- alien registration number,
- verification number,
- spelling of the last name,
- spelling of the first name,
- birthdate,
- employment eligibility,
- current immigration status code,
- country of birth,
- the date of status
- social security number, and
- alternate ID number.

How does SAVE help in determining eligibility?

- (1) SAVE information may help you to determine a client's eligibility if an applicant's DHS documentation does not clearly show:
 - (a) evidence of a qualifying immigration status,
 - (b) the applicant's date of status or entry into the United States, and/or (c) an applicant's country of origin, if needed to determine eligibility.
- (2) If required to verify the applicant's information as part of the eligibility determination, SAVE provides confirmation that the applicant's file is accurate and complete. If SAVE supplies a date of entry that does not agree with information given by the client, for example, submit a request for secondary verification. Use the official USCIS date recorded in SAVE when requesting secondary verification.
- (3) You may also request SAVE verification of immigration status for applicants who provide proof of identity and a DHS document showing the alien number. Examine the identity documentation carefully, however, and be aware of the possibility that an applicant may use a fraudulent (but eligible) identity.

What is secondary verification?

Secondary verification allows you to request USCIS to check the record to prevent erroneous denial of benefits because of incorrect or incomplete information in the USCIS SAVE database.

When do you use secondary verification?

- (1) Agencies with SAVE access should always use secondary verification in the following instances:
 - (a) You do not have automated access to SAVE. Submit Form G-845 to USCIS.
 - (b) The initial check with SAVE directs you to "institute secondary verification."
 - (c) Initial inspection of an applicant's documentation or the results of primary verification with SAVE reveal discrepancies, possible alterations, or other potential fraudulent use of DHS documentation.
 - (d) When any documentation appears to be counterfeit or altered.
 - (e) When the document contains an A-Number in the A 60 000 000 series.
 - (f) When the document contains an A-Number in the A 80 000 000 series.
 - (g) When the document presented is any form of USCIS fee receipt, other than a Form I-689 (Fee Receipt).
 - (h) When the document presented is an I-181a (Memorandum of Creation of Record of Lawful Permanent Residence), or a foreign passport and/or an I-94 that bears the "Processed for I-551. Temporary Evidence of Lawful Permanent Residence" endorsement, and that document, passport, or I-94 is over one year old.

- (2) Agencies that participate in the SAVE program initially make an automated request for initial secondary verification; they then submit Form G-845 and G-845 Supplement for a manual verification of immigration status only if instructed.

What is the difference between DHS Form G-845 and DHS Form G-845 Supplement?

Both forms ask USCIS to clarify a person's current immigration status in order to determine eligibility for services. Form G-845 confirms only a person's current status or the dates authorized for work. Use the supplemental form to request confirmation of the status and the date of status for eligibility purposes. Note that Form G-845 Supplement may be submitted only with an accompanying Form G-845. Form G-845 Supplement has specific additional verification for Cuban/Haitian entrants.

May I submit one DHS Forms G-845 and G-845 Supplement for a family?

No, USCIS requires a separate form to be submitted for each family member whose status you wish to verify.


Where do I submit DHS Forms G-845 and G-845 Supplement?

In Florida, forms should be sent to U.S. Citizenship and Immigration Services, 10 Fountain Plaza, 3rd Floor, Buffalo, NY 14202, Attn: Immigration Status Verification Unit. For Cuban-Haitian entrant verifications, mail both Form G-845 and the G-845 Supplement to "USCIS Verification Operations Office, 10 Fountain Plaza, 3rd Floor, Buffalo, NY 14202, Attn: Case Resolution Unit.

Download the latest version of Forms G-639 (Freedom of Information/Privacy Act Request) or G-845 (Document Verification Request or G-845 Supplement directly from the DHS/USCIS website (www.uscis.gov) or request them from a DHS/USCIS office. Review instructions for the current form carefully as requirements change.

How do I document eligibility determinations obtained from SAVE?

- (1) If a provider agency bases eligibility on the results of any primary SAVE verification, directly or through the state Refugee Services Office, these results must be documented in each client's case file. Include the SAVE verification tracking number.
- (2) If the Refugee Services Office performs the SAVE verification, ask for the record of verification to be faxed or e-mailed to include in the client's file.

 **Note:** The manual SAVE secondary verification process may take several weeks to several months.

When can benefits be denied?

Refugee service providers may deny eligibility without further verification with SAVE or Refugee Services when a person presents acceptable DHS documentation of an immigration status that clearly *fails* to meet the criteria for refugee program services and that person makes no claim to be eligible because of another status. Examples of a person with an immigration status clearly not qualifying for refugee program services would be someone who is:

- (a) a diversity "lottery visa" holder (regular immigrant),
- (b) a person who was granted parole but is not a national of Cuba or Haiti, nor an asylee or refugee,
- (c) an applicant for asylum who is neither Cuban nor Haitian,
- (d) a person pending removal or deportation who is not a national of Cuba or Haiti, or
- (e) a person who is in the United States on a business/tourist visa (even if Cuban or Haitian). A Cuban or Haitian national who was lawfully admitted to the United States as a non-immigrant--as a tourist (B-1/B-2 visa) or student (F-1 or M-1 visas), for example--or who was admitted as a regular immigrant is ineligible for refugee services.

Remember, however, that a person's status may change so that they later become eligible for certain services. If a Cuban or Haitian national admitted with a visitor visa, for instance, later filed an

asylum application, or was put into removal proceedings after entering legally, providers should determine eligibility based on documentation of the qualifying status. As necessary, verify the immigration status with SAVE, as well as establish the date of status that meets eligibility requirements.

What precautions protect applicants from erroneous denial of benefits by SAVE?

- (1) SAVE does **not** approve or deny benefits. The program simply gives information from the DHS database regarding current immigration status. Providers then make the decision based on that information and other available information, including information provided by the client.
- (2) SAVE secondary verification procedures are available as a precaution to prevent applicants from being denied benefits erroneously.
- (3) When an applicant presents DHS documentation that clearly shows an eligible status, providers should consider the applicant eligible in the interim pending SAVE secondary verification of the immigration status and/or date of status.
- (4) Clients should be advised that they must repay benefits made in error if SAVE verification confirms their immigration status does **not** meet eligibility requirements.
- (5) As noted above, providers may use SAVE to verify eligibility for a person who can provide his/her alien registration number and positive identification but does NOT have sufficient documentation to prove eligibility.

Freedom of Information Act (FOIA)

What is a FOIA request?

The Freedom of Information Act (FOIA) allows a person to gain access to information from government files that relates to him/her by name or unique number (such as alien number). A person who has an alien file may therefore gain access to the information in the files held by USCIS by submitting a written request. If the missing information concerns immigration court proceedings, a written request must be addressed to the Office of General Counsel at the Executive Office of Immigration Review (EOIR).

Why would an applicant need to get that information?


Legal permanent residents must establish that they previously held an immigration status eligible for refugee services. The SAVE program gives only the current immigration status, however, and some permanent residents may have lost or surrendered original documents to the Department of Homeland Security Citizenship and Immigration Services (DHS/USCIS, formerly INS). If the category shown on current DHS documentation does not reveal the previously eligible status, a person may provide older, even expired, documents showing the earlier status. If a person cannot prove of his or her prior status, you may file a Freedom of Information Act (FOIA) request in order to help establish eligibility.

How do I request information from the A-file or EOIR?

FOIA requests must be written and may be submitted by mail, fax, or e-mail. A person must also sign the request to authorize DHS or EOIR to release personal information; the signature must be notarized.

Do I need to file a special form to request information from an A-file?

For requests to USCIS, you may use Form G-639 for convenience; the only requirements are that the request be in writing and that applicants sign a confidentiality release. You should include a daytime telephone number and e-mail address in case of questions. EOIR will not accept Form G-639; you must write a letter.

 **Note:** Use DHS Form G-639 (Freedom of Information/Privacy Act Request) or write a letter to request information on prior immigration status from USCIS. Write a letter with notarized authorization from client to request court information from EOIR.

If I write a FOIA letter, what information should I include?

Give the full name and alien registration number and include copies of any documentation. If the “A” number is unknown, describe the applicant’s background in as much detail as available, such as

country of origin; approximate date of entry or status; addresses; alien numbers of parents, spouse, or other family members; and other details the client told you. Include copies of past correspondence between the applicant and DHS or INS. Be specific only if you know what information you need to complete your eligibility determination; USCIS will give only the information you requested. Do not include social security numbers in FOIA requests.

Where do I send the FOIA request?

Mail requests for alien files to the National Records Center, FOIA/PA office, P.O. Box 648010, Lee's Summit, MO 64064-8010. Clearly mark envelopes with "Freedom of Information Request." Requests may also be faxed. The fax number is (816) 350-5785. For live assistance regarding FOIA procedures or follow up to a pending request, call: 800-3755283.

May I requests be sent electronically by e-mail?

Yes, USCIS accepts requests by e-mail if you scan and attach the subject's notarized signature to your e-mail. Send the request to uscis.foia@uscis.dhs.gov.

How can I follow up on a FOIA request?

You may check the status of pending requests online at www.uscis.gov. Give the FOIA control number found in the acknowledgement letter. You may also telephone the National Records Center "Live Assistance" at (816) 375-5283 or e-mail your questions to uscis.foia@dhs.gov.

Where do I get information related to removal proceedings?

The USCIS FOIA/PA has an expedited process only for clients needing information from their alien file for hearings. For other purposes, the request will be processed routinely. The alien file should include a record of applications for relief, court orders, asylum application date, and other information related to the hearing process.

How long does it take to get a response to a FOIA request?

USCIS has three tracks for FOIA requests: routine, complex, and expedited (for hearings only). The response time depends on where the alien file is located, how much information in the file must be reviewed, and how much other research is needed to answer the request. Because the National Record Center has a backlog of requests, it is usually preferable for the applicant to provide whatever documents are available to document earlier eligibility. If the applicant's need for service is urgent, you should contact the Refugee Services Program (RSP) for assistance.

How much does it cost to file a FOIA request?

Most FOIA requests do not require a fee, although USCIS and EOIR reserve the right to charge up to \$25 without notice if the request requires a large volume of information to be copied, for legal representation, for example.

What if I need information related to removal proceedings from the immigration court?

To request information directly from the immigration courts, send a letter with notarized release to Office of the General Counsel, Attn: FOIA Service Center, EOIR, 5107 Leesburg Pike, Suite 1903, Falls Church, VA 22041. Most providers should receive enough information from USCIS to determine eligibility without an additional request to EOIR.

EOIR does accept FOIA requests electronically, either by web form, email and/or facsimile. The email address is: EOIR.FOIARequests@usdoj.gov.

Where do I send FOIA requests for Customs and Border Protection (CBP) records? Requests for records specific to Customs and Border Protection, including the Border Patrol, may be submitted online using the FOIA online Request form or mailed to U.S. U.S. Customs and Border Protection, FOIA Division, 799 9th Street NW, Mint Annex, Washington, DC 20229-1177. Attorneys and third parties requesting information must attach written consent from the client. CBP recommends using Form G-28 or Form G-639 but you may submit a written notarized consent. The online request allows relevant documents to be uploaded. The telephone number for the CBP FOIA office is (202) 325-0150 but the help desk may not answer status questions.

Self-Declaration of Eligible Immigration Status

Declaration

I, _____, declare, under penalty of perjury, that I am in an immigration status that makes me eligible for Refugee Resettlement Program assistance and services. The following statuses are eligible for Refugee Resettlement Program benefits:

- (1) Individuals paroled as refugees or asylees under §212(d)(5) of the Immigration and Nationality Act (INA)
- (2) **Refugees** admitted under §207 of the INA
- (3) **Asylees** whose status was granted under §208 of the INA
- (4) **Cuban and Haitian entrants**, in accordance with the requirements in 45 CFR §401.2
- (5) Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided
- (6) A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion has not been entered
- (7) A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings under the INA and with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion has not been entered
- (8) A national of Cuba or Haiti who has an application for asylum pending with the INS and with respect to whom a final, non-appealable, and legally enforceable order of removal, deportation or exclusion has not been entered
- (9) Certain **Amerasians** from Vietnam who are admitted to the U.S. as immigrants pursuant to §584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988.
- (10) **Victim of a Severe Form of Human Trafficking** under P.L. 106-386, Victims of Trafficking and Violence Protection Act of 2000, enacted October 28, 2000.
- (11) **Iraqi and Afghan Special Immigrants** under Section 1059 of the National Defense Authorization Act for Fiscal Year 2006, P.L. 109-163 & Section 1244 of the National Defense Authorization Act for Fiscal Year 2008, P.L. 110-181, effective January 28, 2008.
- (12) **Lawful permanent residents**, provided the individuals previously held one of the statuses identified above


Signature

Date

Sample SAVE Verification

Below is an example of the SAVE verification screen. Include a copy of the result showing the date and case verification number in the client's file.

Case Details Page 1 of 1



Tutorial Return to Home About Exit

Case Verification Number: 20070000000007XY

Case Administration Initial Verification Additional Verification View Cases User Administration Change Password Pwd Challenge Q&A Change Profile Site Administration Add User View Users Change Address View Groups Reports View Reports	Initial Verification Alien Number: 000000000 Benefits: Food Stamps <hr/> Initiated By: RGRG0000 Initiated On: 08/06/2007 <hr/> Initial Verification Results Last Name: VOID First Name: VOID Middle Name: COA: C09 Country: CUBA-CUBA Date of Birth: 11/27/1981 Date of Entry: 04/21/2004 EAD Expiration Date: 07/31/2007 System Response: LAWFUL PERMANENT RESIDENT - EMPLOYMENT AUTHORIZED <hr/> <div style="display: flex; justify-content: space-between;"> Print Case Details Request Additional Verification Complete and Close Case Close </div>
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* = required entry

FOR TRAINING PURPOSES ONLY

https://www.vis-dhs.com/WebOne/CaseDetails.aspx?CaseVerNum=20070000000007XY 08/06/2007