

COMPUTER MATCHING AGREEMENT  
BETWEEN  
THE DEPARTMENT OF HOMELAND SECURITY - UNITED STATES  
CITIZENSHIP AND IMMIGRATION SERVICES (DHS-USCIS)  
AND  
THE UNITED STATES DEPARTMENT OF EDUCATION (ED)

A. INTRODUCTION

The purpose of this agreement is to comply with the Privacy Act of 1974 (5 U.S.C. § 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) (Privacy Act), Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818, June 19, 1989), and OMB Circular No. A–108, Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act (December 23, 2016).

The Privacy Act requires the agencies involved in any matching program covered by the Privacy Act to execute a written agreement specifying the terms and conditions under which matches will be conducted. The agreement must also include the procedural requirements and verification safeguards of the Privacy Act.

B. MATCHING PARTICIPANTS/PARTIES

1. Source Agency: Department of Homeland Security - United States  
Citizenship and Immigration Services  
(DHS-USCIS)
2. Recipient Agency: United States Department of Education (ED)

C. DEFINITIONS

1. Applicants – noncitizen<sup>1</sup> applicants for, or recipients of, the Student Financial Assistance Programs under Title IV of the Higher Education Act of 1965, as amended (Title IV Student Financial Assistance Programs), whose applications are processed through ED’s Central Processing System (CPS), which also determines applicant eligibility. ED’s Common Origination and Disbursement (COD) System makes and tracks disbursements after the school’s creation of a financial aid package.
2. Title IV Student Financial Assistance Programs - include the Federal Pell Grant Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, the Iraq and Afghanistan Service Grant Program, the

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<sup>1</sup> For purposes of this agreement, “noncitizen” is synonymous with “alien” as defined in section 101(a)(3) of the INA (8 U.S.C. § 1101(a)(3)), meaning “any person not a citizen or national of the United States.”

Federal Work-Study Program, the Federal Supplemental Educational Opportunity Grant Program, and the William D. Ford Federal Direct Loan Program.

3. Systematic Alien Verification for Entitlements (SAVE) – SAVE is a program administered by DHS-USCIS that provides immigration status and naturalized or derived citizenship data to ED and other authorized federal, state, and local agencies. These agencies use the information SAVE provides to help ensure that only those applicants who are eligible receive benefits.

#### D. TITLE OF MATCHING PROGRAM

The title of this matching program as it will be reported to Congress and OMB is as follows:

DHS-USCIS and the Department of Education Immigration Status Verification.

#### E. MATCHING TERMS AND CONDITIONS

1. ED and DHS-USCIS agree to exchange information in accordance with Federal Information Processing Standard (FIPS) 140-3. When using the SAVE Web Services system-to-system connection to exchange information, ED and DHS-USCIS will use file formats designated in a SAVE Interface Control Agreement (ICA). ED also retains the ability to use SAVE via the SAVE web browser access method, which comports with FIPS 140-3 and other federal information security requirements.

2. Initial Verification.

- a. ED will provide identifying information from applicant files contained in the ED CPS to the DHS-USCIS SAVE system. DHS-USCIS agrees to provide ED a response within seconds except when the SAVE system or another IT system or element that SAVE or the SAVE-ED connection depends upon is experiencing an outage or degradation of service. ED will notify the applicants of the results of the initial match in writing.

- b. When the SAVE initial verification response does not provide the benefit applicant's citizenship or immigration status, DHS-USCIS agrees to automatically institute second-step additional verification. However, subject to DHS-USICS and ED agreeing in writing regarding implementation, DHS-USCIS may cease automatically submitting for additional verification some or all cases that involve situations for which additional verification may not be necessary (example – the applicant has abandoned their application or had it denied on a basis other than lack of eligible citizenship or immigration status).

### 3. Second-Step Additional Verification.

a. DHS-USCIS will typically respond to a second-step additional verification request within three to five business days after the request is received by DHS-USCIS, subject to DHS-USCIS workload, case complexity, and whether a review of any non-electronic file is required. ED will notify the applicants of the results of the second-step verification in writing.

b. When the SAVE second-step additional verification response does not include the applicant's immigration status, ED will route the case to institutions of higher education, as identified by ED, for submission of a third-step additional verification request. However, subject to DHS-USICS and ED agreeing in writing regarding implementation, ED may cease routing some or all cases that involve situations for which third-step additional verification may not be necessary (example – the applicant has abandoned their application or had it denied on a basis other than lack of eligible citizenship or immigration status).

### 3. Third-Step (Scan and Upload) Additional Verification.

a. In applicable situations noted above, the institutions of higher education identified by ED will submit a third-step additional verification. Institutions of higher education will access the student's record in the SAVE system by entering the student's DHS verification number and date of birth. The institution of higher education will then scan and upload the applicant's immigration documentation to the applicant's SAVE case and submit it to SAVE for DHS-USCIS personnel to review. As described in section J below, upon receipt of a third-step additional verification request from an institution of higher education, DHS-USCIS personnel research DHS and Department of Justice, Executive Office of Immigration Review immigration records to determine the applicant's immigration status.

b. DHS-USCIS will typically respond to the institution's third-step additional request within three to five business days after the request is received by DHS-USCIS, subject to DHS-USCIS workload, case complexity, and whether review of any non-electronic file is required. The institution of higher education will notify the applicants in writing of the results of the third level verification, as set forth in Section J below. In accordance with DCL GEN-06-09 (<http://ifap.ed.gov/dpcletters/GEN0609.html>), institutions of higher education shall not submit a third-step additional verification request to DHS-USCIS if the applicant is a victim of human trafficking because the Department of Health and Human Services (HHS), and not DHS, is responsible for verification of such status, which is conducted through the HHS Office of Refugee Resettlement (ORR).

## F. PURPOSE AND LEGAL AUTHORITIES

ED seeks access to the information through the SAVE system pursuant to the section 121 of the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603. ED seeks this information for the purpose of verifying the immigration status of applicants for

assistance, as authorized by section 484(g) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. § 1091(g), consistent with the requirements of section 484(a)(5), 20 U.S.C. § 1091(a)(5).

ED is authorized to participate in the matching program, which is the subject of this agreement, under the authority of section 484(g)(3) of the HEA, 20 U.S.C. § 1091(g)(3), and 20 U.S.C. § 3475.

DHS-USCIS is authorized to participate in the matching program, which is the subject of this agreement, pursuant to section 103 of the Immigration and Nationality Act, Pub. L. No. 82-414, as amended, 8 U.S.C. § 1103, Section 121, Part C, of the Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 42 U.S.C. § 1320b-7 and note, and section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, as amended, 8 U.S.C. § 1373(c).

#### G. JUSTIFICATION AND EXPECTED RESULTS

ED and DHS-USCIS have determined that a computer matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by ED to verify the immigration status of applicants for the Title IV Student Financial Assistance Programs. The alternative to using a computer matching program for verifying immigration status would be for each school to submit a verification request through SAVE to verify each student attending the school who identified themselves as an “Eligible noncitizen” on their Free Application for Federal Student Aid (FAFSA). This would impose a greater administrative burden and delayed response times. Using the computer matching program, SAVE can usually provide responses within seconds of when ED inquiries. Applicants who require second-step additional verification are provided a response in as little as 72 hours from ED’s second-step additional verification request.

ED expects that this computer matching program will enable it to quickly and efficiently verify the status of applicants for the purpose of determining their eligibility for Title IV Student Financial Assistance Programs. The matching program will also quickly identify those applicants who require third level verification before the institution of higher education can independently determine whether the applicant meets the eligibility requirements of the Title IV Student Financial Assistance Programs.

ED estimates that this computer matching program costs \$1,885,741 per 21-month processing period to operate. Given an estimated processing time of 15 minutes per applicant, an average cost per record to process a DHS verification of \$7.58 per application, and approximately 690,193 applicants, verification of immigration status in the absence of computer matching (i.e., each school completing their students’ verifications) would cost institutions approximately \$5,231,663 per processing year. Computer matching reduces the number of applicants requiring manual verification by approximately 96.7% since the administrative cost to institutions is reduced from

\$5,231,663 to \$172,892 for a total savings of \$5,058,771 for the processing year. (Attached is a detailed cost/benefit analysis).

In addition to the savings in administrative costs, the computer matching program provides identification of categories of immigration statuses allowing ED to deny eligibility to non-citizens who are not Title IV eligible under the law (and who, without the match, might receive aid). The notice to applicants informing them that their application information is subject to computer matching is expected to have a deterrent effect on applicants seeking to fraudulently receive assistance under the Title IV Student Financial Assistance Programs.

#### H. RECORDS DESCRIPTION

1. Data elements contained within the FAFSA File to be matched through SAVE:
  - a. ED system of records: Federal Student Aid Application File (18-11-01). The ED system of records notice was last published in the *Federal Register* on October 29, 2019 (84 FR 57856).
  - b. DHS-USCIS system of records: Systematic Alien Verification for Entitlements (SAVE) System of Records. The DHS-USCIS system of records notice was last published in the *Federal Register* on May 27, 2020 (85 FR 31798).
2. Data elements contained within the Federal Student Aid Application File to be matched with federal immigration records through the DHS-USCIS SAVE system:
  - a. One or more immigration enumerators (for example, Alien/USCIS Number, Arrival-Departure Record I-94 Number, SEVIS ID Number, Unexpired Foreign Passport Number, Certificate of Naturalization Number);
  - b. First and last name; and
  - c. Date of birth.

After a record containing the above data elements is matched with DHS and DoJ EOIR immigration records through the DHS-USCIS SAVE system, the following data elements are added to the record and returned to ED:

- a. Verification case number;
- b. Date of entry into the United States;
- c. Country of birth; and
- d. Citizenship or immigration data (for example, immigration class of admission).

3. Number of records: On a monthly basis, approximately 32,866 records from ED will be matched through the DHS-USCIS SAVE system.
4. Duration of the program: Eighteen months from the effective date of this agreement.

#### I. NOTICE PROCEDURES

Pursuant to 5 U.S.C. § 552a(o)(1)(D), ED provides a notice to applicants for Title IV Student Financial Assistance Programs covered by this agreement that any information they provide may be subject to verification through matching programs and will be provided to institutions of higher education identified by the applicant.

ED agrees to ensure that, at the time of application for Title IV Student Financial Assistance Programs, each applicant is provided individual notice that the information provided on his or her application is subject to verification through computer matching programs. Because applicants must reapply each year, an individual notice is provided annually. As a result of providing an individual notice on each application, periodic notice is not needed under this computer matching agreement.

#### J. VERIFICATION PROCEDURES

ED may not suspend, terminate, reduce, or make a final denial of assistance under the Title IV Student Financial Assistance Programs or take other adverse action against an individual as a result of the information produced by this matching program, unless (1) ED independently verifies the information, or ED's Data Integrity Board determines, in accordance with guidance issued by the Director of the OMB, that: (a) the information is limited to identification and amount of benefits paid by ED under a Federal benefit program; and (b) there is a high degree of confidence that the information provided to ED is accurate; (2) such individual has received a notice stating the results of the match and stating that the individual has at least 30 days to provide documentation to the institution to contest the results of the match; and (3) the individual expressly declined to contest the results of the match or the subsequent 30-day notice period has expired. The notice will state that DHS-USCIS has not verified the applicant's immigration status commensurate with the requirements of eligibility for Federal student aid and that the applicant must provide appropriate documentation to the institution in order to verify the applicant's immigration status.

Applicants for, or recipients of, assistance under the Title IV Student Financial Assistance Programs may not have their benefits suspended, terminated, reduced, denied, or otherwise adversely affected as a result of information produced by this matching program until:

- The applicant is provided written notice of an initial or second-step additional verification immigration status response from SAVE and an opportunity to state any disagreement with the SAVE response, and either declines to contest the

results of the match or does not state disagreement within the 30 day period provided above; or

- Third-step additional verification procedures as specified by ED have been used to independently verify the information produced by this matching program.

These third-step additional verification procedures are described as follows:

- Under 34 CFR 668.33(a)(2), applicants for assistance under the Title IV Student Financial Assistance Programs must document their immigration status to prove their eligibility. Under current policy guidelines, if DHS-USCIS is unable to verify the applicant's immigration status through automated initial or second level verification, institutions may not determine that the applicant is in an eligible immigration status for purposes of receiving Federal financial aid unless they independently verify this eligibility, by visual inspection and identification of the immigration documents representing the applicant's current immigration status and submission of an electronic third level verification request along with copies of the DHS-USCIS provided documentation for manual review by DHS-USCIS of an applicant's immigration records before disbursing Title IV Student Financial Assistance.
- If an institution's independent verification of immigration status described above determines a noncitizen applicant to be ineligible for the Title IV Student Financial Assistance Programs, the institution of higher education must, under 34 CFR 668.42(b)(2), make available to such applicant any information describing the student eligibility requirements that it used to make its determination. If the applicant disagrees with the institution's independent determination of his or her immigration status, the institution of higher education should refer the applicant to the DHS-USCIS website: <https://www.uscis.gov/sites/default/files/SAVE/Publications/Records-Fast-Facts-for-Benefi-Applicants.pdf>, which provides the applicant information about correcting his or her immigration records so that he or she can obtain an accurate match for purposes of determining eligibility for Title IV Student Financial Assistance Programs.

#### K. RECORDS RELATING TO UNITED STATES CITIZENS

This agreement authorizes ED to use the DHS-USCIS SAVE system for the purpose of verifying the immigration status of applicants for the Title IV Student Financial Assistance Programs. Nothing in this agreement authorizes ED to use the DHS-USCIS system for the purpose of verifying the status of any individual claiming U.S. citizenship by birth. In addition to records relating solely to noncitizens, the DHS-USCIS SAVE system also provides records relating to former lawful permanent resident (LPR) noncitizens who have become naturalized U.S. citizens. Due to applicant error, attempted fraud, or because the applicant has not informed ED that they have become naturalized citizens, it is possible that ED may, on occasion, send these applicants'

records to DHS-USCIS for verification. If DHS-USCIS receives an initial request for a verification of an ED applicant who is a lawful permanent resident (LPR), other immigrant or nonimmigrant, or a naturalized or derived U.S. citizen, and the applicant fails initial verification, second or third level verification may be required.

All safeguards and protections provided by the Privacy Act, CMPPA, Judicial Redress Act (JRA) of 2015, and this Agreement regarding the use, disclosure, and security of DHS-USCIS records apply to DHS-USCIS records regarding U.S. citizens, LPRs, and certain designated foreign nationals. U.S. citizens and Lawful Permanent Residents covered by Privacy Act of 1974 and those covered persons covered by the JRA are provided with privacy protections and legal redress (e.g., access and amendment) required by law. With respect to persons who are not covered by the Privacy Act or JRA, Department of Homeland Security, by policy, will still analyze official sharing requests under the Fair Information Practice Principles. However, for those individuals, no privacy rights or benefits, substantive or procedural, are intended, or should be construed, to be created by this computer matching agreement, and are not enforceable at law against the United States, its agencies, officers, or employees.

#### L. DISPOSITION OF MATCHED ITEMS

ED will retain all records with identifiable information received from DHS-USCIS which are matched under this agreement in accordance with the requirements of ED Records Schedule, 072 FSA Application, Origination, and Disbursement Records (DAA-0441-2013-0002) (ED 072).

Electronic records created by DHS-USCIS in the process of verifying immigration and citizenship status are stored and retained in the SAVE system for ten years from the date of the completion of the verification, unless the records are part of an ongoing investigation, in which case they may be retained until completion of the investigation. See National Archives and Records Administration records control schedule, DAA-0566-2017-0030.

Photocopies downloaded for the purpose of requesting electronic third level verifications will be maintained by the institution of higher education for three years after the end of the award period for which Title IV, HEA program assistance was awarded and disbursed, consistent with the provisions of 34 CFR 668.24.

#### M. SECURITY AND PRIVACY SAFEGUARDS

##### General Security Requirements

DHS-USCIS and ED will comply with all Federal requirements relating to information security, information systems security, and privacy, including the Federal Information Security Modernization Act of 2014 (FISMA), the E-Government Act of 2002, the Privacy Act of 1974, OMB memoranda related to privacy, and National Institute of Standards and Technology (NIST) directives in the Special Publications (SP) 800 series

(e.g., NIST SP 800-53, NIST SP 800-37). Specific security requirements include, but are not limited to, the following:

- At a minimum, data must be protected at the Moderate system certification criticality level according to Federal Information Processing Standards (FIPS) Publication 199, Standards for Security Categorization of Federal Information and Information Systems.
- DHS-USCIS and ED's CPS have completed the security authorization process within the last three years, using the required NIST guidance, and have an Authorization to Operate (ATO) with the appropriate signatures.
- Each agency participates in a continuous diagnostic and mitigation (CDM) program.
- Electronic files are encrypted using the FIPS 140-2 standard and, to the extent possible, are interoperable with ED's personal identity verification logical access control card (PIV LAC) for Government Employees and support contractors authorized to have an HSPD-12 card (HSPD-12 = Homeland Security Presidential Directive #12).
- DHS-USCIS and ED information systems reside behind a Trusted Internet Connection (TIC).

FISMA requirements apply to all Federal contractors, organizations, or entities that possess or use Federal information, or that operate, use, or have access to Federal information systems on behalf of an agency. DHS-USCIS and ED agree that they are responsible for oversight and compliance of their own contractors and agents. DHS-USCIS and ED each reserve the right to conduct onsite inspections of any contractor or agent who has access to matched data in order to monitor compliance with FISMA regulations during the lifetime of this agreement.

ED and DHS-USCIS will also comply with the personally identifiable information (PII) breach reporting and security requirements under M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information (PII)." ED and DHS-USCIS also agree to notify each other as soon as possible, but no later than one hour, after the discovery of a suspected or actual breach involving PII. All incidents involving confirmed or suspected breaches of PII must be reported to the U.S. Computer Emergency Readiness Team (US-CERT) within one hour of discovering the incident.

In addition, the agency experiencing the loss of PII will notify the other agency's Systems Security Contact named in Section T of this Agreement. If ED is unable to speak with the DHS-USCIS Information Security Officer within one hour, then ED will contact the USCIS Service Desk, which is available 24 hours a day, 7 days each week, at 888-220-5228. If DHS-USCIS is unable to speak with ED's Systems Security Contact within one hour, DHS-USCIS shall contact Nina Colon, Information System Security

Officer (ISSO), at (202) 377-3384. DHS-USCIS shall also immediately report all breaches and incidents via email or phone to the ED Security Operations Center (EDSOC) at [edsoc@ed.gov](mailto:edsoc@ed.gov); (202) 245-6550.

### **DHS-USCIS Security Safeguards**

DHS-USCIS agrees to safeguard information it receives from ED in connection with status verification inquiries in accordance with the Privacy Act, FISMA, the IRCA, and other applicable statutes, as well as the requirements of the agreement between ED and DHS-USCIS.

DHS-USCIS agrees to safeguard the information provided by ED in accordance with DHS-USCIS disclosure standards and to provide the name of the DHS-USCIS program inspector responsible for compliance with these standards. DHS-USCIS also agrees to limit access to information to those individuals responsible for the verification of the applicant's immigration status or necessary support functions or follow-up actions, and to restrict the further dissemination of information.

Most elements of the SAVE system in which ED and DHS-USCIS information is stored are hosted in a third-party cloud-hosted environment that comports with federal information security standards and DHS Sensitive Systems Policy 4300A. However, some older elements of the SAVE system reside in DHS Data Center One (DC-1). These older elements and their DC-1 environment also comply with federal information security requirements and DHS Sensitive Systems Policy 4300A. DC-1 is a secure facility accessed only by authorized individuals with properly coded key cards, authorized door keys, or access authorization. There is a security guard force, twenty-four (24) hours a day, seven (7) days a week. The building is protected against unauthorized access, unauthorized use of equipment, or removal of storage media and listings. Employees have clearances through background checks and are provided badges. All employees and contractors must undergo a background investigation prior to being granted access to information systems at DC-1. This access is granted when the employee or contractor receives a favorably adjudicated Background Investigation (BI) and his/her Entry on Duty Status designation.

### **ED Security Safeguards**

ED's CPS facility located in Clarksville, VA, meets all security standards set forth in the most current version of NIST SP-800-53. Access within the processing facility is controlled by a computerized badge reading system, while other areas are controlled by cipher locks with combinations that are changed monthly. All employees must display a photo-identification pass upon entering the building.

The perimeter of the facility is monitored periodically and the main entrance is monitored continuously by a third-party security force. Access to all doors, as well as to the data center's main corridors, is monitored by 12 closed circuit television (CCTV) cameras that can pan, zoom, and record the perimeter premises. The facility monitors access 24 hours

a day, 7 days a week. The CCTV cameras can record access at random or at a specific camera location. The cameras are connected to two videocassette recorders for recording purposes. Videotapes are retained for one month before being recycled by physical security administration.

ED limits access to the information received from DHS and maintained in the CPS database. Access is granted only to those individuals responsible on a “need-to-know” basis, which is determined by assigned official duties and satisfying all personnel security criteria and intended system usage. These individuals make use of the data to determine eligibility for Title IV aid. There are three general types of CPS users: Federal Student Aid employees, contractors, and Financial Aid Administrators at institutions of higher education. Access to this information is controlled in accordance with a strict set of security procedures documented in the CPS System Security Plan. An automated audit trail is maintained for all user activities and interactions within the CPS. Additionally, all changes made by authorized users of the CPS to the Free Application for Federal Student Aid (FAFSA) data result in a new transaction, which also has a specified audit trail. All authorized users of the CPS are issued unique user identifiers and asked to establish and maintain a secure password which must be changed every 90 days.

All personnel, including contractor personnel, who have access to the records matched and to any records created by the match have completed IT Security and Privacy Awareness training about the confidential nature of the information, the safeguards required to protect the information, and the civil and criminal sanctions for noncompliance imposed under the Privacy Act and other applicable Federal laws.

At a minimum, DHS-USCIS and ED will use the data supplied in a manner prescribed by this agreement and will maintain proper safeguards to prevent unauthorized release or use of all data supplied. These safeguards include:

1. Administrative Safeguards

Access to the data matched and to any data created by the match will be restricted to only those authorized employees and officials who need it to perform their official duties in connection with the uses of the data authorized in this agreement. Further, all personnel who will have access to the data matched and to any data created by the match will be advised of the confidential nature of the data, the safeguards required to protect the data, and the civil and criminal sanctions for noncompliance contained in the applicable Federal laws.

2. Breach Notification

DHS-USCIS and ED will follow PII breach notification policies and related procedures as required by OMB M-17-12. Using established criteria, if the agency that experienced the breach of PII determines that the risk of harm to affected individuals or to the agency requires notification to affected individuals

and/or other remedies (*e.g.*, credit monitoring, identity theft protection), that agency will carry out these remedies without cost to the other agency.

### 3. Application of Policy and Procedures

DHS-USCIS and ED have adopted policies and procedures to ensure that information contained in their respective records or obtained from each other is used solely as provided in this agreement. DHS-USCIS and ED agree to comply with these guidelines and any subsequent revisions.

### 4. Onsite Inspection

As the agency sharing its data, DHS-USCIS reserves the right to make onsite inspections and to monitor and review all records and documents related to the use, abuse, misuse, fraudulent use, or improper use of SAVE by ED (and its contractors or agents) and for purposes of auditing compliance, if necessary, during the lifetime of this agreement or during any extension of this agreement.

## N. RECORDS USE, NONDISCRIMINATION, DUPLICATION, AND REDISCLOSURE RESTRICTIONS

ED and DHS-USCIS agree to safeguard PII that is exchanged between the agencies or their agents in accordance with the restrictions under the provisions of the Privacy Act.

DHS-USCIS agrees to provide safeguards as outlined under section 121 of the IRCA, which states that "such system shall not be used by the (DHS-USCIS) for administrative (non-criminal) immigration enforcement purposes."

ED and DHS-USCIS agree that both agencies will administer this matching program in a manner that does not unlawfully discriminate against applicants on any protected basis, including sex, color, race, religion, or national origin. While ED is not legally responsible for the actions of institutions of higher education (IHEs), ED agrees that IHEs that participate in the Title IV Student Financial Assistance Programs must agree to the anti-discrimination provisions in ED's Program Participation Agreement (PPA) and the following legal authorities:

1. Title VI of the Civil Rights Act of 1964, as amended, and the implementing regulations, 34 CFR parts 100 and 101 (prohibiting discrimination on the basis of race, color, or national origin);
2. Title IX of the Education Amendments of 1972, as amended, and the implementing regulations, 34 CFR part 106 (prohibiting discrimination on the basis of sex);
3. Section 444 of the General Education Provisions Act, as amended (commonly referred to as the Family Educational Rights and Privacy Act of 1974 or (FERPA)), and the implementing regulations, 34 CFR part 99;

4. Section 504 of the Rehabilitation Act of 1973, as amended, and the implementing regulations, 34 CFR part 104 (prohibiting discrimination on the basis of disability);
5. Title II of the Americans with Disabilities Act of 1990 and the implementing regulations, 28 CFR part 35 (prohibiting discrimination on the basis of disability by public entities); and
6. The Age Discrimination Act of 1975 and the implementing regulations, 34 CFR part 110.

This CMA is for the benefit of ED and DHS-USCIS only. It does not confer any rights or benefits on any other party, including, but not limited to, applicants for the Title IV Student Financial Assistance Programs.

ED and DHS-USCIS agree not to duplicate, re-disclose, or disseminate any records from the other party pursuant to this matching agreement except when it is essential to conduct the matching program, *i.e.*, to verify the immigration status of applicants for the Title IV Student Financial Assistance Programs administered by ED (including follow-up actions), or as authorized by law, *e.g.*, for necessary law enforcement investigations or prosecutions by ED and DHS, as appropriate, if the match uncovers activity that warrants such action (e.g., evidence of fraudulent claims or the use of fraudulent immigration documents). IHEs are instructed to contact ED's Office of Inspector General for investigation when fraud is suspected.

#### O. RECORDS ACCURACY ASSESSMENT

DHS-USCIS maintains its records to a standard of accuracy that will reasonably ensure fairness in any eligibility determination made on the basis of the record. Pursuant to 5 U.S.C. §552a(o)(1)(J), below is information on assessments made by and USCIS on the accuracy of the records that will be used in the matching program.

DHS-USCIS currently estimates that SAVE system accuracy, defined as the number of SAVE initial verification request cases resolved automatically by SAVE divided by the number of initial verification cases that should have been resolved automatically (i.e. number resolved automatically plus number resolved by status verification personnel that should have been resolved automatically), to be 97.5 percent. DHS-USCIS continues to undertake various actions to further improve the accuracy of SAVE responses to verification requests. In cases where SAVE does not provide immigration status as part of its initial verification response, DHS-USCIS provides additional verification procedures that allow DHS-USCIS to check all necessary indices and files before providing ED or the institution a determination of an applicant's immigration status. This process includes procedures for DHS-USCIS to correct any errors detected in the immigration status information and for the individual to continue to contest the results of the DHS/USCIS verification.

For the 18 months covered by the most recent computer matching agreement, there were approximately 690,193 applicants for Title IV Student Financial Assistance Programs that were sent to DHS-USCIS to be matched; after using the immigration status verification process described in this agreement, ED received no reports of data records containing discrepant information.

P. COMPTROLLER GENERAL ACCESS

The GAO (Comptroller General) may have access to all of ED and the DHS-USCIS match result records as necessary in order to verify compliance with this agreement.

Q. EFFECTIVE DATE

The life of this CMA is estimated to cover the 18-month period from April 21, 2022, through October 20, 2023. However, the effective date of this CMA and the date when the match may begin shall be whichever date is the latest of the following three dates: (1) April 21, 2022; (2) at the expiration of the 30-day public comment period following ED's publication of notice of this matching program in the *Federal Register*, assuming that ED receives no public comments or receives public comments but makes no changes to the Matching Notice as a result of the public comments, or 30 days from the date on which ED publishes a Revised Matching Notice in the *Federal Register*, assuming that ED receives public comments and revises the Matching Notice as a result of public comments; or (3) at the expiration of the 60-day period following ED's transmittal of a report concerning the matching program to OMB and to the appropriate Congressional Committees, along with a copy of this agreement, unless OMB waives any of this 60-day review period for compelling reasons, in which case, 60 days minus the number of days waived by OMB from the date of ED's transmittal of the report of the matching program.

R. EXPIRATION DATE

The agreement (and matching activity) will expire 18 months from the effective date, unless within three months prior to the expiration of this agreement, the data integrity boards approve an extension of this agreement, for a period of not more than one additional year, pursuant to 5 U.S.C. § 552a(o)(2)(D).

S. MODIFICATION AND TERMINATION OF CMA

This CMA may be amended at any time by a written modification to this CMA which satisfies both parties, is approved by the Data Integrity Board of each party, and, if necessary because the amendment would cause a substantial alteration to the matching program, after a Matching Notice has properly been published in the *Federal Register*, with copies of the Matching Notice and the amended CMA, along with the Altered Matching Program Report, having been provided to the Congress and to OMB at least 60 days before its implementation.

This CMA may be terminated by either party upon written notice to the other party. The termination shall be effective 90 days after the date of such notice, or a later date specified in the notice, so long as such later date does not exceed the original expiration date, or if extended, the extended expiration date of the CMA. This CMA may be terminated at any time with the consent of both parties.

If either agency does not want to continue this CMA, it must notify the other of its intention not to renew at least 90 days before the end of the then current period.

#### T. PERSONS TO CONTACT

##### ED Contacts:

1. Agreement Matters:  
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U. SIGNATURES

The signatories below warrant and represent that they have the complete authority on behalf of their agency to enter into the obligations set forth in this agreement.

\_\_\_\_\_

DHS-USCIS

\_\_\_\_\_

ED

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Jonathan M. Mills  
Chief, SAVE Program  
Verification Division  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security

Richard Cordray  
Chief Operating Officer  
Federal Student Aid  
U.S. Department of Education

U. AGENCY DATA INTEGRITY BOARD APPROVALS

Date: \_\_\_\_\_

Approval: \_\_\_\_\_

Lynn Parker Dupree  
Chief Privacy Officer  
Chair, Data Integrity Board  
U.S. Department of Homeland Security

Date: \_\_\_\_\_

Approval: \_\_\_\_\_

Kevin Herms  
Senior Agency Official for Privacy  
Chair, Data Integrity Board  
U.S. Department of Education