

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 Computer Matching Agreement (Agreement or CMA) is to establish the terms and conditions for the United States Department of Education's (ED) participation in the Department of Homeland Security - United States Citizenship and Immigration Services' (DHS-USCIS) Systematic Alien Verification for Entitlements (SAVE) to verify the citizenship and immigration status of Applicants for Student Financial Assistance Programs authorized under Title IV of the Higher Education Act of 1965, as amended, in order to confirm their eligibility for Federal student aid.

This agreement also complies 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).<sup>1</sup>

B. 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

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<sup>1</sup> As part of SAVE modernization in 2017, remaining SAVE batch processing user agencies were shifted from batch processing to front-end single-record comparison processing. In a front-end single-record comparison, the user agency sends a single benefit applicant record (i.e., name, date of birth, and an immigration enumerator such as an USCIS/A-number) to SAVE. Upstream information systems and services then electronically search source systems for a corresponding record. If a corresponding record is found, SAVE provides the user agency an immigration status or naturalized/derived U.S. citizenship response. Rather than working with a “batch” file, this is a query and result for each individual case. DHS does not consider front-end single-record comparisons as “automated” matching subject to the Privacy’s Act’s computer matching program requirements but has agreed to apply these requirements for the duration of this agreement at ED’s request.

1. SAVE - An electronic immigration status verification program that DHS-USCIS administers 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.
2. Applicants - noncitizen applicants for, or recipients of, the Student Financial Assistance Programs authorized 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 Free Application for Federal Student Aid (FAFSA®) Processing System (FPS), which also determines applicant eligibility. The individuals included in this matching program are those who provide an Alien Registration Number (ARN) (also referred to as A-number or USCIS number) when completing the FAFSA and have indicated that they are an "eligible noncitizen" to determine their eligibility for title IV, HEA program assistance.
3. 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 Federal Work-Study Program, the Federal Supplemental Educational Opportunity Grant Program, and the William D. Ford Federal Direct Loan Program.

#### D. TITLE OF MATCHING PROGRAM

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

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).

#### E. MATCHING PROGRAM TERMS AND CONDITIONS

##### **1. Initial and Second-Level Verification**

a. ED will disclose, as described in Article H.2, the applicant's first and last name, date of birth, and USCIS Number or A-Number from the FPS to DHS-USCIS SAVE. DHS-USCIS generally will provide ED a response containing the data elements described in Article H.2 within seconds. ED will notify, in writing, applicants of the SAVE response/results of the match in accordance with Article N.

b. When the initial verification response indicates that the applicant meets the U.S. citizen or immigration status eligibility requirement for federal student aid, ED will close the SAVE case unless there is reason to believe the SAVE response is incorrect. In the latter situation, ED will provide the applicant notice of the need for additional processing to

verify their immigration status and provide the applicant an opportunity to present to an Institution of Higher Education (IHE) documentary evidence of meeting the U.S. citizen or immigration status requirement for federal student aid. If the applicant provides this documentation, the IHE will submit an additional verification request with a copy of the documentation.

c. When the initial verification response does not indicate that the applicant meets the U.S. citizen or immigration status eligibility requirement for federal student aid:

(i) ED will submit the SAVE case to DHS-USCIS for second-step additional verification. If the second-step response received from DHS-USCIS does not indicate that the applicant meets the U.S. citizen or immigration status eligibility requirement for federal student aid, then ED will provide the applicant notice of the second-step response and an opportunity to present to an IHE documentary evidence of meeting the U.S. citizen or immigration category requirement for federal student aid. If the applicant provides this documentation, the IHE will submit an additional verification request with a copy of the documentation.

(ii) For all ED cases submitted for additional verification on or after October 1, 2024, DHS-USCIS reserves the right to require submission of documentation in some or all cases for additional verification. In these situations, ED will provide the applicant notice of the initial response and an opportunity to present to an IHE documentary evidence of meeting the U.S. citizen or immigration status requirement for federal student aid. If the applicant presents this documentation, the IHE will submit an additional verification request with a copy of the documentation.

## **2. Third-Step Additional Verification.**

a. In applicable situations noted above, the IHE identified by ED will submit a third-step additional verification. Under 34 CFR 668.33(a)(2), applicants for assistance under the Title IV Student Financial Assistance Programs who are not citizens or nationals of the United States 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-step additional verification, an IHE may not determine that the applicant is in an eligible immigration status for purposes of receiving Federal student aid unless the IHE independently verifies this eligibility by visual inspection and identification of the immigration documentation representing the applicant's current immigration status and submission of an electronic third-step additional verification request for manual review by DHS-USCIS of an applicant's immigration records, before disbursing Title IV Student Financial Assistance. The IHE will access the student's record in the SAVE system by entering the student's name, USCIS Number or A-Number and date of birth. The IHE will then upload a copy of the applicant's immigration documentation to the

applicant's SAVE case and submit it to SAVE for review.<sup>2</sup> Upon receipt of a third-step additional verification request from an IHE, DHS-USCIS personnel research DHS-accessed immigration records to determine the applicant's citizenship or immigration status.

b. DHS-USCIS will respond to the IHE's third-step request. Response time is subject to DHS-USCIS workload, case complexity, and whether review of a non-electronic file is required. The IHE will notify, in writing, the applicants of the results of the third-step verification. In accordance with DCL GEN-06-09 (<https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2006-05-11/gen-06-09-eligibility-title-iv-program-assistance-victims-human-trafficking>), an IHE shall not submit a third-step additional verification request to DHS-USCIS if the applicant is a victim of human trafficking because the U.S. 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).

### **3. Electronic-Only Submission**

ED agrees and consents to electronic-only submission of all verification requests and additional information, including all information submitted for SAVE additional verification (formerly submitted on paper Form G-845 and G-845 Supplement). SAVE will reject non-electronic (i.e., paper or fax) verification requests and information submissions.

### **F. PURPOSE AND LEGAL AUTHORITIES**

ED seeks access to the information accessed by SAVE through the DHS-USCIS Verification Information System (VIS), which provides services to customers through SAVE and E-Verify (the latter of which will not be used in this matching program). 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) of the HEA, 20 U.S.C. § 1091(a)(5).

ED is authorized to participate in the matching program, which is the subject of this CMA, 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 this matching program under section 103 of the Immigration and Nationality Act, Pub. L No. 82-414, as amended, 8 U.S.C. § 1103,

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<sup>2</sup> While ED is only providing SAVE with the USCIS Number or A-Number on initial verification, SAVE accepts the following immigration identification numbers and may use these numbers during Third-Step Additional Verification if provided: Form I-94, Arrival/Departure Record number; Student and Exchange Visitor Information System (SEVIS) ID number; Naturalization/Citizenship Certificate number; Card number/I-797 Receipt number; Visa number; or Foreign Passport number when submitted in conjunction with another identifier previously listed. SAVE user agencies may opt to provide one or more immigration identifier to receive a verification response.

Section 121(c)(1), Part C, of the Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 42 U.S.C. § 1320b-7 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 has determined and DHS-USCIS agrees that an electronic verification process (identified by ED as a computer matching program) is the most efficient, expeditious, and effective means of obtaining and processing the information that ED needs 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 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 inquires. 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 IHE can independently determine whether the applicant meets the eligibility requirements of the Title IV Student Financial Assistance Programs.

ED estimates that this matching program costs \$2,760,112 per 24-month processing year to operate. Given an estimated processing time of 15 minutes per applicant, an average cost per record to process a SAVE verification of \$8.16 per application, and approximately 678,244 applicants, verification of immigration status in the absence of this matching program would cost institutions approximately \$5,534,471 per processing year. Because electronic verification reduces the number of applicants requiring manual verification by 95.4%, this administrative cost to institutions is reduced from \$5,534,471 to \$254,429 for a total savings of \$5,280,042 for the processing year. Together with the savings to the government as a result of the matching program (\$286,485,908), ED estimates the cost benefit ratio is 0.0095. (Attached is a detailed cost/benefit analysis).

In addition to the savings in administrative costs, the matching program provides assistance with identification of categories of immigration statuses allowing ED to deny eligibility to noncitizens 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 verification through this matching program 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. **Systems of Records:**

- a. ED Systems of Records: ED will disclose to DHS-USCIS the data elements described in Article H.2 of this CMA and will maintain responses received from DHS-USCIS in the FPS, which is the ED information system that processes FAFSA data covered by ED's system of records entitled "Aid Awareness and Application Processing" (AAAP) (18-11-21), which was last published in the Federal Register on May 30, 2024 (89 FR 46870-46883) at <https://www.federalregister.gov/documents/2024/05/30/2024-11852/privacy-act-of-1974-system-of-records>. Routine use (1)(a) in the AAAP system of records permits ED to disclose information under this CMA.
- b. ED Systems of Records: ED will redisclose all responses received from DHS-USCIS from FPS to ED's Common Origination and Disbursement (COD) system, which is covered by ED's system of records entitled "Common Origination and Disbursement (COD) System" (18-11-02), to determine the amounts and types of Title IV, HEA program assistance that  
  
an applicant for Title IV benefits will receive. ED's COD system of records notice was last fully published in the Federal Register on June 28, 2023 (88 Fed. Reg. 41942).
- c. DHS-USCIS System of Records: DHS-USCIS will disclose to ED the data elements described in Article H.2 of this CMA from the DHS-USCIS system of records titled "Department of Homeland Security (DHS)/U.S. Citizenship and Immigration Services (USCIS)-0004 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). Routine use I. in the SAVE system of records notice permits DHS-USCIS to disclose information under this CMA.

### 2. **Data elements that will be used in the matching program:**

ED will disclose the following data elements from the AAAP System of Records to DHS-USCIS to be verified through DHS-USCIS VIS:

- a. Last Name
- b. First Name
- c. Date of Birth
- d. USCIS Number or A-Number

When a record containing the above data elements is matched through VIS, the following data elements are added to the record by DHS-USCIS and those data elements and the above data elements are returned to and used by ED<sup>3</sup>:

- a. Verification Case Number
  - b. Eligibility Statement Codes
3. **Number of Records:** On a monthly basis, approximately 29,000 records from ED will be matched with VIS.
4. **Duration:** Eighteen months from the effective date of this agreement.

#### I. NOTICE PROCEDURES

ED will publish in the *Federal Register* a notice describing the re-establishment of this matching program, as required by the Privacy Act and OMB guidance. ED also will report the matching program to OMB and the committees of jurisdiction in Congress, along with transmitting to them a copy of this CMA, as required by the Privacy Act and OMB guidance.

Pursuant to 5 U.S.C. § 552a(o)(1)(D), at the time of application for Title IV Student Financial Assistance Programs, ED provides individual notice to applicants that any information they provide may be subject to verification through matching programs and will be provided to the IHE identified by the applicant. ED will provide notice in English and other languages and formats consistent with Section N of this agreement.

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 agreement.

#### J. VERIFICATION PROCEDURES AND OPPORTUNITY TO CONTEST

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, until, among other things, (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 written notice stating the initial or second-step response of the matching program did not verify an eligible immigration category and stating that the individual has at least 30 days to provide documentation of proof of citizenship and immigration status to the IHE to contest the

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<sup>3</sup> SAVE is able to provide additional data elements to customers, but FPS is coded to receive only the data elements listed in this Agreement.

results of the matching program (Note: Examples of documentation may be found in the FSA Handbook, Volume 1, Chapter 2: <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2023-2024/vol1/ch2-us-citizenship-eligible-noncitizens>); and (3) the individual expressly declined to contest the results of the matching program 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 an IHE in order to verify the applicant's citizenship or immigration status.

Third step procedures, as specified by ED, are used by IHEs as one final attempt to verify the status of students who have contested the results of the matching program. The third step procedures are described as follows:

- Under 34 CFR 668.33(a)(2), Applicants for assistance under the Title IV Student Financial Assistance Programs who are not a citizen or national of the United States 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-step additional verification, IHEs may not determine that the applicant is in an eligible immigration status for purposes of receiving federal student 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-step additional 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 an Applicant is 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 their immigration status, the institution of higher education should refer the applicant to the DHS-USCIS Website: <https://www.uscis.gov/sites/default/files/document/fact-sheets/SAVERecordsFastFactsforBenefitApplicants.pdf>, which provides the applicant information about correcting their immigration records so that they can obtain an accurate verification 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 for the purpose of verifying the immigration status of noncitizen 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 residents (LPR) who have become naturalized U.S. citizens and some acquired<sup>4</sup> 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 records of naturalized U.S. citizens to DHS-USCIS for verification. When DHS-USCIS receives a request for a verification of an ED applicant, whether a LPR, other immigrant or nonimmigrant, or a naturalized or acquired U.S. citizen, the request may be referred to DHS-USCIS additional verification procedures.

All safeguards and protections provided by the Privacy Act, 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 LPRs covered by Privacy Act of 1974 and those 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, DHS, by policy, will still analyze official disclosure 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 agreement, and are not enforceable at law against the United States, its agencies, officers, or employees.

#### L. RETENTION AND DISPOSITION OF RECORDS

ED will retain all records with identifiable information received from DHS-USCIS that are matched under this agreement in accordance with ED Records Schedule 072, FSA Application, Origination, and Disbursement Records (DAA-0441-2013-0002) (ED 072). (ED has proposed amendments to ED 072 for the National Archives and Records Administration's consideration and will not destroy records covered by ED 072 until such amendments are in effect, as applicable.)

Electronic records created by DHS-USCIS in the process of verifying immigration and citizenship 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 or litigation, in which case they may be retained until completion of the investigation or litigation. See National Archives and Records Administration records control schedule,

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<sup>4</sup> "Acquired citizenship" is defined as citizenship conveyed to children either at birth (when the child is born outside the United States, provided certain conditions are met) or after birth (through the naturalization of the child's parents). SAVE is only able to verify information that relates to information found in the databases accessed by the system. SAVE cannot electronically verify an individual's immigration status or naturalized or acquired U.S. citizenship using a Social Security number, driver's license number, U.S. passport number, Consular Report of Birth Abroad (CRBA), birth certificate or other non-DHS documentation. Accordingly, if an individual with acquired citizenship status has not applied for a Certificate of Citizenship with USCIS, the agency may not have that individual's citizenship status in its records and SAVE will not be able to confirm that individual's acquired citizenship status. However, many acquired citizens receive U.S. passports from the Department of State (DOS). If the DOS provides USCIS with a record of the passport citizenship adjudication and USCIS updates the individual's alien file, SAVE would be able to find the citizenship record with the individual's Alien number.

N1-566-08-07.

Photocopies downloaded for the purpose of requesting electronic third-step additional verifications will be maintained by the IHE 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**

### **1. General Security Requirements**

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:

#### **a. Administrative Safeguards**

Access to the data exchanged and to any data created by the verification 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 exchanged and to any data created by the verification 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.

#### **b. Technical and Physical Safeguards**

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). These laws, directives, and regulations include requirements for safeguarding Federal information systems and controlled unclassified information (CUI), including personally identifiable information (PII), used in Federal agency business processes, as well as related reporting requirements. Both agencies recognize and will implement the laws, regulations, NIST standards, and OMB directives including those published subsequent to the effective date of this Agreement.

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.

- All systems involved in the matching program have completed the security authorization process within the last three years, using the required NIST guidance, and have a current 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 Federal Information Processing Standard (FIPS) 140-3 standard and, to the extent possible, are interoperable with ED's and DHS-USCIS'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 is also known as Homeland Security Presidential Directive Number 12). 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.
- 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 SAVE data disclosed to ED and FPS data disclosed to DHS-USCIS in order to monitor compliance with FISMA regulations during the duration of this CMA.

ED and DHS-USCIS will also comply with the PII breach reporting and security requirements under OMB's M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information (PII)" and M-24-04, Fiscal Year 2024 "Guidance on Federal Information Security and Privacy Management Requirements" (January 4, 2023). 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, especially those that involve unauthorized access, use, or disclosure of any information shared under this Agreement, through their points of contact (POCs), by phone and e-mail. Contact information will be updated, as required, through written notification to the other Parties. Notification must also be made to the Cybersecurity & Infrastructure Security Agency (CISA) within one hour of reaching the agency's top-level Computer Security Incident Response Team (CSIRT), Security Operations Center (SOC), or IT department, the appropriate Systems Security contact and the Office of Privacy.

In addition, the agency experiencing the suspected or confirmed 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 Systems Security Contact or the USCIS Security Operations Center (SOC), which is available 24 hours a day/7 days a week at 888-220-5228 or [uscisoc@uscis.dhs.gov](mailto:uscisoc@uscis.dhs.gov), within one hour, ED will contact DHS-USCIS Verification Division, SAVE Customer Support at 877-469-2563. If DHS-USCIS is unable to speak with ED's Systems Security Contact within one hour, DHS-USCIS will contact Davon Tyler, FSA Chief Information Security Officer, at 202-401-8512. DHS-USCIS will 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) or 202-245-6550.

## **2. 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 Immigration Reform and Control Act of 1986 (IRCA), and other applicable statutes, as well as DHS-USCIS disclosure standards and the requirements of the agreement between ED and DHS-USCIS.

The DHS Data Center One (DC-1) where ED and DHS-USCIS information is stored complies with requirements of Department of Homeland Security, DHS Sensitive Systems Policy 4300A. It 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.

## **3. ED Security Safeguards**

ED's FPS facility is located in Clarksville, VA and 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 FPS 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 five general types of FPS users (Applicant, Applicant Spouse, Parent, Other Parent, and FAFSA Preparer). Access to this information is controlled in accordance with a strict set of security procedures documented in the FPS System Security Plan. Automated audit trails are maintained for all user activities and interactions within the FPS. Additionally, all changes made by authorized users of the FPS to the FAFSA data result in a new transaction, which also has a specified audit trail. All authorized users of the FPS are issued a unique user identifier and asked to establish and maintain a secure password that must be changed every 90 days to be compliant with this Access control requirement.

All personnel, including contractor personnel, who have access to the records exchanged and to any records created by the verification will 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.

#### **4. 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 responsible 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.

#### **5. 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.

#### **6. Onsite Inspection**

As the source agency disclosing 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 duration 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 that the records disclosed by ED to DHS-USCIS will not be used by DHS-USCIS for administrative (non-criminal) immigration enforcement purposes, consistent with the safeguards for DHS-USCIS SAVE found in section 121(c) of the IRCA.

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. In fulfilling their obligations under Executive Order 13,166, "Improving Access to Services for Persons with Limited English Proficiency," 65 Fed. Reg. 50,121 (Aug. 16, 2000), ED and DHS-USCIS will take reasonable steps to provide limited English proficiency (LEP) persons interacting with their respective agency in these processes with meaningful access to federally conducted programs and activities, including services and benefits, in accordance with LEP guidance set forth by ED and DHS-USCIS.

In accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and related agency implementing regulations and guidance, ED and DHS-USCIS will provide reasonable modifications to individuals with disabilities interacting with their respective agency in these processes to ensure effective communication related to this computer matching.

While ED is not legally responsible for the actions of 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 C.F.R. 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 C.F.R. 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 C.F.R. Part 99;
4. Section 504 of the Rehabilitation Act of 1973, as amended, and the implementing regulations, 34 C.F.R. 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 C.F.R. 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 C.F.R. Part 110.

This agreement 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 exchanged pursuant to this 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 required by law, *e.g.*, for necessary law enforcement investigations or prosecutions by ED and DHS, as appropriate, if the matching program 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 at <https://OIGHotline.ed.gov> or 1-800-647-8733 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.

DHS-USCIS currently estimates that information retrieved by VIS is 97.5% accurate in reflecting immigration status, but continues to undertake various actions to further improve the quality of the VIS. In addition, in cases in which immigration status is not initially confirmed through VIS, automated additional verification procedures are used; continued non-verification may result in third-step additional verification procedures, which should allow DHS-USCIS to check all necessary indices and files before providing ED or the IHE with a final 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 preceding 24 months, there were approximately 678,244 applicant records for Title IV Student Financial Assistance Programs that were sent to DHS-USCIS for verification; after using the immigration status matching program described in this agreement, ED received no reports of data records containing discrepant information.

#### P. COMPTROLLER GENERAL ACCESS

The U.S. Government Accountability Office (Comptroller General) may have access to all ED and DHS-USCIS match result records as the Comptroller General deems necessary in order to monitor or verify compliance with this agreement.

**Q. EFFECTIVE DATE**

The duration of this CMA is estimated to cover the 18-month period from October 21, 2024, through April 20, 2026. However, the effective date of this agreement and the date when the matching program may begin shall be whichever date is the latest of the following three dates: (1) October 21, 2024; (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**

This agreement (and matching program) will expire 18 months from the effective date, unless within three months prior to the expiration of this agreement, the data integrity board of the agency approves a renewal 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 agreement may be amended at any time by a written modification to this agreement which satisfies both parties, is approved by the DIB of each party, and, if necessary because the amendment would cause a significant modification 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 agreement, along with the Modified Matching Program Report, having been provided to the Congress and to OMB at least 60 days before the effective date of the modification.

This agreement 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 renewed, the expiration date of the renewal of the CMA. Notwithstanding any other provision in this agreement, DHS-USCIS and ED may suspend or terminate this agreement without prior notice if deemed necessary because of a requirement of law or policy, including government shutdown or other lapse in



appropriations or funding, or upon a determination by DHS-USCIS or ED that there has been a breach of system integrity or security.

If either agency does not want to continue this agreement, it must notify the other of its intention not to renew at least 90 days before the expiration of the CMA or, if renewed, the renewal of the CMA.

#### T. PERSONS TO CONTACT

##### DHS-USCIS Contacts:

##### 1. Verification Issues:

Steve Yonkers

Chief, Programs and Strategies Branch, Verification Division

Immigration Records and Identity Services

U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security

5900 Capital Gateway Drive, Mail Stop 2600

Camp Springs, MD 20529-2600

Telephone: (402) 587-2302

Email: [Steven.P.Yonkers@uscis.dhs.gov](mailto:Steven.P.Yonkers@uscis.dhs.gov)

Anna Priddy

SAVE Policy Section Chief, Verification Division

Immigration Records and Identity Services

U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security

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Camp Springs, MD 20529-2600

Telephone: (531) 510-6987

Email: [Anna.O.Pridy@uscis.dhs.gov](mailto:Anna.O.Pridy@uscis.dhs.gov)

##### 2. Security Issues:

Paul Stanard, Senior Information System Security Officer

U.S. Department of Homeland Security

DHS-USCIS Information Security Division

5900 Capital Gateway Drive

Camp Springs, MD, U.S. 20746

Email: [Paul.M.Stanard@uscis.dhs.gov](mailto:Paul.M.Stanard@uscis.dhs.gov)

##### 3. Privacy Issues:

Suzanne McKenna, Director, Privacy Oversight

Department of Homeland Security Privacy Office

U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0655  
Washington, DC 20528  
Email: [suzanne.mckenna@hq.dhs.gov](mailto:suzanne.mckenna@hq.dhs.gov)

Angela Washington, Chief Privacy Officer  
U.S. Citizenship and Immigration Services  
5900 Capital Gateway Drive, Mail Stop 2600  
Camp Springs, MD 20529-2600  
Telephone: (202) 570-8327  
Email: [Angela.Y.Washington@uscis.dhs.gov](mailto:Angela.Y.Washington@uscis.dhs.gov)

#### ED Contacts:

##### 1. Agreement Issues:

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Senior Advisor  
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Federal Student Aid  
Strategic Measures and Outcomes  
61 Forsyth Street S.W.  
Atlanta, GA 30303  
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Email: [Patrick.Fox@ed.gov](mailto:Patrick.Fox@ed.gov)

##### 2. Verification Issues:

James S. Barthmaier  
Application Systems Supervisor  
U.S. Department of Education  
Federal Student Aid  
830 First Street, NE  
UCP-101D2  
Washington, DC 20202-5454  
Telephone: (202) 768-0719  
Email: [James.Barthmaier@ed.gov](mailto:James.Barthmaier@ed.gov)

##### 3. Security and Privacy Issues:

Davon Tyler  
FSA Chief Information Security Officer  
U.S. Department of Education  
Federal Student Aid  
Technology Directorate  
830 First Street, NE

Room 102G1  
Washington, DC 20202-5454  
Telephone: (202) 401-8512  
Email: [davon.tyler@ed.gov](mailto:davon.tyler@ed.gov)

Department of Education Security Operations Center (EDSOC)  
Telephone: (202) 245-6550  
Email: [edsoc@ed.gov](mailto:edsoc@ed.gov)

Jordan Hughes, Information System Security Officer (ISSO)  
FAFSA Processing System (FPS)  
U.S. Department of Education  
Enterprise Technology Directorate  
Information System Security Division, contractor  
Telephone: (813) 380-4621  
Email: [jordan.hughes@ed.gov](mailto:jordan.hughes@ed.gov)

#### U. SIGNATURES

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

STEVEN P YONKERS Digitally signed by STEVEN P YONKERS  
Date: 2024.07.22 15:28:26 -04'00'

Steven P. Yonkers  
Chief, Programs and Strategies Branch  
Verification Division  
Immigration Records and Identity Services  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security

DENISE CARTER Digitally signed by DENISE CARTER  
Date: 2024.07.16 16:40:56 -04'00'

Denise Carter  
Acting Chief Operating Officer Federal  
Student Aid  
U.S. Department of Education

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

#### V. AGENCY DATA INTEGRITY BOARD APPROVALS

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

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

MASON C Digitally signed by  
MASON C CLUTTER  
Date: 2024.07.23  
13:03:01 -04'00'  
CLUTTER

Mason Clutter  
Chief Privacy and Freedom of  
Information Act Officer  
Chair, Data Integrity Board  
U.S. Department of Homeland Security

ED's DIB has reviewed and approves this Agreement.

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

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

KEVIN  
HERMS

Digitally signed by  
KEVIN HERMS  
Date: 2024.07.24  
10:12:19 -04'00'

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

Attachments:  
Cost Benefit Analysis