



# **SAVE Inquiries Made Pursuant to Mandates in Federal Law**

*June 14, 2021*

Fiscal Year 2021 Report to Congress



**Homeland  
Security**

*U.S. Citizenship and Immigration Services*

# Message from the Acting Director

June 14, 2021

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

The report has been compiled pursuant to direction in House Report 116-458, which accompanies the Fiscal Year 2021 Department of Homeland Security Appropriations Act (P.L. 116-260).

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

The Honorable Lucille Roybal-Allard  
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann  
Ranking Member, House Appropriations Subcommittee on Homeland Security

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

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

I am pleased to respond to any questions that you may have. Please do not hesitate to contact me at (240) 721-4002.

Sincerely,



Tracy L. Renaud  
Acting Director  
U.S. Citizenship and Immigration Services





# SAVE Inquiries Made Pursuant to Mandates in Federal Law

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# I. Legislative Language

This document fulfills the direction set forth in House Report 116-458, which accompanies the Fiscal Year (FY) 2021 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-260). House Report 116-458 states in part:

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

## II. Background

SAVE provides a web-based service that registered federal, state, local, territorial, and tribal agencies use to verify the immigration status of applicants for public benefits, for licenses, and for other purposes authorized by law (hereinafter “benefits”).<sup>1</sup> SAVE also allows user agencies to verify the U.S. citizenship of naturalized and derived citizens.<sup>2</sup>

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

About 10 years later, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (P.L. 104-193, 110 Stat. 2105 (Aug. 22, 1996)):

- Expanded SAVE use by instituting citizenship and immigration status verification requirements related to eligibility for an expanded range of public benefits; and
- Restricted noncitizen eligibility for many benefits to qualified noncitizens.

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

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

The Real ID Act of 2005 (P.L. 109-13, 119 Stat. 231, 302 (May 11, 2005)), expanded state use of SAVE by establishing minimum eligibility standards for state-issued driver’s licenses and identification (ID) cards to be acceptable for federal purposes, such as boarding federally regulated commercial aircraft or entering federal facilities. As part of these standards, DHS

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

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

regulations require states to use SAVE to verify the immigration status of non-U.S. citizens, and permit states to use SAVE to verify certain naturalized and derived U.S. citizens.

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

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

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

When a user agency submits an initial verification inquiry to SAVE, SAVE electronically checks a range of DHS and DHS-accessed federal immigration databases and returns the applicant’s status within seconds in more than 90 percent of cases. For less than 10 percent of initial verification inquiries, SAVE is unable to determine the status electronically and provides an Institute Additional Verification (IAV) response.

A user agency can submit an additional verification inquiry if it receives an IAV response, suspects fraud, or needs additional information beyond the citizenship or immigration status information that SAVE provides in its initial verification response. A user agency also can

submit an additional verification inquiry if the agency or applicant disagrees with the SAVE initial verification response. After a user agency submits an additional verification inquiry, SAVE personnel manually review the case and provide a response, usually within 3-5 business days. Please note that SAVE provides only the applicant's status information and does not determine benefit eligibility.

### III. Data Report

SAVE user agencies submitted 20,321,479 inquiries in FY 2020, 19,776,043 inquiries in FY 2019, and 20,129,914 inquiries in FY 2018. USCIS estimates that the following percentages of inquiries were made pursuant to mandates in federal law, versus not federally mandated:<sup>3</sup>

- FY 2020 – 92.5 percent federally mandated, 7.5 percent not federally mandated;
- FY 2019 – 90 percent federally mandated, 10 percent not federally mandated; and
- FY 2018 – 94.5 percent federally mandated, 5.5 percent not federally mandated.

For the purposes of these estimates, USCIS considered an inquiry to be federally mandated if it was required by federal statute, regulation, or agency policy.<sup>4</sup> For cases in which a user agency made a SAVE inquiry for multiple benefits, USCIS counted the inquiry as federally mandated if at least one of the benefits was due to a federal mandate.

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

- FY 2020 – \$1.62 cost per inquiry, \$1.12 not recouped through SAVE user fees;
- FY 2019 – \$1.49 cost per inquiry, \$0.99 not recouped through SAVE user fees; and
- FY 2018 – \$1.63 cost per inquiry, \$1.13 not recouped through SAVE user fees.

USCIS estimates the amount and percentage of SAVE operational costs not recouped in SAVE user fees as follows:<sup>5</sup>

- FY 2020 – \$22.77 million (69.3 percent);
- FY 2019 – \$19.36 million (66.6 percent); and
- FY 2018 – \$22.44 million (68.5 percent).

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<sup>3</sup> Program registration and verification requests from agencies that *opt* to use SAVE to verify immigration status, rather than being mandated, have remained consistently low over time. For example, local Florida agencies that administer the Florida homestead exemption use SAVE to determine whether the applicant has a temporary visa only, but the use of SAVE is their choice rather than a federal legal or policy requirement.

<sup>4</sup> The main situations for which using SAVE is mandated primarily by federal regulation or agency policy, rather than by federal statute, are verifying immigration status information for: (1) federal security clearance applications, or (2) individuals who apply for access to sensitive locations or items (e.g., airport restricted areas, commercial nuclear licenses, and hazardous materials certification). These federal regulatory and agency policy mandates are longstanding, and the percentage of SAVE inquiries submitted because of them was about 3.5 percent in FY 2018 and FY 2019, and about 2.7 percent in FY 2020.

<sup>5</sup> The overall percentage of each query not recouped through SAVE user fees is slightly different than the percentage recouped per query because of factors such as the time that it takes to collect user fees, sometimes crossing into the next fiscal year.



## Appendix. Abbreviations

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