

Supporting Statement
Student Assistance General Provisions – Subpart I
Immigration Status Confirmation

1. Necessity of Information Collected

This request is for approval of an extension of reporting requirements currently located in the Student Assistance General Provisions, 34 CFR 668, Subpart I. This subpart governs the Verification of Immigration Status, as authorized by section 484(g) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1091).

2. Purpose and Use of Information Collected

Collection of this information enables the Secretary to determine if a noncitizen applicant for Title IV, HEA benefits is an eligible student as defined in section 484(a)(5) of the HEA. The ability to make this determination reduces the potential for fraud and abuse in the Title IV, HEA programs caused by ineligible aliens receiving Federal student financial assistance. By reducing the potential for fraud and abuse, the Secretary is better able to safeguard Federal student financial aid dollars for the intended purpose of providing educational opportunities to U.S. citizens or noncitizens with Title IV, HEA – eligible immigration credentials.

3. Consideration of Improved Information Technology

The Secretary uses an automated data matching system in conjunction with the Department of Homeland Security's (DHS) office of Citizenship and Immigration Services (USCIS) to electronically confirm the eligible noncitizen status of a noncitizen applicant for Title IV, HEA benefits. The data matching system is operated in full compliance with the Computer Matching and Privacy Protection Act of 1988 (CMPPA), as amended in order to prevent fraud and abuse. As required by the CMPPA, applicants with immigration statuses that are not confirmed as eligible noncitizens by the data matching system are not presumed to be ineligible and are instead, subject to a secondary automated confirmation process within USCIS. In those limited cases where confirmation is not achieved after the automated secondary confirmation, the noncitizen applicant is subject to a manual secondary confirmation process requiring the institution to request written confirmation from USCIS through the submission of a G 845 Form (as provided by USCIS), along with copies of the student's immigration status documentation that has been already provided to the institution by the applicant. This manual request for information, which we refer to as manual secondary confirmation, constitutes the collection of information for which approval is requested.

4. Efforts to Identify Duplication

There is no duplication of records or similar information already available for use by institutions.

5. **Burden Minimization as Applied to Small Business**

The information collected does not involve small business entities.

6. **Consequences of Less Frequent Data Collection**

If this information is not collected or is collected less frequently, the potential for fraud and abuse increases. Also, section 484(g)(1) provides that the Secretary will verify applicant claims of citizenship or eligible noncitizen status prior to awarding grants, loans, or work assistance under Title IV of the HEA. This provision precludes the Secretary from employing any procedure that does not verify U.S. citizenship or eligible immigration status of all applicants for Title IV, HEA benefits.

7. **Special Circumstances Governing Data Collection**

Under 34 CFR 668.135, an institution that receives immigration status documents from a student with an immigration status that was not confirmed using the USCIS/ED data match or the automated secondary confirmation process is required to request written confirmation from the USCIS within 10 business days.

No institution is required to submit more than the original completed G 845 Form and one copy of any USCIS immigration status document(s).

No institution is required to retain immigration status records for more than three years after the end of the award for which Title IV, HEA aid was awarded and disbursed.

This information collection does not include a statistical survey.

This information collection does not require the use of a statistical data classification.

This information collection does not include a pledge of confidentiality that is not supported by authority established in statute or regulation, is not supported by disclosure and data security policies consistent with the pledge, or which impedes sharing of data with other agencies.

This information collection does not require respondents to submit proprietary trade secrets or other confidential information.

8. **Consultation Outside the Agency**

This information collection is not being submitted in connection with a notice of proposed rulemaking. Consultations with members of the financial aid community are made regularly to determine if there are areas of improvement needed in the secondary confirmation process. These consultations have been instrumental in finding ways to increase the percentage of noncitizen applicants with immigration statuses that are confirmed using the electronic data match and, as a result, to reduce the percentage of

applicants requiring manual secondary confirmation. Consultations with the USCIS are conducted approximately twice yearly and more often if needed – these consultations are useful in addressing interagency processing problems and in discussing how new technologies can be employed to perform these functions more efficiently. Automated secondary confirmation as provided by USCIS has significantly reduced the percentage of non-matches that lead to the required data collections and submission of the G-845 form to USCIS.

9. Payments or Gifts to Respondents

There has been no payment or gift to respondents.

10. Assurance of Confidentiality

These requirements do not prescribe any assurance of confidentiality to institutions except as required under the provisions of the CMPPA.

11. Questions of a Sensitive Nature

These regulations do not include any questions of a sensitive nature, such as sexual behavior and attitudes.

12. Annual Hour Burden for Respondents/Recordkeepers

Current Burden Hour Assessment – disaggregated by Affected Entity

Total Current Inventory – disaggregation by affected entity:

Affected Entity:

Businesses:

For-Profit:

| # of Respondents | Ave.# of Responses/ Respondent | X Hours/Response | = Burden Hours |
|------------------|--------------------------------|------------------|------------------|
| 2,053 | 11 | .25 hours | = 5,645.75 hours |

Not-for Profit:

| # of Respondents | Ave.# of Responses/ Respondent | X Hours/Response | = Burden Hours |
|------------------|--------------------------------|------------------|------------------|
| 2,053 | 11 | .25 hours | = 5,645.75 hours |

State, Local or Tribal Entities:

| # of Respondents | Ave.# of Responses/ Respondent | X Hours/Response | = Burden Hours |
|------------------|--------------------------------|------------------|------------------|
| 2,054 | 11 | .25 hours | = 5,648.50 hours |

Total Current Inventory:

| | | |
|------------------|---------------|----------------|
| # of Respondents | # of Response | = Burden Hours |
| 6,160 | 67,760 | 16,940 |

Revised Inventory:

Of the 989,540 applications from noncitizen applicants processed in the 2006-2007 award year, 213,760 were not confirmed using the data match. Of the 213,760, we estimate that approximately half or 106,880 applicants did not match with the USCIS database submitted by 4,928 institutions/respondents. The 106,880 applicants are further reduced by the show-up rate for the Pell Grant Program of 75% or 80,160. Of the remaining 80,160 applicants 90% either dropped out of the application process or were not subjected to manual secondary confirmation because regulatory provisions in 34 CFR 668.133(b) exempt respondents from this requirement if manual secondary confirmation was successfully used to confirm a student's eligible noncitizens status in a previous year.

The reporting burden for the information collection, therefore, is calculated in the following manner:

$$\begin{aligned} & 4,928 \text{ (number of respondents/institutions)} \\ & \times 16 \text{ (average annual responses per respondent –} \\ & \quad \text{80,160 divided by 4,928 equals 16.26,} \\ & \quad \text{rounded to 16 responses per respondent)} \\ & = 78,848 \text{ (total annual responses)} \\ & \times 0.25 \text{ (response burden per response in hours)} \\ & = 19,712 \text{ hours} \end{aligned}$$

Revised Inventory – disaggregation by affected entity:

Affected Entity:

Business:

For-Profit:

| | | | |
|------------------|-----------------------------------|------------------|----------------|
| # of Respondents | Ave.# of Responses/ Respondent | X Hours/Response | = Burden Hours |
| 1,643 | 16 | .25 hours | = 6,572 hours |

Not-for Profit:

| | | | |
|------------------|-----------------------------------|------------------|----------------|
| # of Respondents | Ave.# of Responses/ Respondent | X Hours/Response | = Burden Hours |
|------------------|-----------------------------------|------------------|----------------|

$$1,643 \quad \text{Respondent} \quad 16 \quad .25 \text{ hours} \quad = \quad 6,572 \text{ hours}$$

State, Local or Tribal Entities:

| | | | |
|------------------|-----------------------------------|------------------|----------------|
| # of Respondents | Ave.# of Responses/ Respondent | X Hours/Response | = Burden Hours |
| 1,642 | 16 | .25 hours | = 6,568 hours |

Total Revised Inventory:

| | | |
|------------------|----------------|----------------|
| # of Respondents | # of Responses | = Burden Hours |
| 4,928 | 78,848 | 19,712 |

13. Annual Cost Burden to Respondents

Cost:

The annual cost burden attributable to staff is as follows:

$$\begin{aligned}
 & \$5.00 \text{ (respondent salary cost: } \$20/\text{hr} \\
 & \quad \text{X 15 minutes)} \\
 \text{X } & 19,712 \text{ (estimated annual frequency)} \\
 = & \$98,560
 \end{aligned}$$

There are no capital or start-up costs associated with this information collection. The annual cost burden is calculated as follows:

$$\begin{aligned}
 & \$0.41 \text{ (postage)} \\
 + & \$0.60 \text{ (photocopying and student interview)} \\
 \text{X } & 19,712 \text{ (estimated annual frequency)} \\
 = & \$20,106 \text{ (total annual cost to respondents)}
 \end{aligned}$$

Total Cost Burden to Respondents:

$$\begin{array}{r}
 \$98,560 \\
 \underline{\$20,106} \\
 \$118,666
 \end{array}$$

14. Estimated Annual Cost to the Federal Government

The cost to the government is comprised of cost to the U.S. Department of Education (ED) and on-going costs to the Department of Homeland Security’s office of Citizenship and Immigration Services (USCIS). The costs to ED are for central processing system costs, the cost of leasing telephone lines for the transmission of data used in the match to and from CIS, as well as the cost of administering the match. Costs incurred by CIS include on-going costs for processing all applicant records that are transmitted to CIS by ED. We calculate this costs as follows:

| | | |
|----------------------------------|---|--|
| ED’s CPS Processing Cost | | 989,540 (records sent to CIS) |
| | X | .01 (processing cost per record) |
| | = | \$9,895 (application processing) |
| | | 213,760 (no match records) |
| ED’s correction processing costs | X | .25 (percent returning as corrections) |
| | X | .084 (cost per record for history correction reprocessing) |
| | = | \$4,489 (application record processing) |
| Cost to ED | | \$9,895 (application record processing) |
| | + | \$4,489 (history correction reprocessing) |
| | + | \$10,100 (leased phone lines) |
| | + | \$41,502 (ED administration cost) |
| Total ED Cost | = | \$65,986 (annual cost to ED) |
| USCIS Costs | | \$66,284 (personnel costs including fringe benefits) |
| | + | \$30,620 (contractor costs) |
| | + | \$46,634 (program funding costs) |
| | + | \$26,274 (database matching costs) |
| Total USCIS Cost | = | \$169,812 (annual cost to CIS) |

18. Exception to the Certification Statement

The Department of Education is not seeking an exception to the certification for Paperwork Reduction Act submissions.