

**SUPPORTING STATEMENT FOR**  
**Sponsor Deeming and Agency Reimbursement**  
**OMB Control No.: 1615-NEW**  
**COLLECTION INSTRUMENT(S): G-1552 Sponsor Deeming and Agency Reimbursement Online**  
**Reporting**

**A. Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

On May 23, 2019, the President issued a “Memoranda on Enforcing the Legal Responsibilities of Sponsors of Aliens,” (referred to herein as the “Presidential Memorandum”) discussing sponsor deeming and agency reimbursement requirements, and directing Federal agencies to “update or issue procedures, guidance, and regulations, as needed, to ensure that ineligible non-citizens do not receive means-tested public benefits, in better compliance with the law.” The President also observed that “increased oversight and updates to current data collection efforts will ensure more effective compliance” with sponsor deeming and agency reimbursement requirements. *Id.* at Sec. 2. Finally, the President directed the Secretary of Homeland Security to coordinate with other relevant Federal Departments regarding the collection of information and information sharing procedures “for the administration and enforcement of all applicable immigration laws and regulations” regarding sponsor deeming and agency reimbursement. *Id.* at Sec. 5(a)(ii). This information collection implements these directives by requesting that Federal means-tested public benefit agencies provide information to the Systematic Alien Verification for Entitlements (SAVE) program regarding their use of the sponsor information SAVE provides to them to improve the administration and oversight of the respective benefit programs in relation to sponsor deeming and agency reimbursement processes. This will permit SAVE and those programs to better monitor system and information use, perform actions to ensure compliance regarding SAVE program rules and federal sponsorship requirements, and meet sponsor deeming and agency reimbursement obligations.

Background on the SAVE Program

U.S. Citizenship and Immigration Services (USCIS) administers the SAVE Program, which provides a verification service to Federal, State, local, and tribal benefit-granting and licensing agencies and other governmental entities, and Airport Operators, confirming certain naturalized and derived U.S. citizenship or immigration status of applicants for benefits or licenses. Benefit granting agencies use SAVE pursuant to section 121 of the Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603 (Nov. 6, 1986), which requires administering entities to utilize an individual’s alien file or alien registration number to verify the individual’s immigration status through an automated or other system designated by USCIS for that purpose. Other statutes authorizing verification of citizenship and immigration status for benefits by using SAVE include the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (Aug. 22, 1996) (codified at 8 U.S.C. §§ 1621-1625); the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-546, § 642 (Sept. 30, 1996) (codified in pertinent part at 8 U.S.C. § 1373); and the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 at § 1411(a)(1) (Mar. 23, 2010), as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, 124 Stat. 1029 (Mar. 30, 2010). SAVE itself is established, administered and operated pursuant to IRCA 121(c), codified at 42 U.S.C. § 1320b-7 and note, Section 102 of the Homeland Security Act of 2002, 6 U.S.C. §

112, and section 103 of the Immigration and Nationality Act, 8 U.S.C. § 1103, which vest the Secretary of Homeland Security with administration of the immigration and naturalization laws of the United States.

A Federal, State, local, tribal, or local government agency, or Airport Operator, that provides a benefit or license, or that is otherwise authorized by law to engage in an activity related to the verification of citizenship or immigration status information, may register as a SAVE user agency by providing registration information, including the appropriate legal authorities justifying their use of SAVE, and executing a SAVE Memorandum of Agreement (MOA), which sets forth the terms and conditions for using the system. When a SAVE user agency initiates verification, the agency provides required information, including the applicant's first and last name, date of birth, the benefit that the applicant is seeking, and the applicant's numeric identifier (such as an Alien Registration Number, Admission (I-94) Number, SEVIS ID Number, Certificate of Naturalization Number, Certificate of Citizenship Number, or Unexpired Foreign Passport Number). SAVE then responds with an electronic case result, including the class of admission with a narrative description of the citizenship or immigration status and other DHS-accessed information, such as sponsorship information (the sponsor's name, social security number and last known address), depending on the agency's legal authorities, SAVE configuration and established need to know.<sup>1</sup> If SAVE is unable to return a case result, the agency receives a request from SAVE to provide USCIS with additional information (called "Institute Additional Verification"), to include any additional information about the benefit sought, the individual's documentation, and criteria related to the benefit determination. The user agency sends the additional information to USCIS' Status Verification Operations where Status Verifiers review documents, check databases and manually review files to provide citizenship and immigration status information. SAVE and its user agencies thus engage in a daily back-and-forth exchange of information to confirm and provide benefits and licensing eligibility information.

#### SAVE Use in Sponsor Deeming and Agency Reimbursement Processes

USCIS intends to collect information through SAVE regarding actions that agencies adjudicating federal means-tested public benefits take to: (1) deem sponsor income as part of applicant income for purposes of federal means-tested public benefits eligibility; and (2) seek reimbursement from sponsors for the value of federal means-tested public benefits provided to sponsored immigrants.<sup>2</sup> There are currently five designated federal means-tested public benefits: Medicaid, CHIP, TANF, SNAP (formerly known as Food Stamps), and SSI. These benefits are administered at the federal level by the following agencies:

- U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (HHS/CMS – Medicaid & CHIP)
- U.S. Department of Health and Human Services, Administration for Children and Families (HHS/ACF – TANF)
- U.S. Department of Agriculture, Food and Nutrition Service (USDA/FNS – SNAP)
- Social Security Administration (SSA – SSI)

SSA adjudicates SSI applications. The four other federal means-tested public benefits are adjudicated and administered by state agencies in accordance with federal laws, regulations, and guidance. SAVE intends

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<sup>1</sup> Thus, while USCIS is conducting this information collection as provided in 5 C.F.R. 1320.3(b)(3), applicants do not interact directly with SAVE or USCIS in the verification process. The applicant only interacts with the user agency that issues the license or benefit, and SAVE also only interacts with the user agency, except for operating a SAVE internet portal (<https://www.uscis.gov/save/casecheck>) permitting applicants to view the status of their SAVE case.

<sup>2</sup> References to "sponsors" also includes, where applicable, household members who execute a Contract Between Sponsor and Household Member (Form I-864A).

to request that SAVE user agencies receiving immigration sponsorship information from SAVE then provide responsive information, discussed in more detail below, to SAVE regarding their use of that information in their federal means-tested public benefit determinations.

#### Legal Authorities Related to Sponsor Deeming and Agency Reimbursement

Section 212(a)(4) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1182(a)(4), requires some immigrants who seek lawful permanent resident (LPR) status to submit an Affidavit of Support Under Section 213A of the INA (Form I-864 or Form I-864EZ), referred to hereinafter as “Form I-864 Affidavit of Support,” executed by a sponsor on the immigrant’s behalf. In certain cases, such as when a joint sponsor is needed, the intending immigrant may have more than one sponsor execute a Form I-864 Affidavit of Support on the intending immigrant’s behalf. Section 213A of the INA, 8 U.S.C. § 1183a, DHS implementing regulations found at 8 C.F.R. Part 213a, and the Form I-864 and its Instructions, provide details on the applicability and enforcement of the Form I-864 Affidavit of Support, as well as consent language authorizing the use and agency sharing of sponsorship information. In general, a sponsor must demonstrate the means to maintain to maintain an annual income equal to at least 125 percent of the Federal Poverty Guidelines calculated based on the sponsor’s household size during the period in which the Form I-864 Affidavit of Support is enforceable. Sponsors must sign the legally enforceable Form I-864 Affidavit of Support, under which the sponsor agrees to the support obligations under section 213A of the INA, 8 U.S.C. § 1183a, including assuming financial support for the sponsored immigrant, consenting to agency sharing of sponsorship information, as well as liability for reimbursing the cost of any means-tested public benefits provided to the sponsored immigrant during the period in which the Form I-864 Affidavit of Support is enforceable. Sponsors can also include the income and assets of spouses or other eligible members of the sponsor’s household if the household members execute a Contract Between Sponsor and Household Member (Form I-864A) (“Form I-864A Contract”). In family-based immigrant cases, if the sponsor dies after approval of the immigrant petition, or the application is being adjudicated under section 204(l) of the INA, 8 U.S.C. 1154, a substitute sponsor, as defined in 8 C.F.R. 213a.1, may execute a Form I-864 Affidavit of Support if the substitute sponsor meets all of the requirements under section 213A(f)(5)(B) of the INA, 8 U.S.C. § 1183a(f)(5)(B). Form I-864 Affidavit of Support and Form I-864A Contract contain consent language authorizing agency sharing of sponsorship information.

In determining a sponsored immigrant’s eligibility for, and the amount of, any federal means-tested public benefits, the income and resources of any sponsor who executed a Form I-864 Affidavit of Support and any household member who signed and submitted a Form I-864A Contract must be counted “notwithstanding any other provision of law,” in accordance with 8 U.S.C. § 1631(a). Federal and State agencies administering federal means-tested public benefits refer to the counting of a sponsor’s income and resources in determining an immigrant’s eligibility as “deeming” – *i.e.*, a sponsor’s income and resources are said to be deemed to be income of the sponsored immigrant. State agencies have the responsibility to make determinations for exceptions to the sponsor deeming requirements, in accordance with 8 U.S.C. §§ 1631(e) and 1631(f). The statutory exceptions are for sponsored immigrants who: (1) have demonstrated the immigrant or his or her child has been battered or subjected to extreme cruelty as detailed in 8 U.S.C. § 1631(f); and (2) determined by an agency to be “indigent” as detailed in 8 U.S.C. § 1631(e). Benefit granting agencies collect information about sponsor income and resources, as appropriate, in order to make accurate benefit award and deeming determinations. Executing the Form I-864 Affidavit of Support creates a contract between the sponsor and the U.S. Government, and the sponsor is subject to the obligations and requirements of section 213A of the INA, 8 U.S.C. § 1183a. For example, the sponsor is obligated to support the intending immigrant at an income that is at least 125% of the Federal Poverty Guidelines (or 100% in certain cases as permitted by statute) and the sponsor’s income and resources are available as income to the sponsored immigrant for deeming purposes. Section

213A(i) of the INA, 8 U.S.C § 1183a(i), also requires the provision and electronic maintenance of each sponsor's Social Security Number (SSN).

Section 213A of the INA, 8 U.S.C § 1183a, also authorizes States and the Federal government to recover the costs of means-tested public benefits provided to sponsored immigrants from sponsors who have signed a Form I-864 Affidavit of Support, or from household members who executed a Form I-864A Contract, during the time period that the Form I-864 Affidavit of Support or Form I-864A Contract is in effect.<sup>3</sup> 8 C.F.R. § 213a.4(a)(1) provides that states or the Federal government may seek reimbursement from the sponsor or household members. In pursuing reimbursement of benefits from an immigrant's sponsor or household members, agencies must follow the process set out by DHS regulations at 8 C.F.R. § 213a.4. 8 C.F.R. 213a.4(a)(3), in particular, permits agencies to request "information through the Systematic Alien Verification for Entitlement (SAVE) Program . . . to obtain the sponsored immigrant's current immigration or citizenship status or the name, social security number and last known address of a sponsor, substitute sponsor, or joint sponsor."

With further respect to SAVE's role in these processes, in addition to the organic and administrative authorities discussed above, SAVE enters into an individual MOA with each SAVE user agency. SAVE user agencies agree in the SAVE MOA to comply with USCIS Monitoring and Compliance (M&C) activities. Specifically, SAVE user agencies agree to allow USCIS "to monitor and review all records and documents related to the use . . . of SAVE by the User Agency." MOA Art. IV.B.(2)(d). SAVE user agencies further agree to allow USCIS to "conduct desk audits and/or site visits to review User Agency compliance with this MOA and all other SAVE-related policy, procedures, guidance and law applicable to conducting verification and safeguarding, maintaining, and disclosing any data provided or received pursuant to this MOA." MOA Art. IV.B.(2)(e). Finally, SAVE users agree that USCIS has "the right to use information from the User Agency for any purpose permitted by law, including, but not limited to, the prosecution of violations of Federal administrative or criminal law." MOA Art. VI.C.(1).

Accordingly, this information collection, directed by the Presidential Memorandum, not only improves benefits administration required by INA § 213A and 8 U.S.C. § 1631, IRCA § 121(c), DHS implementing regulations at 8 C.F.R. Part 213a and instructions, guidance and consent language found on the Forms I-864, I-864EZ and I-864A, but also supports the M&C provisions agreed to by SAVE user agencies in the SAVE MOA.

#### Sponsor Deeming and Agency Reimbursement Information

States administering federal means-tested public benefits that are approved and configured by SAVE can request sponsor information (name, social security number and last known address) through SAVE. In providing this information, SAVE is not verifying information sent to it by a user agency, but affirmatively providing sponsor information to the requestor. SAVE currently returns whether an individual is LPR, and whether that LPR has a sponsor, joint sponsor, household member and/or substitute sponsor who signed the Form I-864 Affidavit of Support or Form I-864A Contract, and provides each sponsor's and household member's name, address, and Social Security Number to approved user agencies that adjudicate one or more of the above five Federal means-tested public benefits. SAVE provides this information under authority of the INA, sponsor deeming and agency reimbursement implementing regulations, the SAVE MOA, and agency guidance.

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<sup>3</sup> Under INA 213A nongovernmental entities also have a right under to seek reimbursement (INA 213A(b)(1) and (2)) and have standing to take action against the sponsor in Court (INA 213A(e)(2)). USCIS intends to work with the Federal means-tested public benefit granting oversight agencies to study nongovernmental entity participation in these processes and their potential for participation in this information collection.

SAVE intends to ask, but not require, Federal means-tested public benefit granting agencies to provide follow up information to USCIS for each case in which SAVE provides Form I-864 Affidavit of Support sponsor or Form I-864A Contract Between Sponsor and Household Member information. This information collection will be limited to cases in which SAVE provides this sponsor or household member information on or after the date the information collection begins.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

This information collection supports SAVE and Federal means-tested public benefit granting agencies in the administration and oversight of their respective benefit verification programs, as they relate to the sponsor deeming and agency reimbursement provisions found at section 213A of the INA, 8 U.S.C. § 1631, in DHS regulations at 8 C.F.R. Part 213a, and in applicable agency guidance. This collection does this by providing sponsor information to Federal means-tested public benefit granting agencies through SAVE and requesting follow up information regarding their use of that sponsor information. Once received this will, in turn, provide USCIS and participating benefit granting agencies with access to reports recognizing patterns of sponsor deeming and agency reimbursement activity for better program administration, support of recoupment activities, and improvement in overall benefits administration. Supporting public benefit granting agencies so they appropriately apply sponsor deeming and seek agency reimbursement based on the SAVE sponsorship information they receive promotes the purposes of SAVE and of those programs by helping determine SAVE's effectiveness, better permitting SAVE and the federal means-tested public benefit granting agencies to identify issues with sponsor deeming and agency reimbursement processes, ultimately improving those processes. Receiving this information will help USCIS, in particular, and these agencies, improve data systems and compliance related to verification processes, better coordinate reimbursement activities between Federal and state entities, and potentially identify and deter fraudulent and non-responsive sponsors. The collection ultimately furthers the administration of legally mandated sponsorship provisions and SAVE verification processes by ensuring that the information provided to administering agencies by SAVE is being used correctly and effectively.

USCIS intends to make the collected information available, as necessary and authorized, to participating Federal means tested public benefit agencies that perform oversight, monitoring and compliance activities regarding Federal sponsor deeming and agency reimbursement rules, as well as to the Department of Justice and the Department of Treasury as necessary and in coordination with the Federal means-tested public benefit agencies for reimbursement activity. USCIS will also provide access to collected information, as necessary and authorized, to approved adjudicating SAVE user agencies to assist them in managing their SAVE cases and monitoring their own compliance with SAVE program rules and Federal sponsor deeming and agency reimbursement requirements. SAVE may also provide collected information, as necessary and authorized, to USCIS information technology and monitoring and compliance offices, as well as to DHS and other Executive Branch personnel who monitor system use and perform actions to ensure compliance regarding SAVE program rules, Federal sponsorship requirements, and sponsor deeming and agency reimbursement obligations.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

USCIS will collect this information online using the electronic SAVE system with instructions provided online, but the information will be collected in a section separate from the other SAVE information

collection. Collection will occur monthly, to allow SAVE user agencies to provide consolidated data with a common frequency that ensures that data will not lose relevance as it ages.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

A review of the USCIS Forms Inventory Report revealed no duplication of efforts. There is no similar information currently available that can be used for this purpose.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

This collection of information does not have an impact on small businesses or other small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Sponsor and household member deeming and reimbursement information will be collected monthly. SAVE user agencies will be able to provide consolidated data with a common frequency that ensures that data will not lose relevance as it ages.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances applicable to this information collection.

**8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 C.F.R. 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

On December 18, 2019 USCIS published a 60-day notice in the Federal Register at 84 FR 69386. USCIS received 21 comments; 4 comments were out of scope. USCIS has responded to these comments in the Appendix A at the end of this Supporting Statement A.

On May 6, 2020 USCIS published a 30-day notice in the Federal Register at 85 FR 26984. USCIS received 2 comments. USCIS has responded to these comments in the Appendix B at the end of this Supporting Statement A.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

USCIS does not provide payments or gifts to respondents in exchange for a benefit sought.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.**

There is no assurance of confidentiality.

The system of record notice associated with this information collection pending:

- DHS/USCIS-004 SAVE SORN, 85 FR 31798, May 27, 2020.

The privacy impact assessment for this information collection is pending:

- Forthcoming DHS/USCIS/PIA-006(c) SAVE PIA

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to**

**persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Total Number of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
State and local governments	VIS Submission	322,984	1	322,984	0.042	13,565	\$36.47	\$494,728
Federal government	VIS Submission	1,753	1	1,753	0.042	74	\$36.47	\$2,685
Total				324,737		13,639		\$497,413

\* The above Average Hourly Wage Rate is the May 2018 Bureau of Labor Statistics average wage for All Occupations of \$24.98 times the wage rate benefit multiplier of 1.46 (to account for benefits provided) equaling \$36.47. The selection of "All Occupations" was chosen as the expected respondents for this collection could be expected to be from any occupation.

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into**

**account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or, (4) as part of customary and usual business or private practices.**

There are no capital, start-up, operational or maintenance costs associated with this collection of information. There is no mailing cost since SAVE will collect all information electronically. There is also no fee associated with this information collection. All costs that may be associated with using SAVE are captured in the approved OMB Control Number 1615-0101.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

All costs to the Federal Government are captured in the approved OMB Control Number 1615-0101.

**15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.**

This information collection is new. Therefore, there is no change in burden.

**16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

This information collection will not be published for statistical purposes.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

USCIS will display the expiration date for OMB approval of this information collection.

**18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submission,” of OMB 83-I.**

USCIS does not request an exception to the certification of this information collection.

**B. Collections of Information Employing Statistical Methods.**

There is no statistical methodology involved with this collection.

## **Appendix A to USCIS, Supporting Statement (Collection Number 1615-NEW)**

On December 18, 2019, USCIS published a 60-day information collection notice in the *Federal Register* (84 Fed. Reg. 69386). United States Citizenship and Immigration Services (USCIS) received **21 comments** in response to its request for comments in the 60-day notice. USCIS received 4 comments that are out-of-scope. The following is a summary of comments received to the 60-day notice and, in addition to the information provided in the Supporting Statement, USCIS' offers the following responses:

### **Sponsor Deeming and Agency Reimbursement**

**1.** One comment agreed with the proposed information collection as a good idea for ensuring means-tested public benefit-granting agencies, benefit applicants, and sponsors are complying with applicable rules, and identifying and addressing situations in which they are not. Another comment stated it is essential for sponsors be held accountable to repay the benefits given to the immigrants they have promised to support, and whatever information needed to enforce the support affidavits be acquired no matter the cost or inconvenience.

*Response:* USCIS appreciates the support for collecting data to ensure better administration and compliance with Federal laws, regulations, and policies that require sponsor deeming and agency reimbursement related to Federal means-tested public benefits.

**2.** A comment said that the 125% of the Federal Poverty Level (FPL) income requirement is too low, especially when the income required to qualify for the school lunch program is greater than that at 130% of the FPL

*Response:* This comment addresses matters outside the scope of this information collection.

**3.** One comment asked how bribes can be kept out of the system and why the Department of Homeland Security would allow a huge gathering of illegal immigrants in the halls of the New Jersey legislature. The comment also requested that DHS take more actions to apprehend illegal immigrants and send them back to their country of origin.

*Response:* This comment addresses matters outside the scope of this information collection.

**4.** Some comments expressed concern about the proposed information collection requiring, forcing, or mandating agencies to participate in the proposed information collection. One local government commenter said that adding more mandates for eligibility determinations more greatly burdens their agency staff, creates backlogs of work, and impacts timely eligibility determinations and provision of services to families in need. This commenter also said that the additional time for each case would increase workload and potentially increase the risk of not meeting timely case processing regulations, unless additional resources are added at an increased cost to their local government. One commenter said that, during prior implementation of significant regulatory rule changes, the need for additional resources has been considered and funding has been provided to counties for enhancements such as the Affordable Care Act and expansion of CalFresh (SNAP) benefits to recipients of Supplemental Security Income.

*Response:* USCIS has included its burden analysis for this information collection in the Supporting Statement. USCIS intends to request but not require Federal means tested public benefit-granting agencies to provide this information. The agency has mitigated the burdens associated with this information collection by, among other efforts, limiting the questions to the extent practicable, integrating

the questions electronically into SAVE, and eliminating unnecessary questions as the system receives responses. USCIS will work with responding agencies to minimize burdens on their administrative process but is not aware, at this time, of any additional Federal resources or funding to be made available with respect to this information collection.

5. Most comments received by USCIS argued that DHS lacks legal authority for this information collection. Variations on this theme included that USCIS only has legal authority to verify immigration status based upon information provided by SAVE user agencies and does not have authority to collect information from SAVE user agencies (*i.e.*, that 42 U.S.C. § 1320b-7 does not provide SAVE authority to collect information). Others added that 42 U.S.C. § 1320b-7(a)(5)(B) (requiring safeguards against disclosure for “other purposes”) and 42 U.S.C. § 1320b-7(d)(3)(B), requiring DHS to “protect the individual’s privacy to the maximum degree possible”) bolster this position. Finally, several comments contend that 8 U.S.C. § 1183a(a)(3)(C) gives authority to DHS to provide Affidavit of Support information through SAVE, but does not require SAVE users to provide reimbursement information to USCIS and, similarly, that 8 C.F.R. 213a only addresses USCIS’ provision of Affidavit of Support information to a SAVE user and not back to USCIS.

*Response:* As discussed in this Supporting Statement and Appendix, USCIS relies on SAVE’s organic authority and the Secretary’s administrative authorities to establish and operate the system for the verification of immigration status known as SAVE. See IRCA, Pub. L. No. 99-603, 100 Stat. 3359, Part C, § 121(c) (Nov. 6, 1986), codified at 42 U.S.C. § 1320b-7 and note; and Section 102 of the Homeland Security Act of 2002, 6 U.S.C. § 112, and section 103 of the INA, 8 U.S.C. § 1103. USCIS relies on these authorities and INA 213A, 8 U.S.C. § 1631, DHS implementing regulations at 8 C.F.R. Part 213a, and instructions, guidance and consent language found on the Forms I-864, I-864EZ and I-864A, as well as the Monitoring and Compliance (M&C) provisions agreed to by user agencies in the SAVE MOA, and related agency guidance, for this information collection.

Section 102 of the Homeland Security Act of 2002, 6 U.S.C. § 112, and section 103 of the INA, 8 U.S.C. § 1103, charge the Secretary of Homeland Security with the administration and enforcement of the immigration and naturalization laws of the United States. In addition to establishing the Secretary’s general authority for the administration and enforcement of immigration laws, section 103 of the Act, 8 U.S.C. § 1103, enumerates various related authorities, including the Secretary’s authority to establish regulations and prescribe such forms of bond as are necessary for carrying out such authority. Section 212 of the Act, 8 U.S.C. § 1182, establishes classes of aliens that are ineligible for visas, admission, or adjustment of status. Section 213A of the Act, 8 U.S.C. § 1183a, sets out the requirements an individual needs to meet to qualify as a sponsor who can execute an affidavit of support under this section, and the support obligations a sponsor agrees to by executing such affidavit of support, including reimbursement of government expenses where the sponsored alien received means-tested public benefits. INA 212(a)(4)(C) and (D) require certain immigrants to have a sponsor execute an Affidavit of Support Under Section 213A of the Act (Form I-864 or Form I-864EZ), on the immigrant’s behalf in order to become a LPR. The sponsor agrees to the support obligations and conditions of INA 213A by executing Form I-864/I-864EZ, and the household members through executing a Form I-864A, and Congress, through section 213A(a)(3)(C) of the Act, 8 U.S.C. § 1183a(a)(3)(C) authorized SAVE to collect the appropriate information regarding receipt of Federal benefits during creditable quarters.

The sponsor’s reimbursement obligations are part of section 213A of the INA, 8 U.S.C. 1183a, and the deemed of sponsor income when the sponsored immigrant applies for means-tested public benefits are dependent on the information provided to SAVE pursuant to INA § 213A(a)(3)(C) (the Secretary “shall ensure that appropriate information regarding the application of this paragraph is provided to the system for alien verification of eligibility (SAVE) described in section 1137(d)(3) of the Social Security Act.”) Without this information, the Secretary has limited visibility into whether the requirements of section

213A of the Act, 8 U.S.C. § 1183a, and 8 U.S.C. § 1631 are being met. As such, the proposed information collection is an extension of the existing legally authorized SAVE process in which SAVE provides Form I-864 Affidavit of Support sponsor information, and Form I-864A Contract, when a Federal means tested public benefit granting agency submits a SAVE case for one or more means-tested public benefits. The sponsorship and support obligation questions and answers ask, as part of a cohesive program authorized by these authorities, and the Secretary's administrative authorities, whether and how the agency used the information SAVE provided vis-à-vis SAVE program rules and Federal sponsor deeming and agency reimbursement laws, regulations, and policies.

The Secretary's authority in establishing and administering SAVE includes receiving relevant information from user agencies regarding their use of SAVE information as well as verifying the information those agencies send to SAVE. SAVE's existing processes not only verify user agency information, but also include receiving new information from the user agencies at various stages of the SAVE process.<sup>4</sup> SAVE then provides those user agencies with information they do not possess (i.e., citizenship and immigration status and sponsor information) and in some cases engages in monitoring and compliance activities to ensure SAVE information is being used properly. This is all consistent with the grant of authority to the Secretary under Section 102 of the Homeland Security Act of 2002, 6 U.S.C. § 112, and section 103 of the INA, 8 U.S.C. § 1103, to administer and enforce the immigration and naturalization laws of the United States, and to implement an automated or other "system" that uses immigration identifiers "or other means" (for example, collecting monitoring and compliance information) permitting efficient verification. 42 U.S.C. § 1320b-7(d)(3). The plain language of the statute permits the Secretary to implement an entire "system" permitting efficient verification, and does not proscribe the information the Secretary may request in administering that system. SAVE M&C activity, including the receipt of information regarding the operation of the system, has always been a reasonable and agreed to part of SAVE, and this information collection is designed, as discussed above, to help ensure "efficient" verification processes related to sponsor information. As such, the Secretary has legal authorization to collect the requested information related to user agency use of SAVE-provided sponsor information in administering the SAVE system and INA 213A Affidavit of Support sponsor deeming and agency reimbursement processes.

**6.** Several comments contend, apparently based upon the legal arguments made in the comments discussed in the item immediately above, that the proposed information collection is not necessary and will have no practical utility for the proper functioning of SAVE or its user agencies that determine eligibility for and provide means-tested public benefits.

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<sup>4</sup> For example, as part of its current administrative processes SAVE receives information about user training, information regarding agency legal authorities and users in its registration process as well as account information for billing. SAVE receives information about the applicant when agencies complete a case and follow up information regarding the applicant and the applicant's documents, as well possibly alternate document information later provided by the applicant, in its secondary additional verification process. SAVE contacts agencies and receives information about web access methods, case processing, system/processing errors, case delays and customer complaints. SAVE already receives information from user agencies regarding user agency issues related to sponsor deeming and agency reimbursement information (for example to follow up on an out-of-date address or complex sponsor names), and from applicants who access SAVE Case Check to check their case status. Finally, SAVE receives information about case outcomes in monitoring and compliance actions, and for responses to media and stakeholder inquiries, and other circumstances. USCIS also receives information from applicants following initiation of a SAVE case for information correction processes. See SAVE Fact Sheet detailing records correction activities at <https://www.uscis.gov/sites/default/files/SAVE/Publications/Records-Fast-Facts-for-Benefi-Applicants.pdf>

*Response:* This collection is necessary for the proper performance of agency functions because it informs and supports legally mandated sponsor deeming and agency reimbursement processes found in INA § 213A and 8 U.S.C. § 1631, and improves SAVE administration.

The May 23, 2019, Presidential “Memorandum on Enforcing the Legal Responsibilities of Sponsors of Aliens,” (hereinafter referred to as the “Presidential Memorandum”) discussing sponsor deeming and agency reimbursement requirements directs Federal agencies to “update or issue procedures, guidance, and regulations, as needed, to ensure that ineligible non-citizens do not receive means-tested public benefits, in better compliance with the law.” The Presidential Memorandum also found that “increased oversight and updates to current data collection efforts will ensure more effective compliance” with sponsor deeming and agency reimbursement requirements and directed the Secretary of Homeland Security to coordinate with other relevant Federal Departments regarding improved collection of information and information-sharing procedures “for the administration and enforcement of all applicable immigration laws and regulations” regarding sponsor deeming and agency reimbursement. *Id.* at Secs. 2, 5(a)(ii). This information collection implements these directives by requesting that Federal means-tested public benefit agencies provide information to SAVE regarding their use of the sponsor information SAVE provides to them to improve the administration and oversight of the respective benefit programs in relation to sponsor deeming and agency reimbursement processes. This will permit SAVE and those programs to better monitor system and information use, perform actions to ensure compliance regarding SAVE program rules and Federal sponsorship requirements, and meet sponsor deeming and agency reimbursement obligations.

This information collection improves the proper performance of agency functions by providing the Federal government with better visibility into whether and how benefit-granting agencies use the sponsor and household member information SAVE provides to administering agencies when carrying out legally mandated sponsor deeming and agency reimbursement processes. USCIS also would have better visibility into whether benefit administering agencies are following the terms of their SAVE MOA and other SAVE guidance in how they use SAVE-provided sponsor and household member information. This optional information collection is thus designed to help remedy the information deficit identified in the Presidential Memorandum and thereby improve agency functions.

More specifically, SAVE currently provides approved user agencies with sponsorship information for sponsor deeming and agency reimbursement purposes, including the sponsor’s and household member’s name, SSN and address. Because SAVE does not provide administering agencies with income information, those must then contact the sponsor or household member, ascertain his/her income, potentially deem that income to the applicant and, if necessary, seek agency reimbursement for payments. Receiving information from benefit administering agencies about the completion of this process will help SAVE and other agencies involved in these processes improve benefits administration, enhance monitoring and compliance controls to ensure that agencies that request sponsor information are using that information appropriately, ensure that the information SAVE provides is properly received through user agency data systems, is helpfully formatted, timely delivered, and accurate. Receiving this information will help USCIS and these agencies improve data systems and compliance related to verification processes, better coordinate reimbursement activities between Federal and state entities, and potentially identify and deter fraudulent and non-responsive sponsors. USCIS notes that the Government Accountability Office has recently observed that SAVE “does not have sufficient controls to help ensure agencies are completing the necessary verification steps.”<sup>5</sup> This optional collection of information will also assist SAVE in instituting and improving such controls by receiving additional information about user agency use of SAVE-provided information.

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<sup>5</sup> See <https://www.gao.gov/products/GAO-17-204> at pgs. 15-23.

Finally, this optional collection of information supports the proper performance of agency functions by collecting statutorily-required information related to enforceability of the Affidavit of Support. With this information collection, SAVE will request whether the user agency stopped providing benefits because the alien has worked 40 qualifying quarters, and whether, if they are applying creditable quarters per INA § 213A(a)(3)(A) and (3)(B), the individual “did not receive any Federal means-tested public benefit” during those creditable quarters. This is information INA § 213A directs the Secretary to collect through SAVE. See INA § 213A(a)(3)(C)(“The [Secretary of Homeland Security] shall ensure that appropriate information regarding the application of this paragraph is provided to the system for alien verification of eligibility (SAVE) described in section 1137(d)(3) of the Social Security Act [42 U.S.C. § 1320b-7(d) (3)].” Accordingly, this information collection is not only meant to improve information collection to ensure better program administration, but also to collect sponsor deem and agency reimbursement information as required by statute.

7. Several comments contend that the proposed information collection is not authorized and therefore prohibited by Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) vis-à-vis specified state plans for medical assistance (Medicaid). Several comments referenced 42 CFR 431.302, which defines purposes directly related to specified state medical assistance plan administration. Several of these comments contend that the proposed information collection would not be for purposes directly connected with the administration of such plans and therefore run afoul of 42 U.S.C. 1396a(a)(7), which prohibits use or disclosure of information concerning applicants and recipients for other purposes.

*Response:* The sponsor deem and agency reimbursement authorities at section 213A of the INA, 8 U.S.C. § 1183a and 8 U.S.C. § 1631 reside in Title 8, but they also authorize certain actions of public benefit granting agencies not within DHS. As such, they are both laws directly related to the administration of means-tested public benefits and “immigration laws.” See INA section 101(a)(17), (8 U.S.C. § 1101(a)(17)), defining “immigration laws” as the INA and all laws “relating to the immigration, exclusion, deportation, expulsion, or removal of aliens.” The laws pertaining to deem and reimbursement thus directly include benefit administering and oversight agency functions in administering sponsor deem and agency reimbursement processes. In determining a sponsored immigrant’s eligibility for, and the amount of, any Federal means-tested public benefits, the income and resources of any sponsor who executed a Form I-864 Affidavit of Support and any household member who executed a Form I-864A Contract must be counted by the administering agency “notwithstanding any other provision of law,” in accordance with 8 U.S.C. § 1631(a). Section 213A of the INA, 8 U.S.C. § 1183a, also authorizes states to recover the costs of means-tested public benefits provided to sponsored immigrants from sponsors who have signed a Form I-864 Affidavit of Support, or from household members who executed a Form I-864A Contract, during the time period that the Form I-864 Affidavit of Support or Form I-864A Contract is in effect. With respect to the Medicaid program, states must verify that an individual is in a satisfactory immigration status with the Department of Homeland Security. 42 U.S.C. § 1320b-7(d). The Medicaid statute also requires states to take all reasonable measures to ascertain the liability of third parties. 42 U.S.C. § 1396a(a)(25).

Section 1137(d) and 1902(a)(7) of the Social Security Act (the Act), respectively codified at 42 U.S.C. § 1320b-7(d) and § 1396a(a)(7), permit the sharing of certain immigration information to determine eligibility under the Medicaid state plan through SAVE. Section 1902(a)(7) of the Act requires that Medicaid state plans provide safeguards that “restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the plan” and limited purposes related to the administration of child nutrition programs. Applicable regulations define “purposes directly connected with the administration of the plan” as including “establishing eligibility,” “determining the amount of medical assistance,” or “conducting or assisting an investigation, prosecution, or civil or criminal proceeding related to the administration of the plan.” 42 C.F.R. § 431.302(a). The

regulations do not establish an exclusive list of what, under the Social Security Act, constitutes a purpose directly connected with the administration of the plan.

Sharing the information at issue with DHS is consistent with this statutorily authorized use, because it permits a state, in support of the efficient administration of its State Medicaid plan, to better pursue recoupment when warranted from a sponsor who is a liable third party under the State Medicaid plan. This information collection supports the purposes of Federal means-tested public benefit programs in assisting the valid administrative needs of the respective means-tested public benefit programs as they relate to the sponsor deeming and agency reimbursement provisions found at section 213A of the INA, 8 U.S.C. § 1631, in DHS regulations at 8 C.F.R. Part 213a, and in applicable guidance. This collection does this by providing a centralized location for deeming and reimbursement information that may assist states in ascertaining the liability of third parties. This will, in turn, provide participating public benefit granting agencies with access to information recognizing patterns of deeming and reimbursement activity within their oversight for better program administration, support of recoupment activities (including Medicaid overpayments from the sponsor), and improvement in overall benefits administration by helping identify and potentially deter fraudulent and non-responsive sponsors. Supporting public benefit granting agencies so they appropriately apply deeming and seek reimbursement based on immigration sponsorship verification information further promotes the purposes of those programs by providing oversight agencies with information ensuring state agency compliance and helping determine instances when there is a Federal share to be recouped, permitting the Federal government to better identify when an administering agency has declined to pursue reimbursement and to decide whether it will pursue reimbursement.

Congress has articulated a national policy that (1) “aliens within the Nation’s borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations,” and (2) “the availability of public benefits not constitute an incentive for immigration to the United States.” 8 U.S.C. § 1601. Pursuant to 8 U.S.C. § 1373(a), notwithstanding any other provision of law, no Federal, State, or local law may prohibit, or in any way restrict, a Federal, State, or local government entity from sending information regarding the citizenship or immigration status of any individual to DHS. This provision expansively includes not only immigration status information but also information that is relevant to determining that status. The sponsor deeming and agency reimbursement information collected through this information collection is part of a SAVE immigration verification status request and the information provided by the agency may bear directly on sponsorship of an intending immigrant. Accordingly, 8 U.S.C. § 1373(a) permits administering agency sharing of this information with DHS notwithstanding the authorities cited by the commenters.

**8.** Several comments say that USCIS did not explicitly state the purpose and use of the proposed information collection.

*Response:* USCIS stated the purpose of this information collection in the Federal Register Notice inviting comments (84 Fed. Reg. 69386); namely “to support Federal means-tested public benefit granting agencies in the administration and oversight of their respective benefit programs as they relate to deeming and reimbursement processes in order to better monitor system and information use, and perform actions to ensure compliance regarding SAVE program rules, Federal sponsorship requirements, and deeming and reimbursement obligations.” USCIS has elaborated upon this purpose and use of the information in this Supporting Statement and Appendix.

**9.** One comment said that the following text from the SAVE webpage on the USCIS website is a recognition of legal and statutory restrictions on the use of SAVE information: “The SAVE Program provides a fast, secure and efficient verification service for Federal, state and local benefit-granting agencies to verify a benefit applicant’s immigration status or naturalized/derived citizenship...SAVE is

administered by the U.S. Citizenship and Immigration Services, a component of the Department of Homeland Security, and is dedicated to providing program support to participating agencies.”

*Response:* The cited language does not address legal or statutory restrictions, but is rather a general description of SAVE services. In any event, this information collection is a part of SAVE’s verification services in that it improves the operation and administration of those services.

**10.** USCIS received several comments contending that the proposed information collection is at odds with the Memoranda of Agreement (MOAs) that federal means-tested public benefit-granting agencies agree to when enrolling in SAVE because the MOA requires them to use SAVE for the sole purpose of verifying immigration status and prohibits the use of SAVE information outside of that purpose. Several comments also contend that the proposed information collection is inconsistent with MOA provisions requiring agencies to comply with the Privacy Act, 5 U.S.C. Section 552a, and other applicable laws, regulations, and policies, as well as requiring them to designate and train SAVE users to use SAVE only for the purpose of verifying applicant’s immigration or naturalized or derived citizenship status for the specified benefit, and otherwise safeguard and limit the use of the information.

*Response:* SAVE is administered under the Secretary’s authority to implement an automated or other system that uses immigration identifiers “or other means” (for example, collecting monitoring and compliance information) permitting efficient verification. 42 U.S.C. § 1320b-7(d)(3). Indeed, the only express statutory restrictions on administration of SAVE are that the system protect “the individual’s privacy to the maximum degree possible” (discussed below) and not be used for discrimination or administrative (non-criminal) immigration enforcement purposes. 42 U.S.C. § 1320b-7(d)(3)(B) and note. None of these restrictions come into play here, and thus reasonably requesting that agencies voluntarily provide SAVE with responsive information related to sponsorship information SAVE provides to the user agencies is well within the Secretary’s authority in administering SAVE.

Providing the requested information is also fully consistent with SAVE MOA provisions. Commenters stated that providing this information would violate training, access and data protection provisions within the SAVE MOA, particularly at SAVE MOA Art. IV. B (1)(d), (f), (i) and (k). Each of these provisions, however, refer to and require compliance with all other provisions of the MOA, including the Monitoring and Compliance (M&C) provisions at SAVE MOA Art. IV.B.(2). There, SAVE users agencies agree to allow USCIS “to monitor and review all records and documents related to the use . . . of SAVE by the User Agency.” They further agree to allow USCIS to “conduct desk audits and/or site visits to review User Agency’s compliance with this MOA and all other SAVE-related policy, procedures, guidance and law applicable to conducting verification and safeguarding, maintaining, and disclosing any data provided or received pursuant to this MOA.” Finally, they agree that USCIS has “the right to use information from the User Agency for any purpose permitted by law, including, but not limited to, the prosecution of violations of Federal administrative or criminal law.” MOA Art. VI.C.(1). This information collection is meant to improve SAVE monitoring and compliance, as directed the President. Given that the SAVE MOA permits USCIS to review “all records” associated with user agency use of SAVE information, and to conduct desk audits or site visits to view and obtain that information, the SAVE MOA permits USCIS to request, and user agencies to provide, responsive information related to use of SAVE-provided information.

**11.** One comment from a local government said that, if their department were to participate in the proposed information collection, that would violate the privacy and security agreement it has with their state Department of Social Services, which further requires compliance with substantive privacy and security requirements in a Computer Matching Agreement (CMA) that their state Department of Social Services has with SAVE. Specifically, the comment stated that participating in the proposed information collection would violate a provision that indicates county workers may use or disclose personally

identifiable information only as permitted in the agreement and only to assist in the administration of the benefits program under the purview or provided expressly in writing from their state social services agency.

*Response:* USCIS cannot comment on agreements between other parties except to say that there are no provisions within any DHS Computer Matching Agreement that, if adopted by reference in a sub-agreement, would preclude a SAVE user agency from providing the requested information to USCIS.

**12.** One state Medicaid agency said it would be impossible for Medicaid eligibility workers in every state to provide information regarding sponsor reimbursement to the government for an amount equal to the unreimbursed costs of Medicaid benefits. This commenter said that their agency gives providers up to a year to submit claims for services provided to recipients and that it takes additional time beyond that for their agency staff and fiscal agents to take time to process and adjudicate those claims, seek reimbursement from other insurance companies or liable third parties, and finally be able to arrive at the amount of government money spent on a benefit recipient. Based upon this, the commenter said that it is not practical for states to even begin contemplating seeking reimbursement from sponsors, for at least a year after services have been provided.

*Response:* USCIS appreciates this comment about the amount of time it will take to determine the amount of unreimbursed costs of the provided benefit. USCIS recognizes that processes and processing times for Medicaid claims and reimbursement actions vis-à-vis insurance, sponsors, and other third parties may vary situationally and amongst agencies participating in the information collection. USCIS further recognizes that these processes may, in some or many instances, take an extended period of time. However, the passage of time alone does not alleviate the legal responsibility of sponsors to provide reimbursement upon request in accordance with applicable law and regulations.

**13.** One comment contends that agency participation in the proposed information collection would result in delays for all benefit applicants and recipients, U.S. citizen and non-citizen alike.

*Response:* As this information collection would come at the end of the benefits determination process it cannot result in a delay in that process. Merely reporting on a determination that is concluded should not delay the determination process or any further decision made for any other applicant.

**14.** Some commenters contend that confusion and misunderstanding regarding the option to answer the proposed questions and the questions and answers themselves will result in errors, additional burden, and delay. Specifically, some commenters contend agency personnel will be confused by the option to answer sponsor questions and the complexity of sponsor deeming. Another comment contends that the green color and prominence of the Answer Sponsorship Compliance Questions button in the SAVE results screen will cause web access method users to believe that answering the proposed information collection questions is mandatory.

*Response:* USCIS has every confidence that responding user agencies will be able to complete the few questions in this information collection without undue confusion or misunderstanding, and that they will not be unduly misled by colors and font sizes. Nonetheless, SAVE intends to mitigate any risk of confusion and misunderstanding by providing additional training, resources, and support to means-tested public benefit-granting agencies answering these questions. Agency users will also have the option to immediately revert to the “case results” screen and not answer the proposed questions if they initially select Answer Sponsorship Questions and then later decide not to answer those questions. These alternatives are included in the estimated burden that USCIS provided in its Federal Register notice at 84 Fed. Reg. 69386.

**15.** Several commenters said responding agencies would not have the answers to the proposed information collection questions at the time that a means-tested public benefit-granting agency receives the SAVE response to their immigration status verification request. On this basis, one commenter asked whether it is possible to skip the reimbursement questions. One state health care agency commenter contends that SAVE would collect information only once vis-à-vis a benefit applicant, thus resulting in subsequent changes rendering the information outdated and not usable with any integrity.

*Response:* USCIS understands that the answers to the proposed information collection questions may not be available at the time that a means-tested public benefit-granting agency receives the SAVE response to their citizenship or immigration status verification request. In addition, USCIS understands that the answers to the proposed questions may change due to various factors. Therefore, the proposed information collection will direct agencies to not answer the first proposed question until after the deeming and benefit eligibility determinations are made, and to not answer the second question regarding whether the agency is seeking reimbursement from a sponsor until after the agency decides whether to do so. For the other reimbursement questions, the agency will provide the answer when it is available. In addition, as noted in the Supporting Statement, the proposed information collection will ask agencies to provide any updates/changes to the proposed answers on a monthly basis.

USCIS believes that the extent to which means-tested public benefit-granting agencies submit a new SAVE immigration status verification request whenever an applicant is recertifying, reapplying for, or applying to extend eligibility for such benefit varies situationally and amongst agencies that may participate in the proposed information collection. The immigration status that an agency receives from SAVE in response to its query to SAVE for an original application is a snapshot in time and may change afterwards. Therefore, to avoid vulnerability to mistakes and fraud associated with relying only upon benefit applicant self-certification and/or immigration documentation, agencies should verify an applicant's immigration status through SAVE as part of the recertification, reapplication, or eligibility extension application process. SAVE will provide guidance accordingly so that, if an agency does submit a new immigration status verification request to SAVE for a recertification, reapplication, or extension application, then the proposed information collection will also direct the user to answer the Sponsorship Compliance questions vis-à-vis that application.

The proposed information collection will not allow the user to skip any of the reimbursement questions because these questions are necessary for the purposes provided in the Federal Register notice inviting comment (84 Fed. Reg. 69386), as elaborated upon in this Supporting Statement and Appendix.

**16.** USCIS received many comments regarding burden.

**16a.** Several comments said that agencies participating in the proposed information collection would not have the answers to the proposed information collection questions at the time they receive sponsor and other immigration status information from SAVE. Based upon this, several comments said that there would be an additional burden upon agencies that choose to log back into SAVE to provide the answers to the questions. One comment more specifically said that participating in the proposed information collection would require benefits agency staff to either (1) submit their immigration status verification request to SAVE after all other verification is received and application processes are complete so that the SAVE immigration status response is received at the same time, or very close to the same time, that the ultimate benefits eligibility decision is made, or (2) log back into SAVE and answer the proposed information collection questions after eligibility is determined. Another comment said that immigration status is one of the first things that the commenter's agency checks because it is essential for the benefit their agency administers, followed by financial (e.g. I-864 Affidavit of Support sponsor) and non-financial verifications. To this end, one comment said that submitting the initial immigration verification request to SAVE after all other determinations would be inefficient for cases in which the agency

determines that the verified immigration status from SAVE renders the applicant ineligible for the benefit, resulting in a situation in which the agency otherwise completes application processing not needed had they requested and received verified immigration status information from SAVE earlier in the application process.

*Response:* USCIS appreciates and agrees with the comments saying that agencies participating in the proposed information collection would, in most if not all situations, log back into SAVE in order to answer the proposed questions. This action is accounted for in the burden estimate that USCIS reported in the Federal Register notice inviting comment (84 Fed. Reg. 69386), as elaborated upon in this Supporting Statement and Appendix.

**16b.** Several comments said that it is unclear how USCIS derived the number of respondents at 324,737 and whether that number corresponds to applicants or the workers. Some comments contended that, either way, USCIS has likely underestimated the number of respondents because agencies verify immigration status every time they redetermine benefit eligibility, and some individuals may have more than one sponsor, each of whom may or may not have responded to requests for reimbursement or have had or not have had collection actions taken against them.

*Response:* USCIS appreciates the concern regarding the accuracy of the estimated number of respondents provided in the Federal Register notice inviting comment (84 Fed. Reg. 69386). The estimated number of respondents is the number of responses that USCIS estimates it will receive per fiscal year. This estimate is based upon recent historical data regarding the number of requests for sponsor information that SAVE received from Federal means-tested public benefit agencies. For this recent historical period, the SAVE response provided sponsor information only when the agency requested it, and these responses contained no sponsor information if the information systems that provide sponsor data to SAVE indicate there is no such data. In addition, it is likely that some SAVE user agencies and individual SAVE users will opt not to answer the optional sponsorship questions. As a result, the estimated number of respondents is much more likely to be an over- than an under-estimate, and accounts for any further immigration status verification requests that agencies submit as part of redetermining benefit eligibility.

In addition, if SAVE determines that there are multiple sponsors, SAVE provides the information for each sponsor as part of its immigration status verification response to agencies. As reflected in the supporting materials published with the Federal Register notice inviting comment (84 Fed. Reg. 69386), agencies participating in the proposed information collection would provide the information regarding the actions they take vis-à-vis each sponsor in one consolidated response rather than a separate response for each sponsor.

**16c.** Several commenters stated that USCIS claims that the completion of the proposed processes would require only .042 hours (2.52 minutes), but that USCIS provides no explanation for this and that this estimate appears to only include the time that eligibility workers would require to enter the information into SAVE. One commenter said that, given the current state of their agency's systems and processes, it would take significantly longer (e.g. an additional 12 minutes) to research the case to determine the answers to the proposed information collection questions. Several commenters contend that USCIS did not account for these burdens in the burden estimate that USCIS provided in the 30-day notice.

*Response:* USCIS acknowledges that the time to complete the G-1552 information collection may vary depending on the respondents' familiarity with SAVE, the respondents' familiarity with the G-1552 questions, and if it is necessary to complete all questions. USCIS assumes that the G-1552 respondent will become familiar with navigating the SAVE environment if they are not already. USCIS assumes that the time to complete the G-1552 questions would decrease over time as respondents become increasingly familiar with the questions and requirements. USCIS assumes that the respondent would already have the

necessary information reasonably available through efficient record-keeping systems and processes. Additionally, USCIS did not add the estimated burden captured in approved OMB Control Number 1615-0101 to this information collection (OMB Control Number 1615-NEW) estimated burden to prevent double counting. Finally, USCIS notes that participating agencies will not always need to answer every proposed question to complete the G-1552. Based on these assumptions, the estimated average hourly burden of 0.042 hour (2.52 minutes) per response neither over nor underestimated the average time burden per respondent.

**16d.** Multiple comments said that the USCIS burden estimate incorrectly assumes that agency eligibility worker time has no cost. Multiple comments said that even if the total public burden in hours is 13,639, as USCIS projects, the cost would certainly not be \$0. Several comments said that implementing the proposed information collection would require review and modification of agency workflows, procedures, internal manuals/guidance, information systems, training for agency personnel, and public-facing resources. One commenter said that, even if their agency chose not to participate in the proposed information collection, they would still need to update their policies and procedures, and train staff, to tell their staff how to proceed when they encounter the option to answer the proposed information collection questions. One county government commenter also said that training would be required more than 200 eligibility staff in their county. Another commenter contends that benefit eligibility workers are currently not knowledgeable about immigration law and not required to be, and that participating in the proposed information collection would require training on that.

*Response:* These comments concern the accuracy of the estimate of the cost burden to respondents or record keepers, not including the labor hour burden noted above since that is separately accounted for. The matters that the proposed SAVE questions ask about should already be documented in participating agency records systems. USCIS agrees that participating agencies would need to ensure that their workflows, procedures, internal manuals/guidance, and information/records systems make the needed information reasonably available to the personnel who answer the proposed questions. For participating agencies, SAVE will provide training, guidance, and resources regarding how to answer the proposed questions, so participating agencies should only need to provide de minimus training and guidance beyond that.

Non-participating agencies that only use a Web Services (system-to-system) connection to access SAVE will not have the option to answer or see the proposed questions, so they will not need to make any changes/updates. For non-participating agencies that use an Internet browser to access SAVE, SAVE will provide training and guidance about using already existing close case buttons rather than the Answer Sponsorship Questions button and how to revert to not answering proposed questions if they select the Answer Sponsorship Questions button. Therefore, these non-participating web-browser agencies should only need to provide de minimus training and guidance beyond that.

USCIS understands the comment that benefit eligibility workers are currently not knowledgeable about immigration law and not required to be, and that participating in the proposed information collection would require training on that. However, USCIS responds that benefit eligibility and other agency workers are already responsible for having adequate knowledge about and properly administering sponsor deeming and agency reimbursement laws, regulations, and guidance.

**16e.** One commenter contends that the Paperwork Reduction Act requires USCIS to establish that using SAVE as the collection vehicle is the least burdensome way to gather information, and that USCIS has not done so. To this end, the comment contends that the proposed information collection does not minimize the burden on respondents, including the use of automated information collection techniques or other forms of information technology.

USCIS appreciates the concern about whether using SAVE is the least burdensome way to gather the information requested in the proposed information collection. SAVE is the least burdensome way of gathering the information. As noted in this Supporting Statement and Appendix, as part of submitting a case requesting verification of immigration status information, a SAVE user agency indicates which benefit or benefits it is submitting the request for. If a SAVE user agency indicates that it is submitting a case for one or more means-tested public benefits, then SAVE provides any sponsor information available from the records systems it draws from as part of its response to the agency's immigration status verification request. In the proposed information collection, if SAVE provides any sponsor information in its response, then it will provide agency users the option to answer the proposed questions or close the case without doing so. Through this method, SAVE tailors the information collection only to situations governed by Federal deeming and reimbursement laws.

Conducting the proposed information collection through other means would be more burdensome because agencies participating in the information collection would have to log into SAVE to determine the cases for which they received sponsor information from SAVE, log into a separate information system (and reenter the sponsor data if not imported from SAVE), and answer the proposed information collection questions in the separate information system. In addition, conducting the proposed information through another system would increase the risk of undercollection, overcollection, and/or other errors, which would in turn further increase the burden upon participating agencies to remedy in the other system and possibly their own record systems.

Regarding the use of information technology to reduce the burden on respondents, participating user agencies will need to key/click information into SAVE if they use an Internet browser to answer the proposed questions. This much less burdensome than the alternative of a paper-based information collection process. In addition, SAVE will offer participating agencies the opportunity to avoid data entry by enhancing their information systems to connect and provide the information through a Web Services (system-to-system) connection to SAVE.

**16f.** Several comments said that the proposed information collection would not be part of immigration status verification and that the individuals with access to the answers to the questions in the proposed information collection would be different from the individuals who currently receive the SAVE response to the agency's immigration status verification request. Several comments said that, for the sponsor reimbursement actions part of the proposed information collection, the individuals with the requested information may be fiscal, legal, or collection agency personnel not associated with local eligibility agencies. Several commenters also contend providing SAVE access to these personnel or having them pass along the proposed information collection information to those who do would be an additional burden not accounted for in the burden estimate provided in the Federal Register notice inviting comments (84 Fed. Reg. 69386).

*Response:* The proposed information collection is, as noted in this Supporting Statement and Appendix, a continuation of the SAVE immigration status verification process. However, USCIS understands that means-tested public benefit-granting agencies apportion responsibilities and records system access in a variety of ways. USCIS agrees that, for agencies participating in the proposed information collection, agency eligibility personnel who receive the response from the agency's SAVE immigration status verification request, which contains the sponsor data if there is any, may sometimes be different from the eligibility staff who make or otherwise have access to agency records regarding the deeming and eligibility matters the first proposed question asks about. USCIS also agrees that, for agencies that request reimbursement from sponsors or household members, the personnel who handle that will likely be fiscal, legal, or collection agency rather than eligibility personnel.

**17.** Several comments contend that the proposed information collection would violate Federal and state privacy and confidentiality laws, regulations, and policies that protect the confidentiality of sponsors and individuals who apply for or receive public benefits. Several comments said that agency eligibility processing personnel who receive the SAVE immigration status verification response will likely be different from the agency personnel who handle the reimbursement and deeming/eligibility matters that the proposed questions about. These comments contend that providing SAVE access to these personnel would increase the risk of unauthorized disclosures and data errors, and that the proposed information collection does not account for quality assurance (e.g. errors and information integrity) of the data being entered into the system.

*Response:* USCIS is committed to protecting the privacy and confidentiality of agency and applicant information used in SAVE processes, and follows all applicable legal requirements, guidance, the SAVE System of Record Notice (SORN), and the SAVE MOA when carrying out SAVE administrative processes.

USCIS is also completing extensive public-facing privacy compliance documentation related to the SAVE process, including updating the SAVE SORN and Privacy Impact Assessment addressing this collection of information. These documents describe and consider the privacy risks associated with the provision and receipt of information related to an Affidavit of Support, Form I-864, I-864EZ and I-864A, Contract Between Sponsor and Household Member. USCIS has thoroughly considered the privacy risks associated with this optional collection of information, has considered and taken mitigating measures to reduce those risks, and intends to continue operating SAVE in a manner that protects an individual's privacy.

As part of its mitigation measures, USCIS expects all SAVE user agencies to adhere to the privacy protection terms and conditions within the SAVE MOA, which include binding responsibilities regarding proper SAVE information use and handling in compliance with the Privacy Act of 1974, as amended, 5 U.S.C. § 552a, and other applicable laws, regulations, and policies, including but not limited to all Office of Management and Budget and DHS privacy guidance. These requirements apply to circumstances where SAVE is providing information to user agencies as well as when user agencies are providing information back to SAVE, either through the registration process, the initial verification process, the secondary verification process, the Form G-845 submission process, and monitoring and compliance processes; and these requirements will similarly apply to information provided to SAVE pursuant to this information collection.<sup>6</sup> This information collection supports USCIS monitoring and compliance activities related to these MOA requirements by requesting the collection of information regarding user agency use of SAVE-provided sponsor information and, hence, their need-to-know that information. Otherwise, SAVE might be viewed as oversharing sponsor information, which would be contrary to its charge to protect "the individual's privacy to the maximum degree possible." See 42 U.S.C. § 1320b-7(d)(3)(B).

Finally, SAVE and the Federal deeming and reimbursement oversight agencies already receive information from benefit administering agencies, and have existing privacy controls in place for protecting this type of information. SAVE also has a comprehensive audit trail tracking and maintenance functionality that mitigates the risk of unauthorized dissemination of these reports. Audit measures track and store information on users who submit queries, including: when the query was processed; what the response was; who receives the response; and, when SAVE receives the response. The audit logs also

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<sup>6</sup> And under 8 U.S.C. § 1373(a), notwithstanding any other provision of law, no Federal, State, or local law may prohibit, or in any way restrict, a Federal, State, or local government entity from sending information regarding the immigration status of any individual to DHS.

restrict access based on user roles. USCIS has externalized these logs from system administration access methods and protected them from modification, and periodically reviews the audit logs for monitoring user activity. Accordingly, USCIS does not view this information collection as creating privacy risks in addition to those already accounted for in existing privacy protections.

**18.** Several comments expressed concern that DHS would use information from the proposed information collection for other purposes such as immigration enforcement.

*Response:* USCIS responds that once this information collection is approved, USCIS uses the information collected for purposes stated in the SAVE SORN, the Supporting Statement and Appendix, and documentation related to this approval.

**19.** One comment said that Federal sponsor deeming and reimbursement requirements should not be binding on states with respect to benefit recipients whose benefits are funded exclusively by states. The comment also requested that the deeming part of the information collection include an additional answer option for benefits that are not subject to deeming due to being governed only by state law and funded only by state funding.

*Response:* As part of creating a case, a SAVE user agency indicates which benefit or benefits it is creating the case for. If the case only involves a state health care benefit to which Federal sponsor deeming and reimbursement laws do not apply, then the state must indicate that it is submitting the case for that benefit rather than a covered benefit. In that situation, SAVE will not provide sponsorship information and thus not offer the option to answer the proposed sponsor deeming and agency reimbursement questions contemplated in this information collection.

**20.** One comment noted Medicaid as the example used in the supporting material and asked whether the information collection would only be for situations involving Medicaid.

*Response:* As stated in the Federal Register notice to which referenced supporting material is attached, this information collection is for all Federal means-tested public benefit agencies, rather than only those that administer Medicaid. Medicaid is an illustration of one such Federal means-tested public benefit. There are others, such as Children's Health Insurance Program, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, and Supplemental Security Income, to which this information collection also applies.

**21.** One comment asked whether the Sponsorship Compliance section would be displayed or omitted from the SAVE interface when the SAVE response verifies an immigration status that is not subject to sponsor deeming rules. Another comment asked whether SAVE will provide the option to answer the Sponsorship Compliance questions if the SAVE case result includes a form other than the Form I-864/I-864EZ sponsor or Form I-864A household information, or does not include a sponsorship form at all.

*Response:* Only certain types of LPRs are required to and thus have a sponsor. SAVE automatically provides sponsor information as part of the initial SAVE response only if that SAVE response indicates the individual is an LPR with a Class of Admission for which the sponsor's income/resources deemed or an exception applied. For other situations in which an agency seeks sponsor information for a prior period of time during which the individual was such an LPR (e.g. for use in determining retroactive eligibility), an agency may request sponsor information by using the SAVE additional verification process. In all situations, SAVE will provide the option to proceed with answering the Sponsorship Compliance questions only if SAVE has provided Form I-864/I-864 EZ sponsor or Form I-864A household member information as part of the SAVE response for the case.

**22.** Several comments said that the agencies would not be able to answer the proposed Sponsorship Compliance questions at the time that they receive the SAVE response to their immigration status verification request. In particular, they would not have the answers until they finish processing and determine non-financial as well as the financial eligibility. One comment asked if there will be a button to save cases and return to the proposed Sponsorship Compliance questions. The commenter also said that adding the proposed information collection to SAVE will likely increase the amount of cases that are in an open status since there is now a second step needed before closing them out. Another commenter asked whether, if a user agency chooses to close the SAVE case rather than answer the proposed Sponsorship Compliance questions, they would still be able to answer the proposed deemng Sponsorship Compliance questions.

*Response:* If a user agency chooses to close the SAVE case rather than answer the proposed Sponsorship Compliance questions, then the agency will not be able to reopen the case and change their choice regarding not answering the proposed questions. To account for situations in which the agency does not yet have answers to some or all of the proposed questions, there will be a button in this new section in order to save the case where it is and allow the user agency to return to the sponsorship compliance questions when they have more information. This will result in more open cases, but that should not be a problem because SAVE will extend existing search, sort, and filter capabilities to enable agencies to manage open cases by having views that do not include cases pending answers to sponsorship compliance questions, only cases pending these answers, or a combination of the two.

**23.** One comment asked whether states would be able to exclude the optional questions from the SAVE interface if the state decides not to respond to them.

*Response:* Agencies are set up and operate in a variety of ways, and USCIS cannot accurately forecast how each agency will administer the optional questions and responses. USCIS will work with respondents to determine how to enable the most efficient method of completing the responses.

**24.** One comment asked whether the explanation of the reason for approval of benefits is “Without deemng income and resources to be available to applicant because of another reason.”

*Response:* This explanation field will only be required only when the user agency selects “Without deemng income and resources to be available to applicant because of another reason” as the reason it approved the application without deemng sponsor income and resources.

**25.** Citing research and statistics from the public charge context, several comments contend that the proposed information collection would create confusion and fear that would chill participation in Federal means-tested public benefit programs. Comments said that the proposed information collection would cause aliens and citizens to either disenroll from or forego enrollment in Federal means-tested public programs, with such actions more likely impacting households with children than those without. One comment expressed concern about this chilling effect happening to crime victims.

*Response:* Federal law directs the Federal means-tested public benefit granting agencies to apply sponsor deemng and agency reimbursement processes to their benefits administration. These processes already exist, and the affected public is well-aware of these sponsorship and support requirements. This information collection does not implement any new requirements that change the basic fact that the Federal means-tested public benefit granting agencies are applying sponsor deemng and agency reimbursement processes. This information collection merely improves administration of those processes. Accordingly, there is no basis to assume that this information collection will chill participation in Federal means-tested public benefit programs. In addition, it is difficult to predict the existence and extent of any such effects, and analogizing to research and statistics from other contexts is especially speculative

because this information collection addresses sponsor deeming and agency reimbursement rather than those other matters.

**26.** One comment asked what, if any are the consequences of not providing responses to the proposed information collection questions.

*Response:* If a means-tested public benefit-granting agency chooses to not answer the questions, they will not gain the benefits of participating in the information collection. For example, the agency will not be able to run reports to monitor and help ensure compliance with important SAVE program rules and Federal deeming and reimbursement laws, regulations, and policies. The agency will also be less able to recognize patterns of sponsor deeming and agency reimbursement activity within their oversight for better program administration, support of recoupment activities, and improvement in overall benefits administration including but not limited to helping identify and deter fraudulent and non-responsive sponsors.

## **Appendix B to USCIS, Supporting Statement (Collection Number 1615-NEW)**

On May 6, 2020, USCIS published a 30-day information collection notice in the *Federal Register* (85 FR 26984). United States Citizenship and Immigration Services (USCIS) received 2 comments in response to its request for comments in the 30-day notice. The following is a summary of comments received to the 30-day notice. In addition to the information provided in the Supporting Statement and Appendix A, USCIS offers the following responses:

**1.** Two comments received by USCIS argued that DHS lacks legal authority for this information collection. One comment elaborated upon this theme by arguing that USCIS only has legal authority to verify immigration status based upon information provided by Systematic Alien Verification for Entitlements (SAVE) user agencies and does not have authority to collect information from SAVE user agencies (*i.e.*, that 42 U.S.C. § 1320b-7 does not provide SAVE authority to collect information). This comment also contends that 42 U.S.C. § 1320b-7(a)(5) (requiring that “information exchanged by State agencies is made available only to the extent necessary to assist in the valid administrative need of the program receiving such information” and adequate protection against unauthorized disclosure for “other purposes”) and 42 U.S.C. § 1320b-7(d)(3) (requiring use of name, file number, admission number, or other efficient means to permit efficient verification, and requiring DHS to “protect the individual’s privacy to the maximum degree possible”) support its contention. Furthermore, this comment also contends that 8 U.S.C. § 1183a(a)(3)(C) gives authority to DHS to enter sponsor information into SAVE to facilitate seeking reimbursement for public benefits provided to a sponsored immigrant, but does not authorize SAVE users to provide reimbursement information to USCIS and, similarly, that 8 C.F.R. 213a only addresses USCIS’ provision of Affidavit of Support information to a SAVE user agency and not back to USCIS.

*Response:* USCIS received and responded to these comments vis-à-vis the 60-day Federal Register Notice (84 Fed. Reg 693886). Please see Appendix A, Item 5, for the USCIS response.

**2** One comment contends, apparently based upon the legal arguments made in the comments discussed in the item immediately above, that the proposed information collection will not improve and is not necessary for the proper functioning of SAVE or its user agencies in order to determine eligibility for and provide means-tested public benefits.

*Response:* USCIS received and responded to this comment vis-à-vis the 60-day Federal Register Notice. Please see Appendix A, Item 6, for the USCIS response.

**3.** One comment contends that the proposed information collection is not authorized and therefore prohibited by Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) vis-à-vis specified state plans for medical assistance (Medicaid). This comment references 42 CFR 431.302, which defines purposes directly related to specified state medical assistance plan administration. This comment contends that the proposed information collection would not be for purposes directly connected with the administration of such plans and is therefore inconsistent with 42 U.S.C. 1396a(a)(7), which prohibits use or disclosure of information concerning applicants and recipients for other purposes.

*Response:* USCIS received and responded to this comment vis-à-vis the 60-day Federal Register Notice. Please see Appendix A, Item 7, for the USCIS response.

**4.** One comment contends that the proposed information collection is at odds with the Memoranda of Agreement (MOAs) that federal means-tested public benefit-granting agencies agree to when registering to use SAVE because the MOA requires them to use SAVE for the sole purpose of verifying immigration

status and prohibits the use of SAVE information outside of that purpose. This comment also contends that the proposed information collection is inconsistent with MOA provisions requiring agencies to comply with the Privacy Act, 5 U.S.C. Section 552a, and other applicable laws, regulations, and policies, as well as requiring them to designate and train SAVE users to use SAVE only for the purpose of verifying applicant's immigration or naturalized or derived citizenship status for the specified benefit, and otherwise safeguard and limit the use of the information.

*Response:* USCIS received and responded to this comment vis-à-vis the 60-day Federal Register Notice. Please see Appendix A, Item 10, for the USCIS response.

**5.** One comment contends that the proposed information collection questions would confuse state and local Federal means-tested public benefit-granting agencies.

*Response:* USCIS responds that this information collection should not confuse state and local Federal means-tested public benefit agencies because they are already responsible for having adequate knowledge about and properly administering sponsor deeming and agency reimbursement laws, regulations, and guidance. However, SAVE will also provide training, guidance, and resources regarding these matters as they pertain to the proposed information collection.

**6.** One comment contends that the information collection would impose significant, costly, and duplicative administrative burdens upon state and local benefit-granting agencies, and that USCIS fails to account for these burdens.

*Response:* USCIS received and responded to this comment vis-à-vis the 60-day Federal Register Notice. Please see Appendix A, Items 4 and 16, for the USCIS response.

**7.** Citing the coronavirus pandemic and U.S. and Ohio state government statistics regarding an increase in unemployment and unemployment benefit applications, one comment argued that the entire public benefit system of the United States is overwhelmed and, therefore, federal means-tested public benefit-granting agencies do not have the sufficient resources (personnel, training, and supervision) to also participate in the proposed information collection.

*Response:* USCIS acknowledges that the coronavirus pandemic has had a significant impact on public benefit granting agencies and, in particular, unemployment benefit granting agencies, which are not subject to this collection. USCIS has included its burden analysis for this information collection in the Supporting Statement and has mitigated the burdens associated with this information collection by, among other efforts, limiting the questions to the extent practicable, integrating the questions electronically into SAVE, and eliminating unnecessary questions as the system receives responses. USCIS will work with responding agencies, and in particular with responding agencies significantly impacted by the coronavirus pandemic, to minimize any burdens they may face in responding to this information collection including through additional training, temporarily adjusting response timelines, and adapting technical and business practices to the extent practicable to ensure full participation in the information collection.

**8.** One comment contends that the proposed information collection would violate Federal and state privacy and confidentiality laws, regulations, and policies that protect the confidentiality of sponsors and individuals who apply for or receive public benefits.

*Response:* USCIS received and responded to this comment regarding agency resources vis-à-vis the 60-day Federal Register Notice. Please see Appendix A, Item 17, for the USCIS response.

**9.** One comment expressed concern that DHS would use information from the proposed information collection for other purposes such as immigration enforcement.

*Response:* USCIS received and responded to these comments regarding agency resources vis-à-vis the 60-day Federal Register Notice. Please see Appendix A, Item 18, for the USCIS response.

**10.** One comment contends that the proposed information collection would irreparably harm more people eligible for public benefits than it would enforce sponsor obligations under the Affidavit of Support. Citing research and statistics from the public charge context, the comment contends that the proposed information collection would chill participation in Federal means-tested public benefits. Specifically, the comment said that the proposed information collection would cause aliens to either disenroll or forego enrolling themselves and their U.S. citizen and non-citizen children in Federal means-tested public benefit programs, with such actions more likely impacting households with children than those without.

*Response:* USCIS received and responded to these comments regarding agency resources vis-à-vis the 60-day Federal Register Notice. Please see Appendix A, Item 25, for the USCIS response.