U.S. Citizenship & Eligible Noncitizens

CHAPTER 2

A student has to be a U.S. citizen, a citizen of the Freely Associated States, or an eligible noncitizen to be potentially eligible for federal student aid. In this chapter we describe how the student's FAFSA information is matched with other agencies to determine citizenship status. We also describe immigration documents that you may have to collect to make sure that the student meets this requirement.

ELIGIBLE CATEGORIES

A student must be one of the following to be eligible to receive federal student aid:

- **A U.S. citizen or national**;
- **A citizen of the Freely Associated States: the Federated States of Micronesia and the Republics of Palau and the Marshall Islands**. (These students can only receive aid from some of the FSA programs and do not have an A-number/ARN, see "Citizens of the Freely Associated States" section later in this chapter); or
- **A U.S. permanent resident or other eligible noncitizen.**

The Department of Education (The Department) matches all applications with the Social Security Administration (SSA) on U.S. citizenship status. If the status cannot be confirmed, the student must provide documents proving U.S. citizenship, citizenship of the Freely Associated States, or eligible non-citizenship in order to be potentially Title IV aid-eligible. If the student provides an alien registration number (ARN) on the FAFSA, his record is also sent to DHS to check noncitizen immigration status. The results of both matches appear on the Institutional Student Information Report (ISIR), and a failed match with either agency will produce a "C code" on the student's ISIR.

A student's U.S. citizenship (or eligible noncitizen) status only needs to be checked once for the award year; if the status is eligible at that time, it remains so for the rest of the award year (with the exception of parolees and VAWA prima facie cases; see the "Third Step Verification (Formerly Form G-845)" section below).

If a parent wants to take out a PLUS loan for a dependent undergraduate student, both the parent and the student must be a U.S. citizen or national or eligible noncitizens.

Citizenship issues

➔ All applications are matched with the Social Security Administration (SSA) on U.S. citizenship status.

➔ Applications that have an Alien Registration Number (ARN) are matched against Department of Homeland Security (DHS) records.

➔ If the DHS match fails after automated primary and secondary verification, the school must conduct a third step verification (see "Third Step Verification (Formerly Form G-845)" section in this chapter).

USCIS/SAVE will only accept paper G-845s until May 1, 2018.

Citizenship

HEA Sec. 484(a)(5),
34 CFR 668.32(d),
34 CFR 668.33,
and Subpart I of Part 668.

U.S. Citizenship

A person is a U.S. citizen by birth or by naturalization or by operation of law. Persons (except for the children of foreign diplomatic staff) born in the 50 states, the District of Columbia, and, in most cases, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands are U.S. citizens, as are most persons born abroad to parents (or a parent) who are citizens. All U.S. citizens are considered U.S. nationals, but not all nationals are citizens. Persons whose only connection to the U.S. is through birth on American Samoa, Swains Island, or the U.S. Minor Outlying Islands are not U.S. citizens but are U.S. nationals, and therefore may receive FSA funds.

Example: citizenship not confirmed

Anthony is a U.S. citizen, but SSA doesn't confirm his U.S. citizenship status. The aid administrator at Epstein College asks him to submit documentation of his status. Anthony first submits a Social Security card, but the administrator explains that the card doesn't document his status because noncitizens can have Social Security cards. Anthony then brings in his Certificate of Naturalization. The administrator makes a copy of the certificate for his file and tells Anthony his citizenship has been documented. She also advises Anthony to have the SSA correct its database so that he won't have this problem again.

Passport cards & passports

22 CFR 51.4(b)(2)

A student may apply for a U.S. passport card, which may be considered acceptable documentation of U.S. citizenship, at the U.S. State Department website: *https://travel.state.gov/content/passports/en/passports/information/card.html*

U.S. CITIZENSHIP MATCH WITH THE SSA

All applications are matched with SSA records to verify U.S. citizenship status, name, date of birth, the Social Security number (SSN), and possible date of death (see *Chapter 4*). The CPS will reject the application for insufficient information if name, date of birth or SSN is not provided. The student's match result is reported in the "SSA Citizenship" field on the SAR on the Match Flags section of the SAR and ISIR. If the student leaves the citizenship question on the FAFSA blank, the CPS will still attempt the citizenship match with the SSA. If there is a complete match with the student's SSN, name, date of birth, and U.S. citizenship, the CPS will report the student to be a U.S. citizen.

▼ **Successful match.** The SAR and ISIR will have a match flag (but no comment) indicating that the student's U.S. citizenship status was confirmed.

▼ **Data doesn't match.** If the student's SSN, name, or date of birth doesn't match SSA records, his U.S. citizenship status can't be confirmed and a C code and a comment will appear on the output document. The student should correct the SSN, name, or date of birth (see *Chapter 4* for more on SSN match problems) and submit it. The CPS will perform the match again, and you must see if the new ISIR confirms the student's U.S. citizenship status; if it does, the C code will no longer appear.

▼ **U.S. Citizenship not confirmed.** The SAR and ISIR will include a C code and a comment (**code 146**) explaining that the SSA was unable to confirm the student is a U.S. citizen and that he/she needs to provide his/her financial aid office with documents proving U.S. citizenship (see below). If the student provides eligible noncitizen documentation, you or the student must make a correction by entering his/her Alien Registration Number (ARN) on the ISIR, changing his/her citizenship status to eligible noncitizen in Question 15, and submitting it to the CPS, which will attempt a match with DHS records to confirm the student's immigration status.

Note that U.S. citizens born abroad might fail the citizenship check, unless they have updated their citizenship information with SSA (see "Updating status for U.S. citizens born abroad" later in this chapter).

U.S. citizenship documentation

If a student must prove his status as a U.S. citizen or national, only certain types of documents are acceptable. The Department doesn't specify all of the **acceptable** documents, but here are some documents you might choose to use to prove U.S. citizenship:

- **A Certificate of Naturalization (N-550 or N-570)** issued by USCIS (or, prior to 1991, a federal or state court), or through administrative naturalization after December 1990 to those who are individually naturalized. You must copy this document for the student's file and tell the student to update their status with DHS, see *https://uscis.gov/about-us/contact-us.*

- **A Certificate of Citizenship (N-560 or N-561)** is issued by USCIS to individuals who derive U.S. citizenship through a parent.

- **A copy of the student's birth certificate** showing that the student was born in the U.S., which includes Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swains Island, or the Northern Mariana Islands, unless the person was born to foreign diplomats residing in the U.S. If a student has a birth certificate from a U.S. jurisdiction showing that the student was born abroad (i.e., not in the U.S. or its territories), that birth certificate is not acceptable documentation.

- **A U.S. passport,** current or expired, (except "limited" passports, which are typically issued for short periods such as a year and which don't receive as much scrutiny as a regular passport when applying). In the case of nationals who are not U.S. citizens, the passport will be stamped "Noncitizen National." Five-year-duration U.S. passports (commonly issued to younger students) are considered acceptable documentation, and are not considered "limited". Passport cards are also acceptable; however, one-year-duration U.S. passports are NOT acceptable documentation.

- **A wallet-sized passport card,** issued by the State Department, is a fully valid attestation of the U.S. citizenship and identity of the bearer, but can only be used for land and sea travel between the U.S. and Canada, Mexico, the Caribbean, and Bermuda.

- **A copy of Form FS-240 (Consular Report of Birth Abroad), FS-545 (Certificate of birth issued by a foreign service post), or DS-1350 (Certification of Report of Birth).** These are State Department documents.

Before you can disburse aid, the student must present documentation that verifies he is a U.S. citizen. If the documents indicate that the student is a U.S. citizen or national, you may award and disburse aid to the student and the C-code may remain on the student's ISIR. Keep a copy of the documentation in the student's file. Unlike the case of eligible noncitizens, you don't submit the documents to the DHS/USCIS or any other agency for verification of U.S. citizenship, even though older versions of the Certificate of Citizenship and of the Certificate of Naturalization instruct the holder not to photocopy them. The student can also contact the Social Security Administration to update the student's record. This updating is not required to receive aid.

Mandatory name changes NEW

Whenever a student legally changes their name because of marriage, divorce, court order or any other reason, they must tell the Social Security Administration so they can get a corrected card and have correct SSN matches in the future. The student must bring the appropriate documents to prove the change to their local SSA office. See *https://secure.ssa.gov/ICON/main.jsp*.

Parent signature on certificate

Because documents such as a certificate of citizenship can go to minors, they may be signed by a parent or guardian instead of the minor child. This does not affect the legitimacy of the document.

Child Citizenship Act (CCA)

The CCA became effective on February 27, 2001. As of that date, foreign-born children who are not U.S. citizens at birth become citizens once these conditions are met:

- At least one parent (biological or adop tive) is a U.S. citizen;
- the children live in the legal and physi cal custody of that parent;
- they are under 18 years of age; and
- they are admitted as immigrants for lawful permanent residence.

Children newly entering the country who are adopted abroad prior to the issuance of their **IR-3 visa** (for orphans) or **IH-3 visa** (for children from Hague Convention countries) become citizens upon arrival. They should receive a Certificate of Citizenship within 45 days instead of receiving a permanent resident card and then filing **Form N-600** to request a certificate. Children who are adopted after being admitted to the U.S. with an **IR-4 visa** (for orphans) or **IH-4** visa (for children from Hague Convention countries) become citizens once their adoption is full and final. Parents of these and other children who do not automatically receive a certificate of citizenship can get one by filing Form N-600.

For more information, contact the USCIS, visit the website at *www.uscis.gov*, or see the State Department's intercountry adoption website at *http://adoption.state.gov/*.

Report of birth abroad
The F-240 Report of Birth Abroad form was redesigned in January 2011, but the previous version (DS-1350) remains valid for proving U.S. citizenship for Title IV purposes.

The Freely Associated States
The Compact of Free Association (P.L. 99-239) created three political entities from the former Trust Territory of the Pacific Islands. Two of these entities, the Marshall Islands and the Federated States of Micronesia, voted in 1986 to end political ties with the U.S.. The third entity, Palau, voted to ratify the compact in 1994; its independence was effective October 1, 1994. These three entities are the Freely Associated States. 34 CFR 600.2

No FSEOG and FWS/Compact Act
The Compact of Free Association Amendments Act of 2003, or the Compact Act, eliminates eligibility for citizens of the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) for FSEOG and FWS funds. To mitigate this loss, the Compact Act authorizes Supplemental Education Grants (SEGs) that may be awarded to the FSM and RMI. For more information, students of the FSM and RMI should contact their local education authority. Also under the Compact Act, students who are citizens of the Republic of Palau will continue to be eligible for FWS and FSEOG through the 2018-19 award year.

ED-Assigned identification numbers for Pacific Islanders and the FAFSA
Electronic Announcement Nov 20, 2013
For more details on SSNs for Citizens of the Freely Associated States, see Chapter 4 of this volume.

Updating status for U.S. citizens born abroad

Students born abroad to U.S. citizen parents are U.S. citizens if they meet certain requirements, and their status is usually noted in the SSA's database when they receive an SSN. But occasionally, a student may not have provided sufficient proof of U.S. citizenship to SSA in order for the record to be updated. Therefore, these students will fail the U.S. citizenship match even if they have an SSN. If this occurs, the student must provide proof of U.S. citizenship as outlined below. He can contact the SSA to have its record corrected. This update is not required to receive aid.

Such students can document US. citizenship by providing a **"Consular Report of Birth Abroad" (Form FS-240,** which is *proof* of U.S. citizenship), a **"Certification of Report of Birth" (Form DS-1350,** which is *evidence* of U.S. citizenship and equivalent to a birth certificate), or a **Certificate of Citizenship** issued by USCIS. If the birth of the student was registered with the American consulate or embassy in a foreign country before he turned 18, he can receive a copy of one of these by sending a written, notarized request to the USCIS.

For pictures of the U.S. citizen documents listed above, see the end of this chapter.

CITIZENS OF THE FREELY ASSOCIATED STATES

Students who are citizens of the Freely Associated States—the Federated States of Micronesia and the republics of Palau and the Marshall Islands—are eligible for Pell Grants (citizens of Palau are also eligible for FWS and FSEOG; see the margin note) but are not eligible for FSA loans. These students should have a passport from the Freely Associated States or an I-94.

The student should indicate on the FAFSA that he/she is an eligible noncitizen and leave the ARN item blank. If the student doesn't have an SSN, he enters 666 and ED will give him a number to use, or if he was given a number in the previous year, he must continue to use the same ED-assigned pseudo-SSN due to Pell Lifetime Eligibility Used (LEU) rules (see the November 20, 2013 Electronic Announcement for more details).

Because he isn't providing an ARN, the student's application won't go through the DHS match. Do not complete a third step verification for these students—they will fail the match. Instead, request documentation of his Freely Associated States citizenship. Once you have received the student's document establishing his status, as a citizen of the Freely Associated States, make a copy of the document and place it in the student's file. You can reuse the original document in future years if it hasn't expired.

ELIGIBLE NONCITIZEN MATCH WITH THE DHS

The DHS assigns to all legal aliens an Alien Registration Number (ARN), which FSA uses to identify the student records that must be sent to DHS for immigration status verification. **If the applicant indicates on the FAFSA that he is an eligible noncitizen and provides an ARN, identifying information is sent to the DHS for eligible noncitizen matching.**

The results of the match are shown by a match flag in the "FAA Information" section of the output document, under the heading "DHS" on the ISIR or "DHS Match Flag" on the SAR. There will also be a comment about the results on the output document.

Because all applications are matched with the SSA, an application with an ARN will be matched with both DHS and SSA records. When results are received from both matches, a positive SSA match will indicate that the student is a U.S. citizen. If the SSA match is negative, the DHS match flag will determine the student's eligible noncitizen status.

▼ **Successful match.** (Y Flag) If the match confirms the student's immigration status as an eligible one, he can receive aid if the other eligibility criteria are also met. **Comment code 143** will appear on the SAR and ISIR, and the successful match results are documentation of the student's eligibility. Of course, if you have other information about his status that seems to contradict the successful match result, you must resolve the conflict before paying the student (see "Conflicting Information" in *Chapter 1*) by going through the third step verification process.

▼ **Record was not sent to DHS due to data entry errors.** (Blank flag) The match won't be attempted if the student left the citizenship question blank **(code 068)**, if the student said they were an eligible noncitizen but provided either no ARN or an illegible or invalid one **(code 142)**, or if she changed her response to the citizenship question or changed her ARN after previous verification by the DHS **(code 141)**. Instead, the student will receive a C code and a comment explaining the problem and directing her to provide the school with his/her most recent immigration documentation to support his/her eligibility. Compare the student's immigration document with the SAR/ISIR to determine the appropriate resolution action. If you or the student corrects the ARN and resubmits it so that the match can be conducted, and his/her eligibility is confirmed as an eligible noncitizen, the C code will not appear on the new ISIR. If her eligibility is not confirmed, **(match flag = N)**, check her DHS secondary Match Flag to determine how to proceed.

▼ **Student's noncitizen status has not yet been confirmed.** *(N Flag and C code) DHS will continue to check its records in a process called* ***automated*** **secondary confirmation**. The SAR and ISIR will have comment **code 144** and a DHS match flag of "P" (indicating that the procedure is still in process). Within three to five days, the CPS should generate a SAR and ISIR indicating the result in the "DHS Secondary" Flag field. The response table in the margin explains each Flag, its translation and how to proceed.

Suspect documents

If you are able to discern that a document is fraudulent, you must deny the student Title IV aid. If the student submits conflicting information regarding immigration status on the FAFSA, you must resolve any discrepancies before disbursing Title IV aid.

Report altered or misreported information to the Department's Office of Inspector General at 1-800-MIS-USED or the OIG's website at: *www2.ed.gov/about/offices/list/oig/index.html.*

DHS third step verification match flags and comment codes

Y, 120: The student's eligibility has been confirmed. You can process his aid.

C ,105: The student's eligible noncitizen status has not yet been verified. The school is required to wait 10 business days for another ISIR with an updated match result. If there is no update, the school begins the third step verification process.

N, 046: The student's immigration status was not confirmed. The school begins third step verification.

X, 109: The DHS did not have enough information to determine the student's status. The school begins third step verification.

Conditions requiring secondary confirmation
34 CFR 668.133(a)

School policies and procedures on secondary confirmation
34 CFR 668.134–135

Example of eligible noncitizen not confirmed
On his original application, Theo didn't give his ARN and reported that he was a citizen. When the SSA didn't confirm this, Theo told the aid administrator at Fowler University that he was a permanent resident. He added his ARN and changed his citizenship status to eligible noncitizen, but SAVE didn't confirm his status as an eligible noncitizen. He explained to the aid administrator that he had applied for permanent resident status but didn't have documentation yet. The aid administrator told him that when he received documentation that his application was approved, he should bring it to Fowler so that it could be submitted to the USCIS for confirmation.

The school should wait at least 10 but no more than 15 business days for the result of automated secondary confirmation. If the result has not been received by that time, the school must begin the third step verification process (see below).

A correction to the student's name, date of birth, or ARN made while the DHS is conducting the automated secondary confirmation will start the process over, i.e., the correction will be sent through primary confirmation. Though unlikely, if the new primary confirmation match yields a "Y," the transaction can be used to award aid. The new transaction may have a new DHS verification number assigned. A correction made to a transaction that contains secondary confirmation results of "Y" or "C" (or a transaction with a primary confirmation result of "Y") will not be sent through the DHS match again. Otherwise the record will be re-sent for matching.

ARN corrections and additions to the FAFSA

- **If the citizenship question is blank but there is an ARN**, the CPS will send the record to DHS for matching.

- **If both the citizenship question and the ARN are blank,** the record will not be sent to DHS. The output document will explain that SSA was unable to confirm that the student is a U.S. citizen. She must submit a correction to the citizenship status and ARN if she is an eligible noncitizen.

- **If U.S. citizen or national is selected, but the student provides an eligible noncitizen document,** correct question 14 on the ISIR to "No, but I am an eligible noncitizen" and enter the ARN in question 15. This correction will tell CPS to send the record to the DHS Primary match (for the first time). Ignore comment code 146 from SSA on the current ISIR. Wait for the DHS Match flags on the student's next ISIR to determine if the student is an eligible noncitizen or if a third step verification is necessary.

- **If the ARN on the ISIR does not match the ARN on the student's immigration document,** correct the ARN in field 15. This will send the corrected record (which DHS considers a new record because of the new ARN) to the DHS Primary match. Ignore DHS comment codes **046**, **105** and **109** on the current ISIR. Do not complete third step verification unless the DHS Match flags on the resulting ISIR indicate that third step verification is necessary. For more detail on these codes, see the *2018-19 SAR Comment Code and Text* guide on IFAP.

THIRD STEP VERIFICATION (FORMERLY FORM G-845) NEW

If the student didn't pass secondary verification or if you have conflicting information about his immigration status after receiving a match result, you must review the record for third step verification.

Third step verification preparation

1. Request the student's most current, unexpired immigration document. When it is submitted, make a copy of it.

2. Carefully review the student's immigration documentation against the status and document descriptions below.

3. Determine whether the student's immigration documentation supports eligibility for Title IV aid. If it does do not support an eligible status, you can tell the student that he is not eligible now, but may be eligible if/when he provides eligible noncitizen documentation. You should not complete third step verification for this student.

Third step verification via the SAVE system

If the student's immigration documentation appears to demonstrate that he is an eligible noncitizen, you must complete a third step verification request. Through April 24, 2018, complete a Form G-845 and follow the instructions in Volume 1, Chapter 2 of the 2017-18 Federal Student Aid Handbook. Using the DHS verification number, submit it through the SAVE system to confirm that the documentation is valid and to obtain the student's immigration status.

After April 24, 2018, watch for an EA announcing the date that a SAVE user ID will be sent to each school's Primary Destination Point Administrator (PDPA) and follow the instructions in the EA. After your PDPA has created a SAVE third step only user ID for you, begin submitting third step verification via the SAVE system. SAVE Instructions will be found on the "DHS-SAVE, Eligible Noncitizen" link in the "Information Pages" section (see sidebar on right side of the page) on IFAP homepage (IFAP.ed.gov) as they become available in late April, 2018.

In May, 2018, DHS and the Department of Education, in a collaborative effort, will issue (to the PDPA with CPS access at each school) a unique SAVE user ID to submit third step data electronically through the DHS/SAVE system. On May 1, 2018, DHS will no longer accept paper forms nor return paper responses. To prepare for the transition, refer to the Electronic Announcement (EA) dated 2/26/2018: https://ifap.ed.gov/eannouncements/022618TransitionG845FormElectEligNoncitizenStat.html.

I-94 website

https://i94.cbp.dhs.gov/I94

The I-94 regulations and process have not changed. Customs and Border Protection (CBP) creates admission records electronically. The I-94 website allows travellers (and schools, if the traveller grants permission) to access admission records online (the website contains records from April 2011 to present). Legacy paper I-94s are also still valid.

DHS verification number on the ISIR

When a record is processed through the CPS match with DHS, a 15-digit verification number is assigned to the student and printed in the "FAA Information" section of the SAR and ISIR. This 15 digit number is needed to access the student's SAVE record, and to submit a third step verification request through SAVE. You must submit, via SAVE, the verification number.

"Third Step" Verification

The "Paper Secondary Confirmation" step, which required you to submit a paper form G-845, is now called "third step verification." DHS-USCIS returns the response via the SAVE system.

Lack of response example

Javier is a refugee and received aid from Schwarber University. His status wasn't confirmed through the DHS match, so Schwarber performed third step verification. The DHS didn't respond in time, so Schwarber paid Javier without any response. When Javier applies again, the CPS still doesn't confirm his status. Even though Schwarber began third step verification for Javier last year and his documents haven't expired, because the school never received a DHS response, it must perform third step verification again.

Eligible noncitizens and documentation

Certain non-U.S. citizens may be eligible for Title IV aid. The following types of "eligible noncitizens" are among the classes of persons who may be eligible. For classes of eligible noncitizens other than permanent residents, evidence of their status typically is on the **I-94**, but other documentation may also be acceptable. Customs and Border Protection (CBP) no longer issues a paper I-94 form, with the exception of asylees and certain parolees. In September 2015, CBP automated the refugee admission process. Refugees will no longer receive a paper form I-94, but will have access to an electronic form. Students without paper I-94 documentation (see I-94 website sidebar) may have their status confirmed by the electronic I-94 printout and/or a CBP stamp, showing class of admission and date admitted or paroled in their passport to confirm this status.

- **Lawful permanent residents (LPRs)** are noncitizens who are legally permitted to live and work in the U.S. permanently. The standard document is the **Permanent Resident Card (Form I-551 since 1997) or Resident Alien Card (Form I-551 before 1997)**. Both forms are referred to colloquially as "green cards," though they have changed colors over the years. Possessors of the older **Alien Registration Receipt Card (Form I-151**, issued prior to June 1978) should have replaced it with a newer card, but for receiving FSA funds it is acceptable as evidence of permanent residence.

  Permanent residents may also present an **Arrival/Departure Record (CBP Form I-94)** or the Departure Record (**Form I-94A**, with the endorsement "Processed for I-551. Temporary Evidence of Lawful Admission for Permanent Residence. Valid until _____. Employment Authorized." This is used at land border ports of entry. If available, an I-551 (also known as a "green card") is preferable to establish LPR status. The form will have an ARN annotated on it and is acceptable if the expiration date has not passed.

  The U.S. Department of State issues a **machine readable immigrant visa (MRIV)** in the holder's passport. The MRIV will have a U.S. CBP inspector admission stamp, and the statement "UPON ENDORSEMENT SERVES AS TEMPORARY I-551 EVIDENCING PERMANENT RESIDENCE FOR 1 YEAR" will appear directly above the machine readable section. An MRIV with this statement, contained in an unexpired foreign passport and endorsed with the admission stamp, constitutes a temporary I-551, valid for one year from the date of endorsement on the stamp.

  The USCIS issues the **U.S. Travel Document** (mint green cover), which contains the Reentry Permit (**Form I-327**) and the Refugee Travel Document (**Form I-571**). It is used by lawful permanent residents, as well as refugees and asylees, and is annotated with "Permit to Reenter Form I-327 (Rev. 9-2-03)."

  If the student has an **I-551 with a baby picture**, she should update the I-551 with the USCIS. Permanent residents are expected to get a new picture and be fingerprinted at the age of 14. But you can submit the documents to USCIS and pay a student who has an I-551 with a baby picture as long as you can confirm that it belongs to the student. You

Eligible noncitizen name changes

When an *eligible noncitizen* student changes his or her name, the student needs to update it with SSA and DHS. To update their name with DHS, students can call 1-800-375-5283. For the SSA update, the student may refer to *https://www.ssa.gov/agency/contact* or visit their local SSA office.

can do this by comparing the I-551 to a current photo ID that has the student's name, date of birth, and signature. The current ID must also be consistent with any identifying information in the student's file.

A student who has an approved application for permanent residence on file with the USCIS and who is waiting for a permanent resident card should have an **I-797 Approval Notice from USCIS** indicating such, as well as an alien number, which will give notice of current status. Note that an **application** for permanent resident status alone is not sufficient for determining eligibility for FSA funds.

If a person is applying to suspend deportation, she must request a hearing before an immigration law judge who will render an oral or written decision. If that is favorable, the USCIS will give the applicant a **Form I-551**, which will certify her lawful permanent resident status. There is no special category for persons who have been granted suspensions of deportation.

USCIS retires red ink

On July 1, 2014, U.S. Citizenship & Immigration Services (USCIS) began using a new blue colored ink for its secure stamps. The old red ink previously used for such stamps has been retired and will no longer be used (note also that some stamps still use black ink).

- **Conditional resident aliens** are eligible for aid if their documentation has not expired. They may have a valid **I-551, I-94, I-94A, or a passport with an MRIV** bearing the statement, "Upon endorsement serves as temporary I-551 evidencing permanent residence for 1 year."

  The Marriage Fraud Amendments established a two-year conditional permanent resident status for alien spouses of U.S. citizens or legal immigrants whose marriage took place less than two years before the spouse applied for permanent resident status. This status may also apply to any of the spouse's children who are aliens.

  A **Form I-551** of a conditional permanent resident alien is the same I-551 that is issued to regular permanent residents, except that the card for a conditional permanent resident expires in two years, as opposed to 10 years for the regular card. A conditional permanent resident must file a petition for removal of this restriction in the 90 days before the end of the two years. The USCIS will review the petition and, if the result of the review is satisfactory, drop the restriction and issue new documents.

Use of copy of I-94 or I-94A

Note that a refugee or an asylee may apply for permanent-resident status. During the period in which the application is being reviewed, the student may have a copy of the I-94 that includes the endorsement "209a (or 209b) pending. Employment Authorized." Students with this form of documentation are eligible for FSA funds as long as the I-94 has not expired.

Photocopying immigration docs

DCL GEN-15-08

In most cases you will examine and copy original immigration documents, and you must keep a copy in the student's file with the results from the third step verification/SAVE. While generally not permitted, for the purpose of applying for Title IV aid, students may legally photocopy, scan, or otherwise image immigration documents (such as Forms I-551 or I-94) to complete the third step verification process.

- **Refugee** status continues unless revoked by DHS. Refugees are required to apply for Lawful Permanent Residency (LPR) status after one year, and continue to be refugees even after the grant of LPR status. In September 2015, CBP automated the refugee process. A refugee will have an electronic **I-94** showing "RE" as the class of admission and "DS" as the admit until date. The **refugee travel letter** provided by the Department of State will be annotated with a stamp showing admission under Section 207 of the Immigration and Nationality Act (INA). While the form is now automated, a refugee may be in possession of an older paper I-94 or I-94A form or be provided a paper form upon request. The paper form I-94 or **I-94A** is annotated with a stamp showing admission under Section 207 of the Immigration and Nationality Act (INA). They may also have the old **Refugee Travel Document (Form I-571)** or the newer **U.S. Travel Document** annotated with "Refugee Travel Document Form I-571 (Rev. 9-2-03)." Refugees

VAWA verification
Battered immigrants-qualified aliens
DCL GEN-10-07

If the school has reservations about the documentation provided, or is unclear about the outcome reflected in the documentation, after reviewing this section of the FSA Handbook, the financial aid administrator must submit third step verification data to DHS-USCIS.

are employment authorized and may present an employment authorization document.

- **Persons granted asylum** can apply for permanent residence after one year. Asylee status continues unless revoked by DHS or until permanent resident status is granted. Asylees will have an **I-94 or I-94A** with a stamp showing admission under Section 208 of the INA. They may also have the same travel documents described for refugees. Persons granted asylum in the U.S. are authorized for indefinite employment.

- **Persons paroled into the U.S. for at least one year** must provide evidence (such as having filed an Application to Register Permanent Residence or Adjust Status [**I-485**] or being the named alien relative from a petitioner, I-130) from the DHS that they are in the U.S. for other than a temporary purpose and intend to become a citizen or permanent resident. DHS will usually respond to the filing of an I-485 with an **I-797** and a parolee must provide this I-797 to you before you go through the third step verification process as their evidence that they intend to become a citizen or permanent resident. They must also provide documentation of their parole status (such as an **I-94**) and it must have a stamp indicating that the student has been paroled into the U.S. for at least one year, with a date that has not expired (federal student aid cannot be disbursed after the document has expired).

Asylees abroad and eligibility
Asylees who leave the U.S. for an extended amount of time without USCIS approval forfeit their current immigration status, so it may thus be difficult for them to be considered an eligible noncitizen for FSA purposes.

- **Cuban-Haitian Entrants** as defined by Section 501(e) of the Refugee Education Assistance Act (REAA) of 1980. All Cuban-Haitian entrants are potentially eligible for Federal Student Aid. Note that certain documents showing that the holder is a Cuban-Haitian entrant continue to convey CHE status even if the expiration date has passed. When submitting CHE documentation, add a note in the "Special Comments" box of the SAVE "Submit Document" screen requesting review for CHE status verification.

- **Conditional entrants** are refugees who entered the U.S. under the seventh preference category of P.L. 89-236 or whose status was adjusted to lawful permanent resident alien under that category. Students may have an **I-94** with a stamp displaying "**Section 203(a)(7)**" and indicating that the person was admitted to the U.S. as a conditional entrant. Because DHS stopped using this category after enacting the Refugee Act on March 31, 1980, you should not disburse FSA funds if the student has an I-94 with conditional entrant status granted after that date.

Victims of human trafficking
DCL GEN-06-09

The stamps mentioned use red and blue security ink: the date of admission is red, and the rest of the stamp is blue. The stamp contains three codes: the first is a two-digit code to the left of the date that designates the field office with jurisdiction over the port of entry. On most stamps, this code will be two numbers and no letters. Letters are currently only used on HQ stamps. The three-letter code located under the word "ADMITTED" shows the port of entry. The third code, to the right of the date, is the unique four-digit number. When referring to a particular stamp, the port of entry code and the stamp's unique number should be used.

The endorsement or stamp can be placed anywhere on the I-94. If the original stamp does not copy well due to the ink color, you should replicate it by hand on the photocopy. Because CBP offices don't have uniform procedures or stamps, you should contact the local office with questions regarding acceptable immigration documents.

- **Victims of human trafficking** have the same eligibility for federal benefits as refugees under the Victims of Trafficking and Violence Protection Act (VTVPA), though the Department of Health and Human Services (HHS), rather than the DHS, is responsible for certifying this status. Because of this, these students will not pass the DHS match, and the normal paper third-step confirmation does not apply. These individuals may have an **I-94 with a T1, T2, T3, or T COA code** for principal, spouse, child, or parent, respectively. You must instead review the student's certification or eligibility letter from the HHS and call the Office on Trafficking in Persons at 1-866-401-5510, as noted on the letter, to verify its validity and confirm that the eligibility has not expired. You must note the date, time, and results of the call and retain a copy of the letter. If the student applies for federal student aid in a subsequent year at your school, you must call again to ensure that the student's status is still in force.

  The spouse, child, or parent of a trafficking victim might be eligible for aid. He will not have a certification letter but will have a **T-visa (e.g., T-2 or T-3)**. He will also likely fail the DHS match; if so you must call the same office, verify the validity of his T-visa as well as the victim's certification letter, note the time and results, and save a copy of both documents.

- **Battered immigrants-qualified aliens** are victims of domestic violence by their U.S. citizen or lawful permanent resident (LPR) spouses or parents. They may, with their designated children, be eligible under the **Violence Against Women Act (VAWA)** for federal public benefits, including federal student aid. Note that both men and women may be approved as victims under the Violence Against Women Act.

  They indicate on the FAFSA that they are eligible noncitizens, though they will not pass the automated DHS match. Instead, they will need to obtain and provide you with documentation based on their case type: self-petition, suspension of deportation, or cancellation of removal.

  In **self-petitioning cases** under VAWA, the immigrant submits an I-360 form to the USCIS, which will deny the petition, approve it, or find that a "prima facie" case has been established. Either an approval or a prima facie finding makes a student eligible for aid, though the latter has an expiration date after which the person becomes ineligible. In some cases, the USCIS will acknowledge receipt of a petition. This does not establish eligibility for aid.

  With an **approval of a petition**, the USCIS will provide a **Form I-797, Notice of Action form**, that will indicate it is an approval notice for a

Form I-797 Notice of Action NEW
Form I-797 is USCIS's formal communication with customers issued when an application or petition is approved or to confer an immigration benefit.

self-petitioning spouse of a U.S.C. or L.P.R. and that the petition has been approved. A separate I-797 will be issued with the names and dates of birth of children listed by the applicant, and it will indicate that they are named on the approved petition. These children are eligible for aid, and because their USCIS status continues after reaching the age of majority, their eligibility for aid continues as well. In some cases, a dependent child can petition for battered immigrant status; the I-797 would then indicate a self-petitioning child of a U.S.C. or L.P.R.

With a **prima facie case**, the USCIS will sometimes issue an **I-797** that indicates an establishment of prima facie case. This status is usually for a period of up to 180 days, though the USCIS may extend that period until the case is approved or denied. Petitioners can submit a written request for the extension. As long as the deadline has not expired, the person is eligible for FSA funds. Children may be included on the I-797, though their eligibility is subject to the same expiration date. If a spouse is ultimately denied approval, the children on the I-797 would also be denied and ineligible for aid.

Therefore, it is important to examine the notice carefully. For example, USCIS may issue a Notice of Deferred Action on an I-797, which is an administrative choice to give lower priority for removal of an immigrant from the U.S. Such a notice could pertain to cases unrelated to petitions for battered immigrant status, and it would not be sufficient for documentation of a self-petitioner. It generally will have a termination date. Be sure to examine the notice carefully to be sure it relates to the student's claim for eligible noncitizen status and that it conveys relevant information to the student's case. If a termination date is indicated on the I-797, a petition approval or an establishment of prima facie case will be eligible for aid through that date and ineligible afterward.

An immigration judge may issue a **suspension of deportation** of the abused person under the VAWA. The applicant will receive a **copy of the court order**. As long as it has not expired and clearly indicates suspension of deportation by the judge, an otherwise eligible person can receive FSA funds.

An immigration judge can also issue a **cancellation of removal** of the abused person under the VAWA. The applicant will receive a **copy of the court order**. As long as that has not expired and clearly indicates cancellation of removal by the judge, an otherwise eligible person can receive FSA funds.

You must examine the USCIS document and keep a copy in the student's file. If it indicates he is eligible for aid and the expiration date has not passed, you may award aid. If the student applies for FSA funds in a subsequent year, you may rely on the original document

if it has not expired, but you must have the student provide a dated, written statement that his immigration status under VAWA remains in effect without change. If his documentation has expired, he must renew it.

If documentation is lost, or is expired, or if you are unclear about it, submit third step verification data and attach a copy of the document(s). Submit the request through the SAVE system. Add a note in the "Special Comments box of the SAVE "Submit Document" screen requesting review for VAWA status verification. The student's eligibility for aid will be based on the result of the submission.

Jay Treaty

Section 289 of the Immigration and Nationality Act (INA) gives persons with at least 50% Native American blood who were born in Canada the legal right to live and work indefinitely in the U.S. This is based on the Jay Treaty of 1794 and subsequent court decisions. Such individuals are not subject to the legal restrictions typically imposed on aliens by the DHS, are not required to obtain documentation from the DHS, and are considered "lawfully admitted for permanent residence." They must obtain an SSN for purposes of applying for Title IV aid.

Students who may be eligible for FSA funds should enter their valid ARN (or a A999999999 if they don't have an ARN) on the FAFSA and indicate they are eligible noncitizens. If they fail the DHS match, you must submit a third step verification with the documentation. If they fail third step verification, they can still be considered eligible if they meet the documentation requirements below for students without an ARN. Students who enter all 9's for their ARN will receive **comment 144** on the output document. The school must obtain proof that such a student has 50% Native American blood and was born in Canada. To do so, the student should provide one or more of the following documents:

- **A "band card"** issued by the Band Council of a Canadian Reserve, or by the Department of Indian Affairs in Ottawa;

- **Birth or baptism records;**

- **An affidavit** from a tribal official or other person knowledgeable about the applicant's or recipient's family history;

- **Identification** from a recognized Native American provincial or territorial organization.

If the student can provide this documentation and is otherwise eligible, the school must note this in the student's file and can award FSA funds.

Ineligible statuses and documents

Several types of documentation do not prove a student's eligible noncitizen status. Below, we list a variety of forms and their related statuses which are ineligible. If a student does not provide a document that proves his eligibility for Title IV aid, he is not eligible with these documents alone.

- A **Social Security card** or **driver's license** isn't acceptable for documenting U.S. citizenship or national status since these individuals can also have these forms of identification. "Enhanced" driver's licenses (provided by a limited number of states to permit non-air travel entry to the U.S. from Canada, Mexico, and the Caribbean) are also not acceptable.

- Someone who has only a **"Notice of Approval to Apply for Permanent Residence (I-171 or I-464)"** cannot receive FSA funds. The State Department publishes a list of nonimmigrant visas at:

https://travel.state.gov/content/travel/en/us-visas/tourism-visit.html.

- **Employment authorization card.** Someone with a nonimmigrant visa isn't eligible for FSA funds unless she has a Form **I-94** with one of the endorsements given in the eligible document section.

- **Nonimmigrant visas** include those with work visas, students, visitors, and foreign government officials. Someone with a nonimmigrant visa isn't eligible for FSA funds unless she has a **Form I-94** with one of the endorsements given in the eligible document section. Nonimmigrant visas include (but are not limited to) the

  - **F-1, F-2, or M-1 Student Visa,**
  - **NATO Visas (NATO),**
  - **A2 and A3 Visas (foreign official, including attendants),**
  - **B-1 or B-2 Visitor Visa,**
  - **J-1 or J-2 Exchange Visitors Visa,**
  - **H series or L series Visa (which allow temporary employment in the U.S.), or**
  - **G series Visa (pertaining to international organizations).**

- Form I-817, Application or approval for Family Unity Benefits.

- Temporary residents are allowed to live and work in the U.S. under the Legalization or Special Agricultural Worker program. This usually is recognized on an I-688 form. These residents are no longer eligible for Title IV funds.

- Illegal aliens under the legalization (also called the amnesty) program established by the Immigration Reform and Control Act of 1986 (IRCA). These individuals were given documentation that allowed them to work while their application for permanent resident status was being processed, but they aren't eligible for aid unless their application was approved.

- I-94 forms stamped with "Temporary Protected Status."

- Deferred Action for Childhood Arrivals (DACA) status is conferred by the USCIS office of DHS. Students granted DACA often are assigned an SSN, and they are not eligible for Title IV aid, but may be eligible for state or college aid, and submitting a FAFSA can help them access those other types of aid. To complete the FAFSA, DACA status students must enter their SSN and answer the "Are you a U.S. citizen?" question as "No, I am not a U.S. citizen or eligible noncitizen." After submitting the FAFSA, the student should check with the school's financial aid office to see what types of non-federal financial aid they may be eligible to receive.

- "Withholding of removal" order issued by an immigration judge or by the Board of Immigration Appeals. This is used to protect a person from return to a country that threatens the person's life or freedom.

- "U-Visa" holders are not designated as qualified aliens under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) and are therefore not eligible for Title IV program funds. However, U-Visa holders may convert to lawful permanent resident (LPR) status after they have physically been present in the U.S. for a continuous period of at least three years after the date of admission given on their U-Visa. Documentation is usually on an form I-797. It is important for you to inspect the content of the document since the I-797 is used for a variety of purposes.

If the student becomes an LPR, he or she becomes a qualified alien under the PRWORA (see above), and thus potentially eligible for Title IV funds (assuming they meet all other eligibility requirements. U-Visa holders should be encouraged to explore non-federal aid options to help them pay for school while waiting for their application for LPR status (I-485) to be approved. The website www.studentaid.gov contains information to help students search for possible scholarships and other resources.

If the document a student submits is for an ineligible status, you shouldn't submit the documentation for secondary confirmation. Unless you have conflicting information or the student compels you to do so. USCIS will only confirm current immigration status based on the document presented; it doesn't determine whether the student is eligible for FSA funds. Unless the student can submit documentation for an eligible status, as described above, or USCIS confirms the student's status as an eligible student, the student can't receive aid.

U-Visa information

More information on U Visas may be found on the following website: *www.uscis.gov/green-card/other-ways-get-green-card/green-card-victim-crime-u-nonimmigrant.*

Procedures when ineligibility is determined after disbursement

34 CFR 668.136(c)

SAVE Guide to Immigration Documents NEW

The USCIS's Systematic Alien Verification for Entitlements (SAVE) Program office publishes the SAVE Guide to Immigration Documents. To access the Guide, go to: *https://save.uscis.gov/web/media/resourcesContents/SAVEGuide-CommonlyusedImmigrationDocs.pdf*

For more sample citizenship documents which may be used to substantiate various types of citizenship status, see the end of this chapter.

USING THE SAVE SYSTEM FOR THIRD STEP VERIFICATION NEW

If the student's immigration documentation appears to demonstrate that he is an eligible noncitizen, you must complete a third step verification request. Through April 24, 2018, complete a Form G-845 and follow the instructions in Volume 1, Chapter 2 of the 2017-18 Federal Student Aid Handbook. Using the DHS verification number, submit it through the SAVE system to confirm that the documentation is valid and to obtain the student's immigration status.

DHS-SAVE Eligible Noncitizen Information page NEW
https://ifap.ed.gov/DHSSAVEEligibleNoncitizen/ElectThirdStepVerfi.html

After April 24, 2018, watch for an EA announcing the date that a SAVE user ID will be sent to each school's Primary Destination Point Administrator (PDPA) and follow the instructions in the EA. After your PDPA has created a SAVE third step only user ID for you, begin submitting third step verification via the SAVE system. SAVE Instructions will be found on the "DHS-SAVE, Eligible Noncitizen" link in the "Information Pages" section (see sidebar on right side of the page) on IFAP homepage (IFAP.ed.gov) as they become available in late April, 2018.

Requesting a new DHS verification number NEW

If a student who was determined not to be an eligible noncitizen, but later provides an updated immigration document, or if you need to request a new DHS verification number because the **"case is closed,"** before completing third step verification. Follow the instructions in the Electronic Announcement of December 21, 2017.

In May, 2018, DHS and the Department of Education, in a collaborative effort, will issue (to the PDPA with CPS access at each school) a unique SAVE user ID to submit third step data electronically through the DHS/SAVE system. On May 1, 2018, DHS will no longer accept paper forms nor return paper responses. To prepare for the transition, refer to the Electronic Announcement (EA) dated 2/26/2018: https://ifap.ed.gov/eannouncements/022618TransitionG845FormElectEligNoncitizenStat.html.

SAVE Third Step Responses

A USCIS status verifier will search the SAVE databases, and enter the student's immigration status in the SAVE system within 3-5 of the request. If you haven't received a response **within 20 business** days, call the SAVE help desk, at 1-877-469-2563. Do not give this number to students or anyone not authorized to submit third step verification requests.

If you don't receive a response from the USCIS after **at least 15** business days from the date you sent the third step verification request, if you have sufficient documentation to make a decision, and if you have no information that conflicts with the student's documents or claimed status, you should review his file and determine whether he meets the eligible noncitizen requirements. If he does meet the requirements, make any disbursement for which he is eligible and note in his file that SAVE exceeded the time allotment and that noncitizen eligibility was determined without their verification.

When third step verification results in an eligible status, you must keep a copy of the SAVE response screen. If the confirmation process indicates a discrepancy, you must ask the student to correct the discrepancy with the USCIS. No certification of loans or further disbursement of funds can be made until the discrepancy is corrected. If the discrepancy isn't reconciled, the student must repay all aid except wages earned under FWS. Whenever the student is able to provide new information, it must be submitted to the USCIS as a third step verification request.

If you have followed the procedures outlined here, including notifying the student of the discrepancy and withholding further payments and loan

certifications as soon as a discrepancy is found, your school isn't liable for aid disbursed prior to third step verification. This assumes that you had no other conflicting information prior to making the disbursement and had reviewed the available documentation and concluded that the student was otherwise eligible.

Interpreting the SAVE response

When you receive the SAVE response, you determine the student's eligibility by referencing the SAVE response against the following list. The SAVE response does not directly state whether the student is eligible for Title IV funds.

The following list explains whether a response means the student is eligible or ineligible for Title IV aid. For descriptions of the following immigration statuses, see the earlier sections on eligible and ineligible noncitizens and their documentation:

15 business days timeframe NEW

34 CFR 668.136(b)(3)

Potentially eligible statuses:

"Lawful Permanent Resident"

"Conditional Resident"

"Application Pending for the following USCIS benefit" A pending application for an immigration status doesn't by itself make the student eligible for FSA funds; he must have an eligible status checked on the form or provide other documentation of an eligible status.

"Asylum or refugee status"

"Parolee" The student is eligible for aid if paroled into the U.S. for one year or more. The SAVE response will include the parole expiration date which must be after the day the student starts classes **AND** has evidence from the DHS (such as a form I-797 Notice of Approval of I-485 Permanent Residence Status) that he is in the U.S. for other than a temporary purpose and intends to become a U.S. citizen or permanent resident. The SAVE response will include a note that the student's I-485 application is pending, if applicable. Note that if the student has not filed the I-485, nor had that application accepted by DHS, they are not an eligible noncitizen parolee.

"U.S. citizen" Because the verification request is used to check the status of noncitizens, this box should be infrequently checked. You should not see this in the financial aid office because, as explained earlier in the chapter, you would have reviewed the student's documentation, which identified him as a U.S. citizen, and you would not have submitted it to the USCIS.

"Cuban/Haitian Entrant"

"American Indian born in Canada" For details, see the Jay Treaty section earlier in this chapter.

"Texas or Oklahoma Band of Kickapoo Indians" If this response is

received, the financial aid administrator must contact U.S. Department of Education staff by emailing either Aaron Washington (Aaron.Washington@ed.gov).

Determining eligibility if USCIS response is late
34 CFR 668.136(b)

"VAWA Self-Petitioner" See GEN-10-07. If 17.a is checked, the financial aid administrator must contact U.S. Department of Education staff by emailing either Aaron Washington (Aaron.Washington@ed.gov). If 17.b is checked, the student is eligible for federal student aid.

Ineligible statuses

Each of the following statuses are by themselves insufficient to make a student eligible for FSA funds. Unless an eligible status is also submitted, or the student can provide other documentation that can be confirmed by the USCIS, the following types of student are not Title IV eligible:

"Employment Authorized"

"Not Employment Authorized"

"Nonimmigrant"

"Deferred Action for Childhood Arrivals (DACA)"

"Temporary Protected Status (TPS)"

"Deferred Action Status"

"Withholding of Removal"

"Document Expired, Altered, or Counterfeit." Notify the student that unless corrective action is taken with the USCIS, the case will be submitted to the Office of Inspector General (OIG). Until this is resolved, no further aid may be disbursed, awarded, or certified. If the student does not take corrective action in a timely manner, you must report the case to the OIG.

If SAVE was unable to process the request you may receive one of the following error messages.

"Resubmit request with both sides of the applicant's immigration document." Resubmit the student's immigration documents with copies of both sides of each document.

"Applicant's Immigration document is illegible." Resubmit the student's immigration documents with higher quality copies of the original documentation.

"Unable to verify status based on the document provided." If this is checked, DHS-USCIS was not able to verify the student's status based on the documentation provided. The student must contact the appropriate agency, i.e., USCIS, Immigration and Customs Enforcement (ICE), or Customs and Border Protection (CBP) to correct their records.

Student rights

You must allow the student at least 30 days from the time you receive the output document to provide documentation of his immigration status. During this period and until the results of the third step verification are received, you can't deny, reduce, or terminate aid to him. Unless you can determine that the documentation doesn't support an eligible noncitizen status, you must submit the student's immigration documents within ten business days of receipt. If the documentation supports the student's status as an eligible noncitizen, and if at least 15 business days passed since the date on which the documentation was submitted to the USCIS, you can disburse aid to an otherwise eligible student pending the USCIS response.

Your school isn't liable if you erroneously conclude that a student is an eligible noncitizen, provided that you had no conflicting data on file and you relied on:

- A SAR or ISIR indicating that the student meets the requirements for federal student aid;
- A USCIS determination of an eligible immigration status in response to a request for third step verification; or
- Immigration status documents submitted by the student, if the USCIS did not respond in a timely fashion.

The student (or parent borrower of a PLUS loan) is liable for any FSA funds received if he is ineligible. If you made your decision without having one of the documents above, your school is held responsible for repaying FSA funds to the Department. Your school should establish procedures to ensure due process for the student if FSA funds are disbursed but the aid office later determines (using third step verification) that the student isn't an eligible noncitizen. The student must be notified of his ineligibility and given an opportunity to contest the decision by submitting to your school any additional documents that support his claim to be an eligible noncitizen. If the documents appear to support the student's claim, you should submit them to USCIS using third step verification. You must notify the student of your office's final decision based on the third step verification results.

For every student required to undergo third step verification, you must furnish written instructions providing:

- An explanation of the documentation the student must submit as evidence of eligible noncitizen status;
- Your school's deadline for submitting documentation (which must be at least 30 days from the date your office receives the results of the primary confirmation);
- Notification that if the student misses the deadline, he may not receive FSA funds for the award period or period of enrollment; and
- A statement that you won't decide the student's eligibility until he has a chance to submit immigration status documents.

DOCUMENTING IMMIGRATION STATUS IN LATER AWARD YEARS

There are several cases in which **you must document** a student's immigration status in a subsequent award year if that student is not confirmed through the application process. For example, a student who presented a **Temporary Form I-551** in a prior award year should have received a permanent I-551 by the next year and shouldn't still have a temporary card. You should refer the student to USCIS to obtain a permanent I-551 or an updated endorsement on the previous card.

You must also document the eligible noncitizen status each award year for a **conditional permanent resident, a refugee, a Cuban-Haitian entrant, or a person granted asylum**. Students in any of these categories may have been redesignated to permanent-resident status or may have had their statuses revoked. You will have to send the documents for third step verification if the student's status isn't confirmed through the USCIS match.

You don't have to document a student's eligible noncitizen status in subsequent award years if you've documented that the student is a U.S. citizen or national, is a citizen of the Freely Associated States, or has a Form I-551 or I-151. In addition, you aren't required to request third step verification if, for a previous award year, the response showed that the student was an eligible noncitizen and the documents used for that third step verification haven't expired. You must also have no conflicting information or reason to doubt the student's claim of having eligible noncitizen status. Also note that you must have **confirmed the status** in a previous award year. You may disburse aid without the USCIS response if the USCIS doesn't respond in time, but you can't count that lack of response as confirmation for the following year.

Exclusion from subsequent confirmation
34 CFR 668.133(b)

REPLACING LOST DHS DOCUMENTS

If a student can't locate his official USCIS documentation, the student must request that the documents be replaced because noncitizens who are 18 years and older must have immigration documentation in their possession at all times while in the U.S. Requests for replacement documents should be made to the nearest USCIS District Office.

The student will be asked to complete a **Form I-90**, **"Application to Replace Alien Registration Card"** or a **Form I-102**, **"Application for Replacement/Initial Nonimmigrant Arrival-Departure Document."** PDF versions of these forms can be downloaded from the USCIS website at *uscis.gov*. A temporary I-94 may be issued while the replacement documents are pending.

In cases of undue hardship, where the student urgently needs documentation of his status, the Freedom of Information Act (FOIA) allows him to obtain photocopies of the documents from the USCIS District Office that issued the original documents. The student can submit a Form G-639 to make this request or can simply send a letter to the district office. If he is not sure which district office issued the original documents, he can submit the request to the field office nearest to his place of residence.

A naturalized U.S. citizen student who lost documents or surrendered them when entering prison is responsible for getting copies of them before third step verification is submitted for the student. (See "Replacing Lost DHS Documents") You can request copies of immigration documents directly from penal institutions at the request of the student.

EXAMPLES OF U.S. CITIZENSHIP AND ELIGIBLE NONCITIZEN DOCUMENTS

The next few pages show some common documents used to demonstrate citizenship for various categories/types of citizenship. Note that not all documents shown may avail to satisfy citizenship requirements in all cases. See the specific notes on each document shown, and also refer to the discussion of citizenship requirements described in detail earlier in this chapter.

CITIZEN NOT BORN IN U.S./NONCITIZEN NATIONAL

U.S. Passport

Can be used to document citizenship for citizen born abroad.

For a noncitizen national, must be stamped "Noncitizen National." (Note that a passport issued by another country may be used to document U.S. permanent resident status if it has the endorsement "Processed for I-551" and has a currently valid expiration date.)

U.S. Passport Card

This resembles a credit card in size and form. Though it cannot be used for international air travel, it is, like the passport book, proof of U.S. citizenship.

Certificate of Naturalization

The Certificate of Naturalization is issued to naturalized U.S. citizens.

Certificate of Citizenship

The Certificate of Citizenship is issued to persons who were born abroad of U.S. parent(s), who became citizens when their parents were naturalized, or who were adopted by U.S. parents.

A revised version of the Certificate of Naturalization (Form N-550) was created in 2010.

All previously issued certificates remain valid.

Certification of Birth Abroad

Issued to U.S. citizens born abroad. Must have embossed seal of the State Department.

CITIZEN NOT BORN IN U.S./NONCITIZEN NATIONAL PERMANENT RESIDENT/OTHER ELIGIBLE NONCITIZEN

Form CBP I-94

Here is a sample paper form. Although such are no longer normally issued for air and sea arrivals, legacy paper forms are still valid and in use, and one may still encounter recently issued valid paper forms.

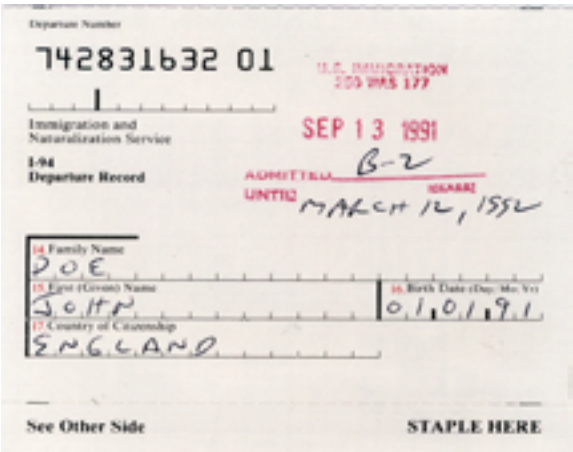
Form CBP I-94A

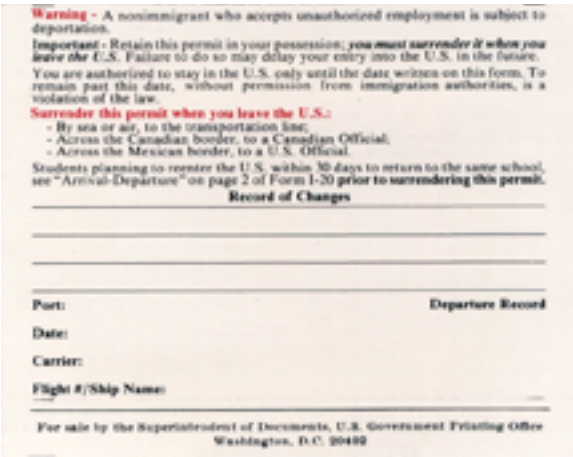
Below, the computer-generated Form CBP I-94A replaces the paper Form I-94 that was completed manually. For eligible noncitizens, it must be annotated as described earlier in this chapter.

See also the I-94 website at: www.cbp.gov/I94. The website allows you to look up I-94 student data, if the student grants you permission to do so.

I-94 Arrival-Departure Record

For permanent resident status, must be stamped "Processed for I-551" with expiration date or "Temporary Form I-551" with appropriate information filled in. For other eligible noncitizens, must be stamped as Refugee, Asylum Status, Conditional Entrant (before April 1, 1980), Parolee, or Cuban-Haitian Entrant.





United States Travel Document

(front cover)

This contains the Reentry Permit (Form I-327) and the Refugee Travel Document (Form I-571). It is used by lawful permanent residents, refugees, and asylees and will be annotated as described earlier in the chapter.

Re-entry permit

USCIS issues the Form I-327, Re-Entry Permit to permanent residents and conditional residents to allow them to re-enter the U.S. for a period of two years. The re-entry permit is found in the U.S. Travel Document.

PERMANENT RESIDENTS

Permanent residents are issued identification cards that they are required to have in their possession at all times. The first Alien Registration Receipt Card was introduced in 1946 and through various revisions was primarily green, which caused it to be known as a "green card." This term is still used, though the cards have changed color over the years.

Alien Registration Receipt Card I-151

(front and back)

Issued prior to June 1978 to permanent residents. Note: As of March 20, 1996, Form I-151 is no longer acceptable to USCIS as evidence of permanent residence, though it may be used to receive FSA funds.

Resident Alien Card I-551 ***(two versions, front only)***

The I-551 is a revised version of the I-151. It was phased in beginning in January 1977 and was revised in 1989. The "Conditional Resident Alien Card" is identified by a "C" on the front and an expiration date on the back.

(1989)

Permanent Resident Card I-551 ***(front only for older versions, front and back for the current version)***

The Permanent Resident Card was introduced in December 1997 and revised in 2004. In 2010 it was again updated, with the color green used once more in the design of the front of the card.

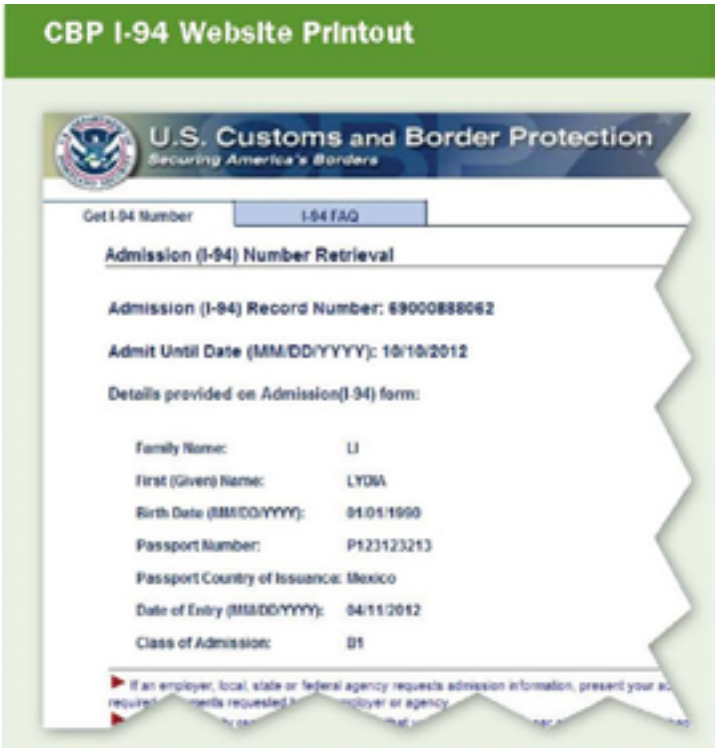
(1997)

(2004)

(2010)

CBP I-94 Website Printout

Travelers have access to their electronic I-94 via www.cbp.gov/I94. The website printout serves the same purpose as any other I-94. A sample of what the printout looks like is shown here.



Machine Readable Immigrant Visa (MRIV)

The MRIV will appear in the holder's (foreign) passport. If the passport is unexpired and endorsed with an admission stamp and the statement, "Upon endorsement serves as temporary I-551 evidencing permanent residence for 1 year," it serves as a temporary I-551 and as valid documentation for establishing aid eligibility.