

Department of Homeland Security **Office of Inspector General**

Improvements Needed for SAVE To Accurately
Determine Immigration Status of Individuals Ordered
Deported



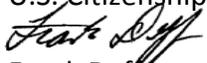


OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

December 7, 2012

MEMORANDUM FOR: Lori Scialabiba
Deputy Director
U.S. Citizenship and Immigration Services

FROM: 
Frank Deffer
Assistant Inspector General
Information Technology Audits

SUBJECT: *Improvements Needed for SAVE To Accurately Determine
Immigration Status of Individuals Ordered Deported*

Attached for your action is our revised final report, *Improvements Needed for SAVE To Accurately Determine Immigration Status of Individuals Ordered Deported*. We incorporated the formal comments from the U.S. Citizenship and Immigration Services in the final report. We are reissuing this report based on technical comments received from U.S. Citizenship and Immigration Services after the formal comment period.

The report contains four recommendations aimed at improving the accuracy of the SAVE program. Your office concurred with all four recommendations. Based on information provided in your response to the draft report, we consider all four recommendations resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions.

Consistent with our responsibility under the *Inspector General Act*, we are providing copies of our report to appropriate congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.”

Please call me with any questions, or your staff may contact Tuyet-Quan Thai, Regional Director, at (425) 582-7861.

Attachment

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table of Contents

Executive Summary.....	1
Background	2
Results of Audit.....	3
USCIS' Class of Admission Code Is Not Updated When an Individual Is Ordered Deported But Is Still in the United States	3
Recommendations	7
Management Comments and OIG Analysis	7
Inaccurate Source Data Resulted in a High Error Rate for the Population of Individuals Ordered Deported.....	8
Recommendations.....	11
Management Comments and OIG Analysis.....	11

Appendixes

Appendix A: Objectives, Scope, and Methodology.....	13
Appendix B: Management Comments to the Draft Report	15
Appendix C: Major Contributors to This Report	18
Appendix D: Report Distribution.....	19

Abbreviations

CPMS	Customer Profile Management System
DHS	Department of Homeland Security
DOJ	U.S. Department of Justice
EARM	ENFORCE Alien Removal Module
EOIR	Executive Office for Immigration Review
ICE	U.S. Immigration and Customs Enforcement
ISRS	Image Storage and Retrieval System
OIG	Office of Inspector General
SAVE	Systematic Alien Verification for Entitlements
TSA	Transportation Security Administration
TWIC	Transportation Worker Identification Card
USCIS	U.S. Citizenship and Immigration Services
VIS	Verification Information System

Executive Summary

We audited the U.S. Citizenship and Immigration Services' (USCIS) Systematic Alien Verification for Entitlements program to determine the accuracy of information used to validate an applicant's immigration status when the applicant had been ordered deported. Our objectives were (1) to assess whether the Systematic Alien Verification for Entitlements program uses accurate and up-to-date information to validate immigration status of deportable, removable, and excludable individuals, and (2) if Systematic Alien Verification for Entitlements is not using accurate information, to determine the rate of error with respect to verification of these individuals' status.

The Systematic Alien Verification for Entitlements program provided information that was sometimes outdated and erroneous about an individual's immigration status to benefit-granting agencies. This occurred because status codes in the Central Index System were generally not updated when the Immigration Court issued a decision to remove, deport, or exclude an individual from the United States. Instead, the codes were updated when the individual physically left the United States, which can take years. This problem could potentially affect the more than 800,000 individuals who have been ordered deported, removed, and excluded but who are still in the United States. Although the Systematic Alien Verification for Entitlements response in and of itself did not automatically result in approval of financial or other benefits by Federal, State, and local agencies, an erroneous response could result in agencies granting benefits to unentitled individuals.

Our random statistical sample tests of individuals who had been ordered deported but still remained in the United States identified a 12 percent error rate in immigration status verification. In other words, these individuals had no status, but were erroneously identified as having lawful immigration status. The remaining 88 percent passed our tests because the individuals had lawful immigration status at the time of status verification. This includes situations where the individual (1) was ordered deported after the verification or (2) obtained permanent or temporary status after being ordered deported but before the status verification. Benefits for which individuals were verified ranged from airport badges and Transportation Worker Identification Cards, which provide individuals with access to secure areas, to food stamps, driver's licenses, and education assistance. Some individuals included in our sample had committed felonies ranging from citizenship fraud to aggravated assault.

We made four recommendations to the Deputy Director, USCIS, to improve the accuracy of the Systematic Alien Verification for Entitlements program.

Background

In response to the requirements of the *Immigration Reform and Control Act of 1986*, as amended, and subsequent legislation, USCIS established the Systematic Alien Verification for Entitlements (SAVE) program under the Verification Division to verify the immigration status of noncitizen applicants for Federal, State, or local benefits and licenses.¹ As of April 1, 2012, more than 800,000 individuals who were ordered deported, removed, or excluded (heretofore referred to as deportable) were still residing in the United States.² The objectives of this work were (1) to assess whether SAVE uses accurate and up-to-date information to validate immigration status of deportable individuals, and (2) if SAVE is not using accurate information, to determine the rate of error in SAVE with respect to verification of deportable individuals.

SAVE is primarily a Web-based system that uses the Verification Information System (VIS) to provide almost instantaneous responses to immigrant status inquiries. Programs that are mandated to participate in status verification include Medicaid, food stamps, educational and housing assistance programs, and certain license-issuing programs. Typically, SAVE verification involves the following process:

- Applicable Federal, State, and local benefit-granting agencies review proof of immigration status from noncitizen applicants, such as a Permanent Resident Card or Employment Authorization Document. Other forms may also be used to demonstrate immigration status.
- Using the numerical identifier, such as an alien number, naturalization number, or other relevant information, the agency submits a SAVE inquiry electronically.³

¹ The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, Public Law 104-193, as amended, restricted immigrant eligibility for public benefits and required verification of immigration status. The *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Public Law No. 104-208, Division C, as amended, expanded the use of the SAVE program by Federal, State, local agencies for any purposes authorized by law. The *REAL ID Act of 2005*, Public Law 109-13, Division B, (REAL ID) established certain minimum standards for State-issued driver's licenses and State-issued identification cards. According to Code of Federal Regulation Title 6, Part 37, States must use the SAVE program to verify the immigration status of applicants for driver's licenses and identification cards. States were required to comply with REAL ID by May 11, 2011. The *Patient Protection and Affordable Care Act*, Public Law 111-148, as amended, provides health insurance benefits for qualified "aliens lawfully present in the United States." Immigration status verification of noncitizen applicants is part of the eligibility determination.

² Data obtained from U.S. Immigration and Customs Enforcement (ICE) reflect the number of individuals with an order of deportation, exclusion, or removal. Other individuals who are in the United States illegally but have not been ordered deported are not represented in these numbers.

³ A paper-based verification process is also available to agencies not participating electronically.

OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

- During the initial verification process, VIS provides a response based on the documentary and biographic information presented.
- VIS performs this verification either using data from multiple sources, including the Central Index System (the primary data source used to confirm immigration status when an alien number is presented), or through interfaces with other systems maintained by USCIS or other Federal agencies.⁴
- Within a few seconds, SAVE electronically either confirms that the applicant has immigrant status and/or employment authorization, or prompts the inquiring agency to institute additional verification.
- Agencies requesting identity verification compare results against source documents and provide additional information as necessary.
- The additional verification may require submission of supplemental information from the applicant. Verification staff manually review the supplemental information and access a number of systems that are not available during the initial verification process to confirm status.

Results of Audit

USCIS' Class of Admission Code Is Not Updated When an Individual Is Ordered Deported But Is Still in the United States

Central Index System, the primary system SAVE accesses to validate an individual's immigrant status, is not immediately updated when the Immigration Court orders an individual deported, removed, or excluded.⁵ The ultimate decision to provide or deny benefits rests with the Federal, State, and local agencies that submitted the verification inquiry. However, by erroneously verifying that a deportable individual has status to receive benefits, SAVE may have enabled the inquiring agency to grant financial and other benefits (e.g., access to secure areas, education grants, and housing assistance) to people who are no longer eligible to receive those benefits.

⁴ In addition to the Central Index System, VIS is either updated or interfaces with other systems when documents with other numeric identifiers are presented, such as the Customer Profile Management System (CPMS), Treasury Enforcement Communications System Real-Time Arrivals, Treasury Enforcement Communications Systems I-94, Computer Linked Application Information Management System 4, and Reengineered Naturalization Application Casework System.

⁵ Deportation, removal, and exclusion orders are different with regard to notice, the individual's rights, procedures, burden of proof, evidence, relief, and consequences.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

The *Data Quality Act* requires Federal agencies to maximize the quality, objectivity, utility, and integrity of information they disseminate.⁶ The *Standards for Internal Control in the Federal Government* states that transactions should be promptly recorded to maintain their relevance and value to management in controlling operations and making decisions.⁷ To achieve these goals and objectives (i.e., ensuring that all transactions are complete and accurate), agencies need to establish control activities that promote the accurate and timely recording of transactions and events. Without accurate and complete information, government agencies risk making decisions that violate laws and regulations.

According to USCIS, generally, individuals who are ordered deported or removed lose their lawful immigration status and any benefits they may have been eligible to receive.⁸ Lawful permanent residents can lose status if they are convicted of a felony such as drug trafficking, aggravated assault, burglary, robbery, or fraud; or if they spend too much time outside the United States and thus fail to meet residency requirements. Individuals with temporary status can lose status if they commit a crime or overstay their authorized period of stay. Deportable aliens can file for immigration status or relief from deportation with USCIS and/or the Executive Office for Immigration Review (EOIR) within the U.S. Department of Justice (DOJ).⁹ Without specific authorization to remain in the United States temporarily or permanently, a deportable individual is out of status and is not entitled to many government benefits.¹⁰

However, USCIS Verification Division and U.S. Immigration and Customs Enforcement (ICE) officials told us that the Class of Admission code is generally not updated when an individual is ordered deported.¹¹ USCIS officials explained that these individuals have the right to appeal or apply for relief, such as temporary protected status if they are afraid to return home. Consequently, it is not until the individual departs from the United States that the Central Index

⁶ *Consolidated Appropriations Act, 2001*, Public Law No. 106-554, § 515, 114 Stat. 2763A-153 to 2763A-154 (2000) (44 U.S.C. § 3516 note). The law is referred to as the *Data Quality Act*.

⁷ GAO/AIMD-00-21.3.1 (Washington, DC: November 1999).

⁸ Generally, a specified period of time is allowed to appeal the decision. For individuals who had a lawful immigration status, the order is an “administratively final order of removal” and results in loss of status upon conclusion of administrative appeal proceedings or expiration of time permitted to file an appeal.

⁹ EOIR includes the Immigration Courts and the Board of Immigration Appeals. Immigration Court and appeal decisions are maintained by DOJ.

¹⁰ Some licensing agencies allow licenses for illegal aliens. Additionally, in extenuating circumstances, benefit-granting agencies may decide to assist someone who is in the United States illegally.

¹¹ The Central Index System Class of Admission is occasionally updated with the generic “IJ” code to indicate that the person is in proceedings, but this identification is inconsistent.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

System admission code is updated via an electronic interface with data maintained by ICE.¹² As it can take years for an administratively final order of removal to result in an actual departure, the admission code can be out of date for a number of years.

According to Verification Division officials, the accuracy of SAVE's response depends on the type of information that it can access in the source systems. SAVE data for the period under audit showed that 77 percent of all initial electronic verifications most likely relied on the admission code in Central Index System for verification.¹³ As a result, erroneous admission codes resulted in erroneous status verification. Although a SAVE status verifier can determine when a person has a final deportation order by accessing the EOIR and ICE systems, status inquiries get to the SAVE verifier only when manual intervention is necessary. If the admission code appears to be valid at initial verification, the case rarely gets to the status verifier for additional verification.

We identified examples of individuals who had administratively final orders of removal but whose status was verified by SAVE. In all cases, the SAVE responses were erroneous because the Class of Admission codes were not updated in the source systems. These individuals did not have relief from deportation or permanent or temporary status at the time SAVE verified their status.

- One individual entered the United States and obtained lawful permanent resident status in 1983. After the alien was convicted of multiple felonies, including extortion and abuse, in April 2003, an immigration judge ordered the alien removed. This individual applied to the California Department of Health Services for assistance seven times between October 2008 and April 2012. SAVE responded to all seven queries that the individual was a lawful permanent resident.
- A refugee who obtained lawful permanent resident status in 1985 was convicted of homicide/negligent manslaughter involving a weapon in 2000 and 2003. He was ordered deported in July 2010 during his incarceration. Subsequent to the individual's release from detention, SAVE erroneously verified him as a permanent resident when he applied for student aid

¹² The interface takes place through ICE's ENFORCE Alien Removal Module (EARM). EARM supports ICE's processing and removal of aliens from the United States.

¹³ When the agency submits an alien number as the numeric identifier, SAVE matches the alien number to Central Index System data and relies on the class of admission code to report status. If a numeric identifier mismatch occurs, SAVE automatically searches the CPMS/Image Storage and Retrieval System (ISRS) as a secondary source system. The CPMS/ISRS is a repository of green cards, employment authorization documents, and photographs from these cards.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

through the District of Columbia Education system in December 2010 and January 2011. ICE removed this individual in June 2011.

- A lawful permanent resident since 1989 was ordered deported in September 2000 after convictions of multiple crimes, including illegal entry, assault, driving while intoxicated, and carrying a concealed weapon. The individual filed an appeal, which was rejected in 2002. In 2009, the individual applied for a Transportation Security Administration (TSA) Transportation Worker Identification Card (TWIC), which grants access to secure areas of transportation facilities. Upon inquiry, SAVE erroneously confirmed the individual's immigration status. Although TSA has other tools in place to identify criminal convictions and therefore does not rely exclusively on SAVE when vetting individuals for TWIC, an accurate SAVE result can improve TSA's vetting process. ICE removed this individual in May 2012.
- One lawful permanent resident since 1964 was ordered deported in May 1996 following conviction of aggravated felonies for drugs and weapon possession. In March 2010, SAVE verified the individual's immigration status for a driver's license or State Identification card. In November 2010, TSA queried SAVE while vetting crewmembers, a process whereby TSA assesses security threats to aviation related to crewmembers on flights to, from, and over the United States. In both instances, SAVE responded erroneously that the individual was a lawful permanent resident.

Conclusion

SAVE erroneously confirmed immigration status for individuals who no longer had status yet continue to reside in the United States. If USCIS developed an interface between SAVE and other systems at EOIR or ICE that contains information on an individual's deportation or removal, the risk of confirming that deportable individuals have lawful immigration status to receive benefits could be mitigated. Furthermore, government agencies that rely on SAVE to provide accurate immigrant status could make informed decisions when processing applications for people who may no longer be eligible for benefits.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Recommendations

We recommend that the Deputy Director, U.S. Citizenship and Immigration Services:

Recommendation #1:

Determine what data interfaces are necessary for SAVE to reflect the timely status of individuals who have lost status as a result of a final removal order or expiration of time permitted to file an appeal.

Recommendation #2:

Develop an automated interface that will result in SAVE accurately reflecting the immigration status of individuals who have lost status as a result of a final removal order or expiration of time permitted to file an appeal.

Management Comments and Office of Inspector General (OIG) Analysis

We obtained written comments on a draft of this report from the Director of USCIS. We have included a copy of the comments in its entirety at appendix B. We also obtained technical comments to the draft report, which we incorporated into the final report where appropriate. The Director of USCIS concurred with all recommendations.

USCIS Comments to Recommendation #1:

USCIS concurs with this recommendation. The Central Index System and EARM interface already exists, and USCIS will work with ICE to identify the related fields required to confirm when an administratively final order of removal is issued and will initiate steps to resolve the issues in fiscal year 2013. USCIS will also initiate a review of other potential data sources for this information in the same timeframe.

OIG Conclusion

The actions USCIS proposes satisfy the intent of the recommendation. This recommendation is considered resolved, but will remain open until USCIS provides documentation that the planned corrective actions are completed.

USCIS Comments to Recommendation #2:

USCIS concurs with this recommendation. USCIS will seek and support changes to the EARM and Central Index System update process such that the Central Index System record indicates that an individual is under administratively final order of removal when the order becomes final rather than after the individual departs the United States. USCIS will initiate discussions with ICE beginning in fiscal year 2013 and will also initiate a review of other potential data sources for this information.

OIG Conclusion

The actions USCIS intends to take in fiscal year 2013 satisfy the intent of the recommendation. This recommendation is considered resolved, but will remain open until USCIS provides documentation that the planned corrective actions are completed.

Inaccurate Source Data Resulted in a High Error Rate for the Population of Individuals Ordered Deported

Our random statistical sample of nearly 177,000 inquiries with SAVE confirmation showed a projected error rate of 12 percent.¹⁴ That is, we are 95 percent confident that one out of eight deportable aliens whom SAVE confirmed as having valid immigration status between October 1, 2008, and April 1, 2012, was actually out of status.

To test the effect of the erroneous status codes, we drew the statistical sample from the population of positive SAVE confirmations (i.e., where SAVE confirmed that an individual had status to receive benefits). Because our objective was to determine the rate of erroneous SAVE immigration status results for individuals ordered deported, we excluded from our population (1) individuals who were ordered deported but did not apply for benefits and (2) individuals who were not confirmed as having valid immigration status. Table 1 shows the derivation of the population from which we selected our sample.

¹⁴ Our sample was developed to provide a 95 percent confidence level with a +/- 5 percent confidence interval.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table 1. Details of SAVE Population

Population	Number of Status Inquiries	Number of Individuals
Deportable aliens in the United States	--	849,609
Deportable aliens who were submitted to SAVE for verification	324,665	104,868
Deportable aliens confirmed as having status	176,852	76,907

Source: Department of Homeland Security (DHS) OIG analysis of ICE and USCIS data.

As table 1 shows, ICE identified nearly 850,000 individuals as deportable and believed to be in the United States. From October 1, 2008, through April 1, 2012, nearly 325,000 status inquiries related to 105,000 of the deportable aliens were submitted to SAVE. The 177,000 inquiries that received a positive response from SAVE as to their immigration status became the population from which we selected our sample.

A sample of 116 positive SAVE transactions selected statistically showed an error rate of 12 percent. The SAVE transactions that failed our tests failed because (1) SAVE verification occurred after the individual was ordered deported and (2) the individual did not apply for and get relief from deportation or temporary or permanent status. SAVE transactions passed our tests if, after the deportation ordered, the individual applied for and obtained relief or status. Appendix A contains further information regarding sample selection and testing.

Table 2 summarizes the results of our statistical sample tests. The failures in our sample include individuals who applied for unemployment and disability insurance, food stamps, driver's licenses, and other benefits. Several individuals had criminal records, including assault with a deadly weapon, extortion, drug convictions, and other convictions such as burglary, stalking, and child abuse.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Table 2. Summary of Statistical Sample Results

Result	Number of Transactions	Reason for Result
Fail	14	Individual had no status—SAVE verified immigration status after the individual had been ordered deported.
Pass	102	
<ul style="list-style-type: none"> • Confirmed permanent resident or U.S. citizen 	11	Individual applied for and obtained lawful permanent resident or U.S. citizen status— <ul style="list-style-type: none"> • After being ordered deported and • Before SAVE verification
<ul style="list-style-type: none"> • Verified before order 	12	Individual was ordered deported after the immigration status inquiry.
<ul style="list-style-type: none"> • Temporary status 	79	Individual applied for and received temporary status— <ul style="list-style-type: none"> • After being ordered deported and • Before SAVE check

Source: DHS analysis of SAVE verification data and relevant DHS systems.

As table 2 shows, of the 116 SAVE positive results we tested, 102 transactions passed our statistical test while 14 transactions failed, for a projected 12 percent error rate.¹⁵ In other words, one in every eight verifications was erroneous. Of the 14 individuals who failed our tests, 12 had criminal convictions. For example,

- Two individuals were involved in fraud ranging from forgery to identity theft, including two convictions of illegal use of credit cards.
- At least 10 individuals had aggravated felony convictions involving extortion, aggravated assault, burglary, or dangerous drugs.

USCIS performs quality assurance reviews of additional verification with a performance target of 98 percent of cases with a correct status determination. However, USCIS had not conducted reviews of the initial electronic verification process to determine the (1) extent to which SAVE relies on accurate information or (2) overall rate of errors.

¹⁵ Applying the 12 percent projected error rate to the 177,000 inquiries from deportable aliens who received SAVE confirmation results in more than 21,000 inquiries that may have erroneous SAVE responses.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Conclusion

We identified a high SAVE error rate when confirming the status of individuals who had been ordered deported for identification purposes, financial assistance, or access to secure facilities. If USCIS performed periodic evaluation of initial verification to assess the accuracy of information SAVE used to determine immigration status and analyzed the resulting errors, USCIS could increase the accuracy of SAVE responses and potentially identify other populations at risk of erroneous verification.

Recommendations

We recommend that the Deputy Director, U.S. Citizenship and Immigration Services:

Recommendation #3:

Conduct periodic evaluations to validate the accuracy of SAVE initial verification.

Recommendation #4:

Analyze the periodic evaluation results to determine whether SAVE is at risk of verifying other populations erroneously.

Management Comments and OIG Analysis

USCIS Comments to Recommendation #3

USCIS concurs with this recommendation. USCIS continuously evaluates the accuracy of additional verifications through the SAVE program's quality assurance efforts and will leverage that process and apply it to initial verification. USCIS will initiate this process in fiscal year 2013.

OIG Conclusion

The actions that USCIS proposes satisfy the intent of this recommendation. This recommendation is considered resolved, but will remain open until USCIS provides documentation to support that the planned corrective actions are implemented.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

USCIS Comments to Recommendation #4:

USCIS concurs with this recommendation. USCIS will analyze the periodic evaluations identified in Recommendation 3. USCIS already analyzes the results of its additional verifications through the SAVE program's quality assurance efforts and will leverage that process and apply it to initial verification. USCIS will initiate this process in fiscal year 2013.

OIG Conclusion

The actions USCIS intends to take in fiscal year 2013 satisfy the intent of this recommendation. This recommendation is considered resolved, but will remain open until USCIS provides documentation to support that the planned corrective actions are implemented.

Appendix A

Objectives, Scope, and Methodology

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

This audit was initiated in response to concerns that the SAVE program provided erroneous responses as to immigration status of individuals. Our objectives were (1) to assess whether SAVE uses accurate and up-to-date information to validate immigration status of deportable, removable, and excludable individuals, and (2) if SAVE is not using accurate information, to determine the rate of error in SAVE with respect to verification of these individuals.

We interviewed USCIS, ICE, and U.S. Department of Justice (DOJ) officials regarding the SAVE process, key data elements used in verification, and the system interfaces relied upon by SAVE. We reviewed relevant criteria, policies, and other guidance affecting orders of deportation, removal, and exclusion, and conducted walk-throughs of the verification process. We obtained USCIS data containing the results of more than 37 million SAVE verifications and a list of nearly 850,000 deportable aliens from ICE.¹⁶ The population from which we selected our transactions for testing was the nearly 177,000 inquiries from October 1, 2008, to April 1, 2012, in which SAVE verified that the deportable individual had immigration status. Because our objective was to determine the rate of erroneous SAVE immigration status results for individuals ordered deported, we excluded records of individuals whose immigration status was not positively validated.

Our sample plan was developed to provide a 95 percent confidence level with an expected error rate of 5 percent and a precision of no more than plus or minus 5 percentage points on all attributes that apply to the entire population of transactions. We drew a statistical sample of 116 transactions from the population of transactions where SAVE confirmed the immigration status of individuals who had been ordered deported.¹⁷

¹⁶ ICE provided data for close to 850,000 aliens who had been ordered deported, removed, or excluded.

¹⁷ We drew a sample totaling 130 transactions to allow for replacements transactions if necessary. We replaced one transaction where the biographic data from ICE did not match those from USCIS.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

We tested each transaction to determine (1) whether SAVE verified immigration status prior or subsequent to the date the individual had been ordered deported (if SAVE verified immigration status prior to the date the individual had been ordered deported, then SAVE had provided an accurate response and therefore passed our test), and (2) whether the individual had obtained relief or had applied to USCIS for temporary authorization, such as an employment authorization document, to have lawful immigration status to work and/or receive benefits (in this case, a positive response on immigration status is also a pass).

To determine the accuracy of the positive SAVE response, we reviewed the sampled individual's lawful immigration status in various USCIS, ICE, and DOJ EOIR systems, and compared the date of the deportation order against any relief from deportation to the date of the SAVE request. We also confirmed the results that failed our tests with USCIS personnel and the underlying support for the information recorded in the systems that SAVE accessed. Given the results of our work, we are 95 percent confident that the population deviation rate is between 6.76 percent and 19.42 percent for deportable aliens.

The results of the sample were projected only to the population of individuals who had been ordered deported, had applied for benefits, and had their immigration status positively verified by SAVE. The results did not include all SAVE verifications, such as (1) individuals who had not been ordered deported, (2) deportable individuals who did not undergo a SAVE verification, or (3) deportable individuals who applied for and failed to obtain a positive SAVE result. Because we followed a probability procedure based on random selections, our sample is only one of a large number of samples that we might have drawn. Since each sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as 95 percent confidence intervals (i.e., plus or minus 5 percentage points). These are the intervals that would contain the actual population value for 95 percent of the samples we could have drawn.

We conducted this performance audit between April and October 2012 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix B
Management Comments to the Draft Report

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

OCT 22 2012

Memorandum

TO: Frank Deffer
Assistant Inspector General, Information Technology Audits

FROM: Alejandro N. Mayorkas
Director

SUBJECT: Office of Inspector General Draft Report: *U.S. Citizenship and Immigration Services Improvements Needed for SAVE to Accurately Determine Immigration Status of Individuals Ordered Deported (OIG-12-023-ITA-USCIS)*

U.S. Citizenship and Immigration Services (USCIS) appreciates the opportunity to respond to the subject report and generally agrees with the Office of Inspector General (OIG) summary of the issues identified. USCIS concurs that automated data interfaces will improve the timeliness and accuracy of immigration status data, and agrees that periodic evaluations of the accuracy of Systematic Alien Verification for Entitlements (SAVE) verifications can help mitigate the risks of erroneously verifying current immigration status. USCIS would also like to note that it is committed to providing the most current immigration status information available. In this light, USCIS has dedicated resources for conducting routine quality assurance reviews of all verification processes and shares its findings with data partners throughout the Department of Homeland Security (DHS) on a quarterly basis. These efforts have resulted in increased awareness of common data accuracy and data latency issues to help with troubleshooting and diagnostics. In addition, immigration status verification is often only one part of the eligibility determination that an agency must consider before granting a benefit to an individual. Other safeguards, such as criminal background checks, help ensure the integrity of providing benefits only to eligible individuals.

In response to the report, USCIS would like to note that multiple offices within USCIS and multiple DHS components, including U.S. Immigration and Customs Enforcement (ICE), manage record systems used by the SAVE program. While the SAVE program is neither the owner nor the custodian of these immigration records, USCIS recognizes the need to interact effectively with the other offices and components to ensure the data is up-to-date and accurate for verification and other purposes.

With respect to identifying persons who have been issued an administratively final order of removal¹ but whose records have not been updated in the Central Index System (CIS) database,

¹ An order of removal becomes an administratively final order of removal upon the earlier of either a determination by the Board of Immigration Appeals (BIA) affirming the order or the expiration of the period in which the individual may seek review of the order by the BIA, 8 U.S.C. § 1101(a)(47)(B). Specifically, an order of removal

www.uscis.gov

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

OIG Draft Report: *U.S. Citizenship and Immigration Services Improvements Needed for SAVE to Accurately Determine Immigration Status of Individuals Ordered Deported (OIG-12-023-ITA-USCIS)*

Page 2

this is an issue of DHS component cooperation and communication and USCIS will work more closely with its DHS partners, including ICE, to resolve this issue. In short, records concerning administratively final orders of removal belong to ICE and are passed to CIS from ICE's Enforcement Alien Removal Module (EARM) database. Currently these updates are not made to CIS until after the individual has physically left the United States. As noted in the audit report, a considerable amount of time may elapse between the issuance of the administratively final order of removal and actual departure. USCIS will work with ICE to map a way forward to ensure that more timely information is shared.

OIG recommends that the Deputy Director, USCIS:

Recommendation 1: Determine what data interfaces are necessary for SAVE to reflect the timely status of individuals who have lost status as a result of a final removal order or expiration of time permitted to file an appeal.

USCIS response: USCIS concurs with this recommendation. The CIS and EARM interface already exists, and USCIS will work with ICE to identify the related fields required to confirm when an administratively final order of removal is issued and will initiate steps to resolve these issues in fiscal year 2013 (FY13). USCIS will also initiate a review of other potential data sources for this information in the same time frame.

Recommendation 2: Develop an automated interface that will result in SAVE accurately reflecting the immigration status of individuals who have lost status as a result of a final removal order or expiration of time permitted to file an appeal.

USCIS response: USCIS concurs with this recommendation. As stated in the response to Recommendation 1, USCIS will seek and support changes to the EARM and CIS update process such that the CIS record indicates that an individual is under an administratively final order of removal when the order becomes final rather than after the individual departs the United States. USCIS will initiate discussions with ICE beginning in FY13 and will also initiate a review of other potential data sources for this information in the same time frame.

Recommendation 3: Conduct periodic evaluations to validate the accuracy of SAVE initial verification.

USCIS response: USCIS concurs with this recommendation. USCIS continuously evaluates the accuracy of additional verifications through the SAVE program's quality assurance efforts and will leverage that process and apply it to initial verification. USCIS will initiate this process in FY13.

becomes final when the BIA dismisses an appeal, an appeal is waived by the respondent, an appeal is not timely filed, the BIA or immigration judge certifies a subsequent removal order, an order of removal is entered *in absentia*, or where an alternate order of removal is issued, if the individual overstays a period of voluntary departure or fails to timely post a voluntary departure bond, 8 CFR 1241.1.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

OIG Draft Report: *U.S. Citizenship and Immigration Services Improvements Needed for SAVE to Accurately Determine Immigration Status of Individuals Ordered Deported (OIG-12-023-ITA-USCIS)*
Page 3

Recommendation 4: Analyze the periodic evaluation results to determine whether SAVE is at risk of verifying other populations erroneously.

USCIS response: USCIS concurs with this recommendation. USCIS will analyze the periodic evaluations identified in Recommendation 3. USCIS already analyzes the results of its additional verifications through the SAVE program's quality assurance efforts and will leverage that process and apply it to initial verification. USCIS will initiate this process in FY13.

Appendix C
Major Contributors to This Report

John Kelly, Director
Tuyet-Quan Thai, Regional Director
Beverly Burke, Forensic Audit Manager
Josh Wilshire, Forensic Auditor
Bola Somade, Student Intern

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Appendix D
Report Distribution

Department of Homeland Security

Secretary
Deputy Secretary
Chief of Staff
Deputy Chief of Staff
General Counsel
Executive Secretary
Director, GAO/OIG Liaison Office
Assistant Secretary for Office of Policy
Assistant Secretary for Office of Public Affairs
Assistant Secretary for Office of Legislative Affairs
Director of USCIS
USCIS Audit Liaison
Acting Chief Privacy Officer

Office of Management and Budget

Chief, Homeland Security Branch
DHS OIG Budget Examiner

Congress

Congressional Oversight and Appropriations Committees, as appropriate

ADDITIONAL INFORMATION AND COPIES

To obtain additional copies of this document, please call us at (202) 254-4100, fax your request to (202) 254-4305, or e-mail your request to our Office of Inspector General (OIG) Office of Public Affairs at: DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

For additional information, visit our website at: www.oig.dhs.gov, or follow us on Twitter at: [@dhsoig](https://twitter.com/dhsoig).

OIG HOTLINE

To expedite the reporting of alleged fraud, waste, abuse or mismanagement, or any other kinds of criminal or noncriminal misconduct relative to Department of Homeland Security (DHS) programs and operations, please visit our website at www.oig.dhs.gov and click on the red tab titled "Hotline" to report. You will be directed to complete and submit an automated DHS OIG Investigative Referral Submission Form. Submission through our website ensures that your complaint will be promptly received and reviewed by DHS OIG.

Should you be unable to access our website, you may submit your complaint in writing to: DHS Office of Inspector General, Attention: Office of Investigations Hotline, 245 Murray Drive, SW, Building 410/Mail Stop 2600, Washington, DC, 20528; or you may call 1 (800) 323-8603; or fax it directly to us at (202) 254-4297.

The OIG seeks to protect the identity of each writer and caller.