

GAO

Report to the Ranking Member,
Subcommittee on Income Security and
Family Support, Committee on Ways
and Means, House of Representatives

May 2009

**SPONSORED
NONCITIZENS AND
PUBLIC BENEFITS**

**More Clarity in
Federal Guidance and
Better Access to
Federal Information
Could Improve
Implementation of
Income Eligibility
Rules**





Highlights of [GAO-09-375](#), a report to the Ranking Member, Subcommittee on Income Security and Family Support, Committee on Ways and Means, House of Representatives

Why GAO Did This Study

Federal law restricts noncitizens' access to public benefits, including Temporary Assistance for Needy Families (TANF), Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and Supplemental Security Income (SSI). Further, when noncitizens who legally reside in this country through sponsorship of a family member apply for these benefits, they are subject to sponsor deeming, which requires benefit agencies to combine noncitizens' incomes with those of their sponsors to determine eligibility. Sponsors are also financially liable for benefits paid to the noncitizen, and benefit agencies must seek repayment for these costs. GAO was asked to analyze (1) what is known about the size of the noncitizen population potentially affected by the sponsor deeming requirements for TANF, Medicaid, SNAP, and SSI; (2) to what extent have agencies implemented sponsor deeming; (3) to what extent have agencies implemented sponsor repayment. To address these, GAO analyzed federal data, surveyed states, and interviewed federal, state, and local officials.

What GAO Recommends

GAO recommends that the Secretary of Health and Human Services (HHS) provide additional guidance on sponsor deeming and the Secretary of Homeland Security improve access to information on who is sponsored. Both agencies generally agreed with the recommendations, although HHS disagreed that additional guidance specifically for TANF was needed.

To view the full product, including the scope and methodology, [click on GAO-09-375](#). For more information, contact Kay Brown at (202) 512-7215 or brownke@gao.gov.

SPONSORED NONCITIZENS AND PUBLIC BENEFITS

More Clarity in Federal Guidance and Better Access to Federal Information Could Improve Implementation of Income Eligibility Rules

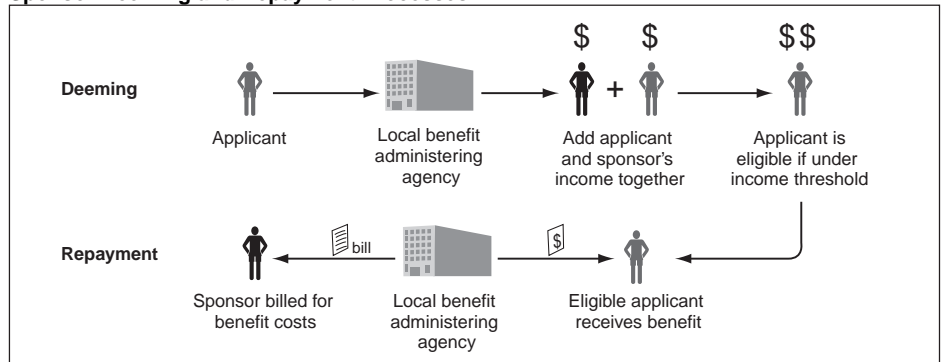
What GAO Found

The number of sponsored noncitizens potentially affected by sponsor deeming is unknown; however, federal restrictions on their eligibility for TANF, Medicaid, SNAP, and SSI, as well as other factors, likely limit the number affected. The most recent data available suggest that 11 percent (473,000) of sponsored noncitizens applied for TANF, Medicaid, or SNAP during the course of 2007, and less than 1 percent (29,000) applied for SSI. In addition to federal restrictions, benefit agency officials reported that applicants' reluctance or inability to obtain sponsor income information further reduces instances of deeming.

Nationwide, most benefit administering agencies have established sponsor deeming policies for TANF, SNAP, and SSI. However, agencies in 20 states have not done so for Medicaid, due in part to the lack of federal guidance for Medicaid on this requirement. Yet, even among administering agencies that have established policies, many expressed the desire for more federal guidance on various aspects of deeming. For example, over 60 percent of state officials reported that additional clarification on applying an exception to deeming when noncitizen applicants are indigent would be useful. Local officials also reported difficulties accessing information from the Department of Homeland Security needed to determine whether an applicant is sponsored—an essential part of the deeming process.

Few agencies have taken steps to implement sponsor repayment of TANF, Medicaid, SNAP, and SSI, due in part to inconsistent federal guidance. While law requires that agencies administratively pursue repayment, federal regulations and guidance suggest it is optional. In total, only two states have pursued sponsor repayment. Benefit agency officials reported that several factors discourage pursuit of repayment. Specifically, they reported that the process involves high relative costs since noncitizens who receive benefits after deeming only qualify because both they and their sponsors have very low incomes. Officials also reported that local staff who pursue repayment for these benefits sometimes have competing priorities.

Sponsor Deeming and Repayment Processes



Source: GAO.

Contents

Letter		1
	Background	4
	Restrictions on Sponsored Noncitizens' Eligibility for Benefits, and Other Factors, Limit the Number Potentially Affected by Sponsor Deeming	9
	Most Agencies Have Taken Steps to Implement Sponsor Deeming, but Gaps in Federal Guidance and Noncitizen Information Hinder Full Implementation	15
	Agencies Generally Have Not Implemented Sponsor Repayment, Due in Part to Unclear Federal Guidance and Other Factors	22
	Conclusions	27
	Recommendations for Executive Action	29
	Agency Comments and Our Evaluation	29
Appendix I	Objectives, Scope, and Methodology	32
Appendix II	Comments from the Department of Health and Human Services	39
Appendix III	Comments from the Department of Homeland Security	41
Appendix IV	GAO Contact and Staff Acknowledgments	43
Table		
	Table 1: Federal and State Responsibilities for Key Program Functions Vary	7

Figures

Figure 1: Steps Generally Involved in Processing a Sponsored Noncitizen's Benefit Application	8
Figure 2: Federal Eligibility Restrictions and Other Factors Likely Limit the Number of Sponsored Noncitizens Affected by Deeming and Receiving Benefits	14
Figure 3: Number of States in Which There Is a Sponsor Deeming Policy, by Benefit	16
Figure 4: State Administering Agencies' Views on Areas for Which Additional Federal Assistance Would Be Useful	17
Figure 5: Example of Variation Regarding When an Indigence Exception Is Determined in the Application Process	19
Figure 6: Number of States in Which There Is a Sponsor Repayment Policy, by Benefit	23

Abbreviations

ACF	Administration for Children and Families
CMS	Centers for Medicare and Medicaid Services
DHS	Department of Homeland Security
HHS	Health and Human Services
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
LPR	legal permanent resident
OIS	Office of Immigration Statistics
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act
SAVE	Systematic Alien Verification for Entitlements
SCHIP	State Children's Health Insurance Program
SNAP	Supplemental Nutrition Assistance Program
SSI	Supplemental Security Income
TANF	Temporary Assistance for Needy Families
USCIS	U.S. Citizenship and Immigration Services
USDA	U.S. Department of Agriculture

This is a work of the U.S. government and is not subject to copyright protection in the United States. The published product may be reproduced and distributed in its entirety without further permission from GAO. However, because this work may contain copyrighted images or other material, permission from the copyright holder may be necessary if you wish to reproduce this material separately.



United States Government Accountability Office
Washington, DC 20548

May 19, 2009

The Honorable John Linder
Ranking Member
Subcommittee on Income Security and Family Support
Committee on Ways and Means
House of Representatives

Dear Mr. Linder:

To ensure that the availability of public benefits does not provide an incentive for immigration and that noncitizens residing in this country are self-reliant, Congress significantly limited noncitizens' access to public benefits through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Key federal means-tested public benefits involved are: Temporary Assistance for Needy Families (TANF), Medicaid, the Supplemental Nutrition Assistance Program (SNAP),¹ and Supplemental Security Income (SSI). In many cases, the 1996 legislation restricted entire categories of legal noncitizens, such as those who have resided in the United States fewer than 5 years, from receiving these benefits. For those legal noncitizens who obtained their status through the financial sponsorship of a family member, there is an additional restriction. Sponsored noncitizens² generally cannot qualify for benefits unless their incomes, combined with that of their sponsors, are low enough to meet program eligibility thresholds—a process known as “sponsor deeming.” Sponsors must sign affidavits of support, when these noncitizens immigrate, which verify that the sponsors' incomes are at least 125 percent of the federal poverty guidelines and pledge financial support for the noncitizens. Under the 1996 laws, this pledge of support was made legally binding and enforceable, in part through the “sponsor repayment” provision, which requires benefit granting agencies to seek repayment of the cost of benefits provided to a sponsored noncitizen from

¹SNAP was formerly known as the Food Stamp Program.

²Throughout this report, “sponsored noncitizen” is used to denote a legal permanent resident who obtained this status through sponsorship by a family member, and whose sponsor signed a legally enforceable affidavit of support. Noncitizens who enter the country through the “sponsorship” of an organization, as well as those who do not have a sponsor, such as refugees and asylees, are not subject to sponsor deeming.

the sponsor. Sponsor repayment, in this context, is not related to error or fraud and must be pursued after benefits are granted solely on the basis that the sponsor agreed to be financially responsible for the noncitizen when he or she immigrated.

Since these laws were passed and made effective, very little research has examined how many people have been affected by the sponsor deeming and repayment policies or how these policies have been implemented by government agencies at the federal, regional, state, and local levels. In light of the current economic downturn, this information may be of growing importance, as increased numbers of sponsored noncitizens and others may seek assistance from these benefits. Based on your request, this report provides information on the following questions: (1) What is known about the size of the noncitizen population potentially affected by the sponsor deeming requirements for TANF, Medicaid, SNAP, and SSI? (2) To what extent are agencies implementing sponsor deeming, and what factors may hinder them? (3) To what extent are agencies implementing sponsor repayment, and what factors may hinder them?

To answer these questions, we collected and analyzed information through several methods. To gather relevant federal-level information, we interviewed officials from

- the Department of Health and Human Service's (HHS) Administration for Children and Families (ACF) and Centers for Medicare and Medicaid Services (CMS), which, respectively, oversee TANF and Medicaid;
- the Department of Agriculture's (USDA) Food and Nutrition Service, which oversees SNAP;
- the Social Security Administration (SSA), which oversees SSI; and
- the Department of Homeland Security (DHS), which oversees immigration and provides noncitizen information to benefit administering agencies through its Systematic Alien Verification for Entitlements (SAVE) system.

As criteria for policy implementation, we reviewed relevant federal laws, regulations, and agency guidance. We also reviewed available federal data on noncitizens, as well as benefit applicants and recipients and, when appropriate, used these to produce estimates related to sponsored noncitizens. Through interviews with agency officials, as well as our own analyses, we determined that these data were sufficiently reliable for the purposes of this report.

To gather regional, state, and local information on sponsor deeming and repayment implementation, we used several methods. First, to collect information on TANF, Medicaid, and SNAP, which are administered by states, we conducted a Web-based survey of state administrators of each of these benefits in all 50 states and the District of Columbia between August and October 2008.³ All administrators responded to our survey. While we did not validate specific information that administrators reported through our survey, we reviewed their responses, and we conducted follow-up as necessary to determine that their responses were complete, reasonable, and sufficiently reliable for the purposes of this report. Second, we conducted site visits in five states selected because they had significant populations of legal permanent residents and low-income, foreign born residents, as both of these populations include sponsored noncitizens and are captured in federal data. The selected states—California, Connecticut, Florida, Georgia, and Minnesota—also provided geographic variation. In each state, we interviewed state-level benefit administrators, as well as officials from two to five local offices within a selected region that had experienced significant growth in its legal permanent resident population in recent years. Through both the survey and site visits, we collected data on sponsored noncitizen applicants and recipients from the limited number of states and localities that could provide such information, and we determined that these data were sufficiently reliable to include in this report. Third, to collect information on sponsor deeming and repayment in SSI, which is federally administered by SSA, we interviewed officials from all 10 SSA regional offices. We also interviewed researchers knowledgeable about immigrant and public benefit issues.

We conducted this performance audit from March 2008 to May 2009, in accordance with 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 on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. See appendix I for additional information on our methodology.

³In reporting survey results, we consider the District of Columbia as a state.

Background

The passage of PRWORA significantly limited the conditions under which legal permanent residents (LPR) are eligible for federal means-tested public benefits. LPRs are noncitizens who are legally permitted to live permanently in the United States and include those who obtain this status through the sponsorship of a family member, an employer-based preference, or are granted asylum or refugee status.⁴ Benefits affected by the law include TANF,⁵ which provides time-limited cash assistance and other support services; Medicaid, which provides health care assistance; SNAP, which provides food assistance; and SSI, which provides cash assistance to the aged, blind, and disabled.

One particular subgroup of LPRs affected by the PRWORA changes to eligibility requirements for TANF, Medicaid, SNAP, and SSI includes those who obtained their LPR status through sponsorship by a relative who is also a LPR or U.S. citizen. Specifically, sponsored noncitizens who entered the United States on or after the passage of PRWORA on August 22, 1996, are generally only eligible for TANF, Medicaid, and SNAP after they have been in the United States for 5 years and eligible for SSI after they have been credited with 40 quarters of work. Certain veterans, active duty military, and their spouses and children, are exempted from these time- and work-related criteria, as are children under the age of 18 who apply for SNAP benefits. As with all benefit applicants, after sponsored noncitizens are determined to be qualified for benefits based on their noncitizen status, their eligibility is assessed on other criteria. For example, because these benefits are means-tested, applicants' income and asset information is reviewed to determine whether they fall below the established financial eligibility threshold for each benefit.⁶

⁴LPRs differ from other legal noncitizens who are admitted to the country for a specific purpose and temporary period of time, such as students. In addition, asylees and refugees become LPRs after they enter the country and apply to have their status adjusted, according to DHS officials.

⁵Through PRWORA, TANF replaced the Aid to Families with Dependent Children program.

⁶While TANF, Medicaid, SNAP, and SSI all serve low-income people, the financial eligibility thresholds, or income limits, for these benefits differ. Specifically, TANF's income limit varies by state. Medicaid income limits can also vary by state, as well as type of recipient. For example, the Medicaid income limits for children generally range from 100 to 185 percent of the federal poverty guidelines. The SNAP income limit is generally set at 130 percent of the federal poverty guidelines. In contrast, SSI's income limit is set at a fixed dollar amount.

At the same time that it limited the conditions under which sponsored noncitizens are eligible for benefits, PRWORA, along with IIRIRA, strengthened the requirement that sponsors demonstrate their ability to provide financial support, if needed, to immigrating noncitizens. Consequently, since December 19, 1997, a sponsor must sign a legally binding affidavit of support as part of each sponsored noncitizen's immigration application, which proves that the sponsor's income is at least 125 percent of the federal poverty guidelines.⁷ The affidavit, as a formal contract between the sponsor and the noncitizen, also specifies that the sponsor will provide necessary support to maintain the noncitizen at an annual income of no less than 125 percent of the federal poverty guidelines while the affidavit is enforceable.⁸ The goal of the strengthened affidavit, as stated in PRWORA, is to ensure that sponsored noncitizens do not become public charges.

Sponsor Deeming and Repayment in Federal Law

Sponsor deeming is the attribution of the income and resources of the noncitizen's sponsor (and that of the sponsor's spouse, if any) as the applicant's own income when determining benefit eligibility and benefit amounts. Specifically, when the sponsor's income is deemed, it is added to that of the applicant, and that sum is compared with the benefit's financial eligibility threshold.⁹ Therefore, if sponsor deeming occurs, benefits are only granted to sponsored noncitizens when both they and their sponsors are sufficiently low-income.¹⁰ Policies requiring sponsor deeming for noncitizen benefit applicants existed prior to 1996. However, PRWORA strengthened these deeming policies by generally extending the deeming period from 3 years to when the noncitizen naturalizes or has been credited with 40 quarters of work in the United States, or when the

⁷Sponsors who are on active duty in the U.S. military must demonstrate they have an income of at least 100 percent of the federal poverty guidelines if they are sponsoring their spouse or child.

⁸Affidavits of support generally remain enforceable until the noncitizen naturalizes or has been credited with 40 quarters of work in the United States, or when the sponsor dies.

⁹The exact amount of the sponsor's income and assets to deem can vary by benefit and, for TANF and Medicaid, can vary by state.

¹⁰For example, to be eligible for SNAP benefits after deeming has occurred, the total combined income of the applicant and sponsor must be less than the SNAP income limit of 130 percent of the federal poverty guidelines.

sponsor dies. Medicaid was also later added as a benefit subject to sponsor deeming, in addition to TANF, SSI, and SNAP.¹¹

IIRIRA, which was passed shortly after PRWORA, specified two exceptions to sponsor deeming for battery and indigence. A battery exception to sponsor deeming can be made by a benefit agency if a sponsored noncitizen benefit applicant is a battered spouse, child, or parent or child of a battered person.¹² An indigence exception to sponsor deeming can be made by a benefit agency if a sponsored noncitizen benefit applicant is unable to obtain food and shelter despite any assistance provided by the sponsor or others. These cases may include instances in which the sponsor has abandoned the noncitizen or is otherwise unable to provide the noncitizen with sufficient financial support. For any case in which the indigence exception is applied, the administering agency processing the application must send details related to the case, including the name of the sponsored noncitizen and the sponsor, to DHS. Both exceptions may be granted for 1 year, and agencies may extend the exceptions in certain circumstances after reassessing the case at that time.

Sponsor repayment is the collection of benefit costs paid to a sponsored noncitizen by a benefit administering agency from that person's sponsor. This provision, which originated with PRWORA, is designed to legally enforce the affidavit of support, which pledges a sponsor's continuous financial support of the noncitizen. Accordingly, under the law, whenever a sponsored noncitizen receives federal means-tested public benefits, the administering agency that provided the benefit must request repayment of the benefit costs from the sponsor. If sponsors do not repay benefits after the agency's request, the agency may also pursue repayment from the sponsor through court action, if it so chooses. These sponsor repayment

¹¹Medicaid was added as a federal means-tested public benefit subject to deeming through a 1997 *Federal Register* notice. In addition, the State Children's Health Insurance Program (SCHIP), created through the Balanced Budget Act of 1997, was added as a benefit subject to deeming. However, the recently enacted Children's Health Insurance Program Reauthorization Act of 2009 allows states to waive certain federal rules related to some sponsored noncitizens for both SCHIP and Medicaid. Specifically, states can now opt to provide Medicaid and SCHIP benefits to certain sponsored noncitizen children or pregnant women within their first 5 years of U.S. residency. In such cases, the sponsor's income is neither deemed to determine the applicant's income eligibility nor is the sponsor held liable for reimbursement costs.

¹²The noncitizen might be battered by the sponsor, but that relationship is not required to grant the exception.

provisions are separate from the traditional benefit recovery provisions used in cases of benefit fraud or payment error.

Agency Roles in Implementing the Deeming and Repayment Policies

Federal and state agencies have different roles in overseeing and administering the four federal means-tested public benefits. SSI is overseen and administered by federal SSA staff across the country. In contrast, TANF, Medicaid, and SNAP are generally overseen by the relevant federal agencies and administered by states, although specific roles vary by program (see table 1). For all four benefits, administering agencies are responsible for deeming sponsor income during the application process and pursuing sponsor repayment of benefits received by sponsored noncitizens. In the case of SSI, these administering agencies are SSA regional and field offices. For TANF, Medicaid, and SNAP, the administering agencies are state and local benefit offices.

Table 1: Federal and State Responsibilities for Key Program Functions Vary

Key functions	Program			
	TANF	Medicaid	SNAP	SSI
Funding benefits	◐	◐	●	●
Funding administrative costs	◐	◐	◐	●
Establishing eligibility rules	◐	◐	◐ ^a	●

Legend

● federal responsibility ◐ federal and state shared responsibility ○ state responsibility

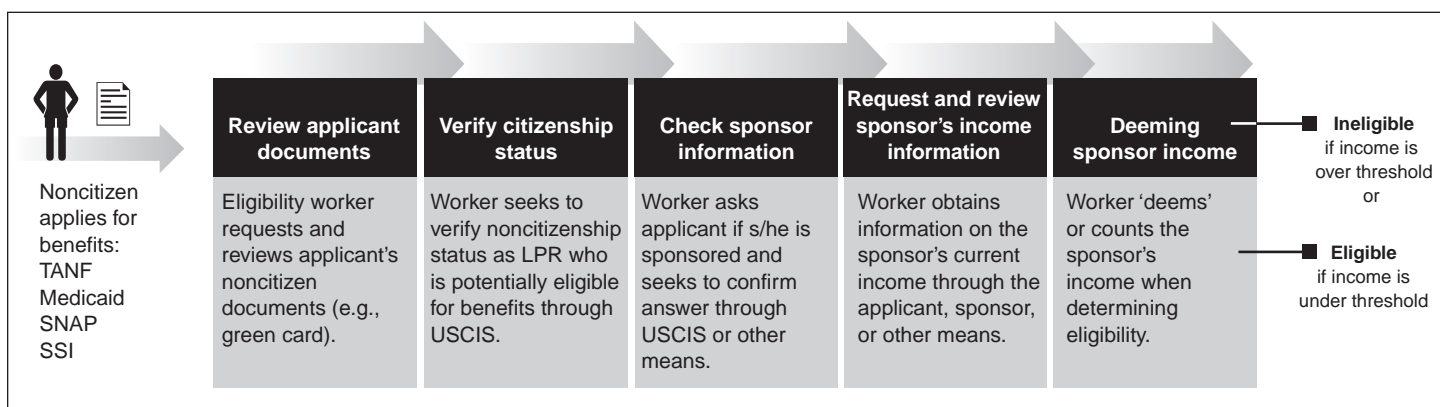
Source: GAO.

^aSNAP eligibility rules are established by the federal agency, but states may chose certain state options for eligibility.

Sponsor deeming is implemented by staff at the administering agency as part of the benefit application process. While agencies vary to some degree in the methods used to process applications, the method used for noncitizen applicants for whom deeming applies generally involves several steps (see fig. 1). First, eligibility workers processing these cases typically review an applicant’s documents, such as an LPR or green card, to determine noncitizen status and verify the information they contain using DHS’s U.S. Citizenship and Immigration Services (USCIS) automated

SAVE system.¹³ Workers may then determine whether an applicant has a sponsor by obtaining verification from USCIS or by obtaining proof from the noncitizen. Once workers determine that the noncitizen applicant is sponsored, they assess the applicant's benefit eligibility based on the benefit-specific criteria. To assess income eligibility, the worker requests proof of the applicant's income and asset information, as well as that of the sponsor, such as tax forms or other financial documents. Upon receipt of that documentation, the worker performs the deeming step to determine whether the applicant's income, when coupled with the sponsor's, is below the benefit-specific financial eligibility thresholds.

Figure 1: Steps Generally Involved in Processing a Sponsored Noncitizen's Benefit Application



Source: GAO.

Sponsor repayment is also implemented by staff at the administering agency, though after benefits are received by the sponsored noncitizen. Federal law and DHS regulations on affidavits of support define several steps that agencies must follow when pursuing sponsor repayment. Specifically, once benefits have been received by a sponsored noncitizen, the administering agency must contact the sponsor in writing and request repayment of the costs associated with those benefits. The written request must include several elements, such as the name and address of the noncitizen, dates benefits were provided, and amount of the benefits. If the

¹³While eligibility workers review noncitizen documents, they may not be able to detect fraudulent documents, even through the use of SAVE. For more information on identity fraud related to noncitizens see GAO, *Employment Verification: Challenges Exist in Implementing a Mandatory Electronic Employment Verification System*, [GAO-08-895T](#) (Washington, D.C.: June 10, 2008).

sponsor has not responded to the written request by either repaying the benefit costs or indicating a willingness to pay after 45 days, the agency may initiate litigation to recover benefit costs from the sponsor.

Restrictions on Sponsored Noncitizens' Eligibility for Benefits, and Other Factors, Limit the Number Potentially Affected by Sponsor Deeming

The number of sponsored noncitizens potentially affected by sponsor deeming is unknown; however, factors such as the restrictions on their eligibility for TANF, Medicaid, SNAP, and SSI, as well as the deeming process itself, likely limit the number affected. Overall, approximately 12.8 million legal noncitizens, including sponsored and nonsponsored, were permanently residing in the United States as of January 1, 2007, according to the most recent DHS estimates available.¹⁴ We estimate that around 4.2 million of those individuals obtained their legal noncitizen status via an executed affidavit of support, whereby the sponsor assumed financial responsibility for the noncitizen.¹⁵ Because demographic data for this population, such as income and length of U.S. residency, are unavailable,¹⁶ it is unknown how many of these individuals are eligible for TANF, Medicaid, SNAP, or SSI.

The total number of sponsored noncitizens that apply for these benefits is also unknown, in part because most federal benefit agencies do not collect this data. However, during 2007, TANF, Medicaid, and SNAP administering agency staff used DHS's SAVE system to verify the noncitizen status of approximately 473,000 applicants who were sponsored—a step typically

¹⁴While DHS's USCIS tracks the total number of people obtaining LPR status in the United States each year, it does not maintain data on how many of those individuals emigrate, naturalize, or die. As a result, DHS Office of Immigration Statistics (OIS) publishes an annual estimation of the number of LPRs in the United States rather than the actual total.

¹⁵While this estimate is limited by several assumptions in our methodology, we determined that both the methodology and data are sufficiently reliable for establishing a rough estimate of the size of the sponsored noncitizen population. For more information on this estimate, see appendix I.

¹⁶DHS does not update demographic information, such as income, hours worked, or length of residency, for noncitizens after they enter the United States. Also, while the U.S. Census Bureau maintains some data on the U.S. foreign born population, it does not delineate the data by noncitizen status, such as those who are sponsored by a family member.

taken when noncitizens apply for benefits.¹⁷ This is approximately 11 percent of the estimated sponsored noncitizen population in the United States as of January 1, 2007,¹⁸ and it is the best proxy available for the number of sponsored noncitizen applicants for these three programs. In addition, approximately 29,000 (0.7 percent) sponsored noncitizens applied for SSI benefits in that year, according to SSA data.¹⁹

Local benefit agency staff we spoke with during our five site visits reported that sponsored noncitizens currently constitute a small proportion of the people they encounter applying for benefits. For example, staff in many of the local offices we visited said that they encounter only a few sponsored noncitizen applicants each month, though staff in other offices said they saw these applicants more frequently. Some staff noted that the number of sponsored noncitizens seeking TANF, Medicaid, or SNAP benefits noticeably dropped, and has remained low, since PRWORA became effective. Specifically, staff cited the PRWORA requirement that sponsored noncitizens live in the United States for 5 years before they become eligible for those benefits as a significant contributor to this change.

¹⁷Benefit administering agencies in 48 states, and the District of Columbia, have signed memorandums of understanding allowing them to request information from the SAVE system for the purposes of verifying the noncitizenship status of applicants and recipients of these benefits. However, we don't know the extent to which local benefit staff nationwide use SAVE for this purpose. We also do not know the frequency with which staff who do use SAVE for this purpose enter a noncitizen applicant's information into SAVE more than once. While these are both limitations of the SAVE data, we determined that they are sufficiently reliable for establishing a proxy measure of the sponsored noncitizen applicants for TANF, Medicaid, and SNAP nationwide. Our assessment of the SAVE data's reliability are limited to use of the data for this purpose.

¹⁸National data on the percentage of sponsored noncitizens with incomes below the federal poverty level is unavailable. However, approximately 21 percent of the foreign-born, noncitizen population, including both sponsored and nonsponsored, had incomes below the federal poverty level in 2007, according to the U.S. Census Bureau.

¹⁹We also obtained SAVE and SSA data for 2006, which were consistent with 2007, as they showed that approximately 11 percent and 0.7 percent of the sponsored noncitizen population had applied for these benefits in that year. However, we did not obtain SAVE and SSA data for earlier years and, therefore, we do not know if these proportions changed over time. Further, the SSA data includes both sponsored noncitizens who entered the United States before the legally enforceable affidavit of support was required and those who entered after. Because SSA does not maintain data on each noncitizen applicant's date of entry into the United States, we were unable to further isolate the sponsored noncitizens with a legally enforceable affidavit. For more information on the SAVE and SSA estimates, see appendix I.

Likewise, SSA officials we spoke to reported that eligibility restrictions imposed by PRWORA caused a similar drop in the number of sponsored noncitizens pursuing SSI benefits. The requirement that most sponsored noncitizens obtain credit for at least 40 quarters of work to be eligible for SSI benefits was frequently cited by staff at regional SSA offices as causing this decrease.²⁰ Staff at all regional offices reported that they continue to encounter few sponsored noncitizens applying for SSI.

When sponsored noncitizens do apply for benefits, staff at most of the local offices we visited during our site visits told us that very few of these applications for TANF, Medicaid, and SNAP progress to the point where local staff deem sponsor income.²¹ The perceived low incidence of deeming was also supported by state administering agency officials through our survey, as 69 percent indicated that cases involving sponsor deeming had seldom or never occurred in their states during the past 2 years.²² Local officials in several offices indicated that applicants often withdraw their applications after they are made aware of the sponsor deeming rules. State and local staff also cited the reluctance or inability of the sponsored noncitizen applicant to obtain sponsor income information as a reason that the application process frequently ends before deeming occurs. Staff reported the following examples of situations:

- some applicants withdraw their applications because they do not wish to bother their sponsor with a request for income documentation;

²⁰Generally, sponsored noncitizens who are veterans or active duty military, including their spouses and children, are exempt from the 40-quarter work eligibility requirement. In addition, noncitizens who entered the country before PRWORA was enacted and changed their noncitizen status to sponsored after PRWORA are exempt from the 40-quarter work eligibility requirement, according to SSA officials.

²¹In addition, if the sponsor of the noncitizen applicant is part of the same family or household, the sponsor's income is often counted as part of the applicant's income under general eligibility rules that apply to both citizens and noncitizens. For example, if a noncitizen applies for SNAP benefits and lives with his or her sponsor, the sponsor's income is counted as part of the applicant's household income under general SNAP eligibility rules. The noncitizen sponsor deeming provisions do not affect the applicant's eligibility in such cases—which are very common, according to USDA officials.

²²Of the remaining 31 percent, 14 percent reported that deeming has sometimes occurred, 3 percent reported that it has occurred frequently or very frequently, and another 13 percent did not know the frequency. The additional 1 percent constitutes rounding error. Percentages are based on those who responded and, of the 153 state benefit agency administrators for TANF, Medicaid, and SNAP that we surveyed, one administrator did not respond to this question.

-
- some withdraw because they are concerned about how their pursuit of benefits will impact their sponsors' ability to remain in the United States or naturalize, if their sponsors are legal noncitizens themselves;
 - some withdraw after being told their sponsor may be asked to repay the benefits in the future, as specified by federal law;
 - some applicants' sponsors cannot be located, resulting in denial of the application due to lack of sponsor income information; and,
 - some applicants' sponsors refuse to provide income information, also resulting in denial of the application.

Officials from SSA also reported a low incidence of sponsor deeming during the processing of SSI benefits. For example, officials from all 10 SSA regional offices reported that deeming has occurred either rarely or never since PRWORA became effective. Specifically, because the sponsor deeming policy does not apply to sponsored noncitizens credited with 40 quarters of work, and most sponsored noncitizens are only eligible for SSI if they have satisfied the 40-quarter work eligibility requirement, deeming is inevitably rare. As a result, only sponsored noncitizens who apply for SSI and are exempted from the 40-quarter work eligibility criteria, such as those with military connections, are subject to sponsor deeming.

While local staff from our five site visit states reported that sponsor deeming has been applied in a limited number of cases at their offices, the extent to which deeming has affected whether sponsored noncitizens receive benefits or the amount of benefits they receive is unknown. However, selected federal and state data that we were able to obtain provide some insight into the proportion of benefit recipients that are sponsored noncitizens.²³ For instance, less than 0.4 percent of SSI recipients were sponsored noncitizens during the years 2004 through 2007,

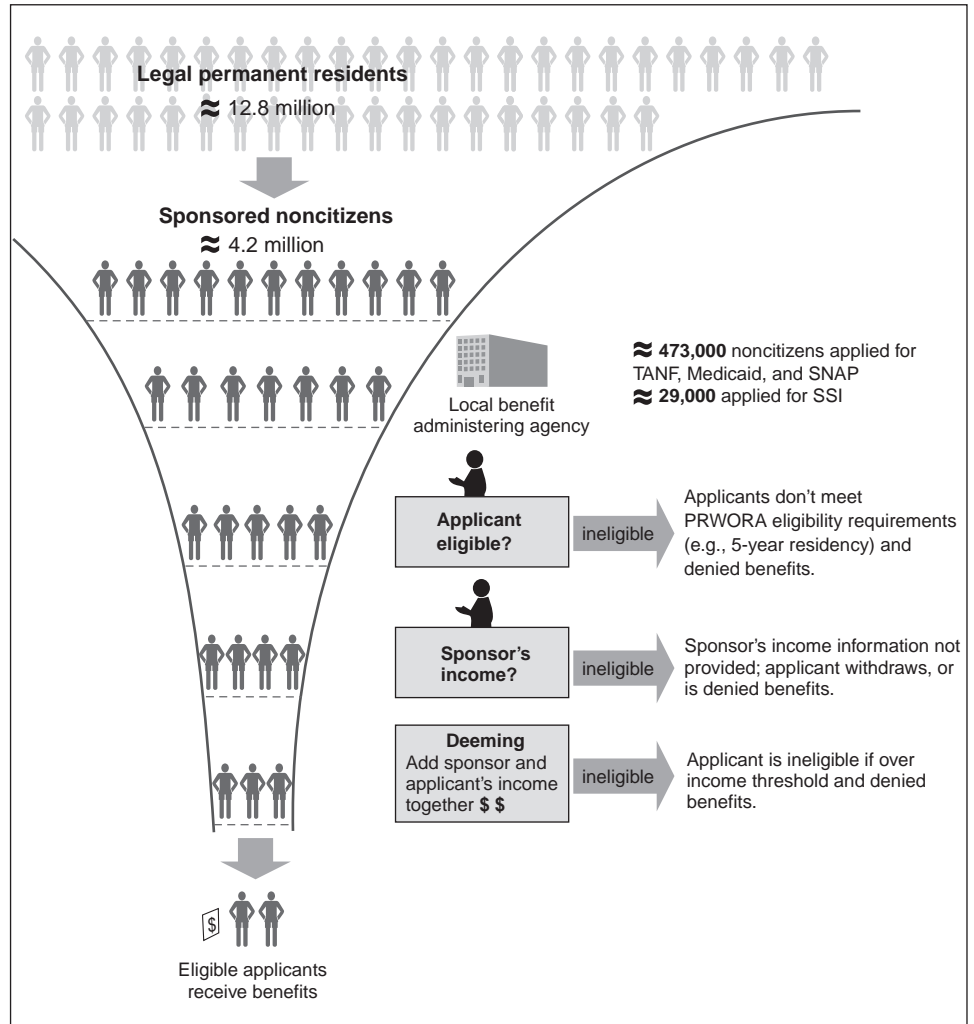
²³We did not attempt to estimate benefit amounts that have been paid to sponsored noncitizens, largely because of the lack of data on this recipient group. In addition, this type of analysis is complicated by the fact that one benefit is often provided for all members of a household or family, though they may have different citizenship statuses.

according to SSA.²⁴ Similarly, Florida, which has a relatively large noncitizen population, reported that, in December 2008, less than 0.05 percent of TANF, Medicaid, or SNAP recipients were sponsored noncitizens. Utah and Minnesota also have few sponsored noncitizens receiving TANF and SNAP, with their proportions ranging from zero to 0.9 percent of each benefit's total recipients.²⁵ Figure 2 shows the progression of sponsored noncitizens through the benefit application and sponsor deeming processes to become recipients.

²⁴SSA is the only federal benefit agency that maintains recipient data for sponsored noncitizens. According to SSI data as of December 2004, 27,300 of 7.0 million total recipients—citizen and noncitizen—were sponsored noncitizens. The corresponding data for December 2005, 2006, and 2007 were 24,200 of 7.1 million, 21,500 of 7.2 million, and 19,200 of 7.4 million, respectively. (All figures are approximate.) However, this data includes both sponsored noncitizens who entered the United States before the legally enforceable affidavit of support was required and those who entered after. Because SSA does not maintain data on each noncitizen recipient's date of entry into the United States, we were unable to further isolate the sponsored noncitizens with a legally enforceable affidavit. For more information about the SSI estimate, see appendix I.

²⁵Florida benefit data as of December 2008 show that 12 of 95,000 total TANF recipients—citizen and noncitizen—were sponsored noncitizens. Corresponding Florida data for Medicaid and SNAP were 950 of 2.1 million, and 500 of 1.8 million, respectively. Utah fiscal year 2008 benefit data showed 93 of 28,300 total TANF recipients were sponsored noncitizens as were 2,100 of 246,000 SNAP recipients. Minnesota reported that in fiscal year 2008 none of the 42,000 and 209,000 recipients of TANF and SNAP, respectively, were sponsored noncitizens. (All figures are approximate, except for those less than 100.) For more information about the state estimates, see appendix I.

Figure 2: Federal Eligibility Restrictions and Other Factors Likely Limit the Number of Sponsored Noncitizens Affected by Deeming and Receiving Benefits



Sources: GAO; estimates from DHS and SSA 2007 data.

Note: Conceptual depiction; figure not drawn to scale.

Most Agencies Have Taken Steps to Implement Sponsor Deeming, but Gaps in Federal Guidance and Noncitizen Information Hinder Full Implementation

Most Administering Agencies Have Established Sponsor Deeming Policies but Report Needing Additional Federal Guidance

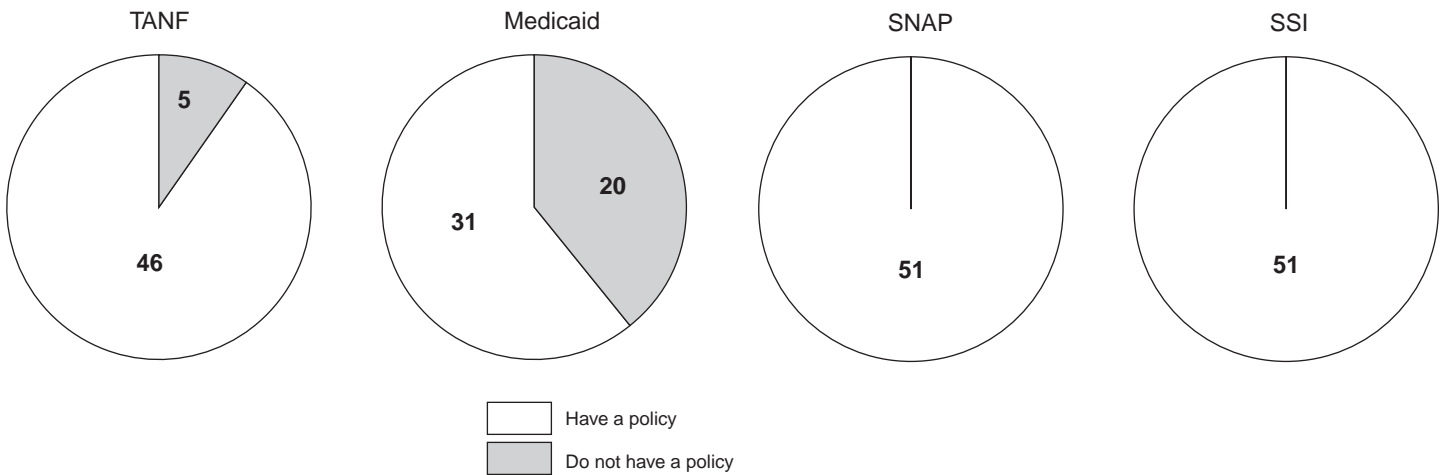
Although benefit administering agencies have generally established sponsor deeming policies for TANF, Medicaid, SNAP, and SSI, based on federal regulations and federal guidance,²⁶ inaction by CMS has stalled some states' implementation of sponsor deeming in Medicaid. SSA disseminated SSI guidance to staff nationwide in 2000 addressing the sponsor deeming provisions under the 1996 legislation. As a result, field office staff nationwide have implemented sponsor deeming in SSI by following procedures and using automated systems established by SSA headquarters. Similarly, USDA and HHS issued guidance to state benefit administering agencies in 2003 on sponsor deeming for SNAP and TANF, respectively. Accordingly, all state agencies administering SNAP reported in our survey that they have established sponsor deeming policies, and administering agencies in all but five states reported having established sponsor deeming policies for TANF. In contrast, CMS has not issued formal guidance regarding sponsor deeming for Medicaid,²⁷ and CMS officials stated that the agency does not currently have plans to do so. Thus, fewer administering agencies (31) have established policies for Medicaid, and officials from a few states cited the lack of guidance from CMS as a reason for their unwillingness to establish sponsor deeming policies in their Medicaid programs. Officials in one state referred to the issue's political sensitivity and the high cost of reworking automated

²⁶USDA and SSA issued federal regulations as well as guidance to address the PRWORA sponsor deeming provisions for SNAP and SSI, respectively. HHS issued only guidance to address the PRWORA sponsor deeming provisions for TANF.

²⁷CMS issued a letter to state Medicaid Directors in 1998 indicating that guidance on sponsor deeming would be forthcoming; however, no such guidance was ever issued.

eligibility systems to include sponsor deeming as reasons they would not act without clear federal guidance. (See fig. 3.)

Figure 3: Number of States in Which There Is a Sponsor Deeming Policy, by Benefit



Sources: GAO survey of state administrators of TANF, Medicaid, and SNAP (from left to right, first three pie charts); SSA Program Operations Manual System (see SSI pie chart far right).

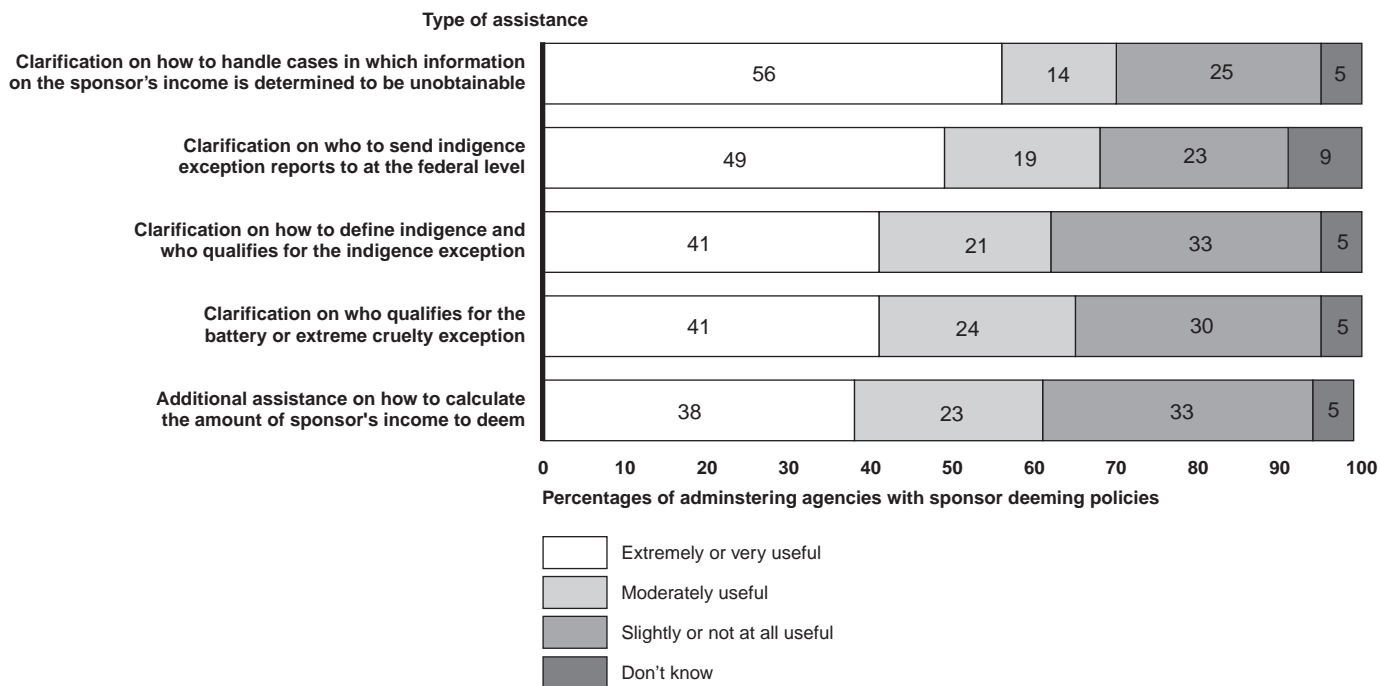
Note: For SSI, SSA eligibility staff follow uniform federal-level policies that cover all states and the District of Columbia.

Although most administering agencies have established sponsor deeming policies, agency officials reported that additional guidance in certain areas would be helpful. Specifically, between 60 and 70 percent of state administering agencies with sponsor deeming policies for TANF, Medicaid, or SNAP expressed some desire for more guidance on various aspects of deeming (see fig. 4). For example, about 70 percent reported that clarification on how to handle cases where information on the sponsor's income is determined to be unobtainable would be moderately, extremely, or very useful. In addition, many reported that additional federal guidance on areas related to the indigence exception to deeming would be useful.²⁸ Guidance in these areas is particularly important because how administering agencies handle applicants who are unable to obtain sponsor income information can have implications for how

²⁸In addition, 32 TANF, Medicaid, or SNAP administering agencies (in 21 states) that have sponsor deeming policies reported that they did not have a policy on the indigence exception.

agencies apply the indigence exception, as well as whether these applicants are determined to be eligible for benefits. SSI guidance, as well as recently issued SNAP guidance, indicate that when sponsor income information is unobtainable an indigence exception is to be considered; however, federal TANF guidance does not clearly address this issue.

Figure 4: State Administering Agencies' Views on Areas for Which Additional Federal Assistance Would Be Useful



Source: GAO survey of state administrators of TANF, Medicaid, and SNAP.

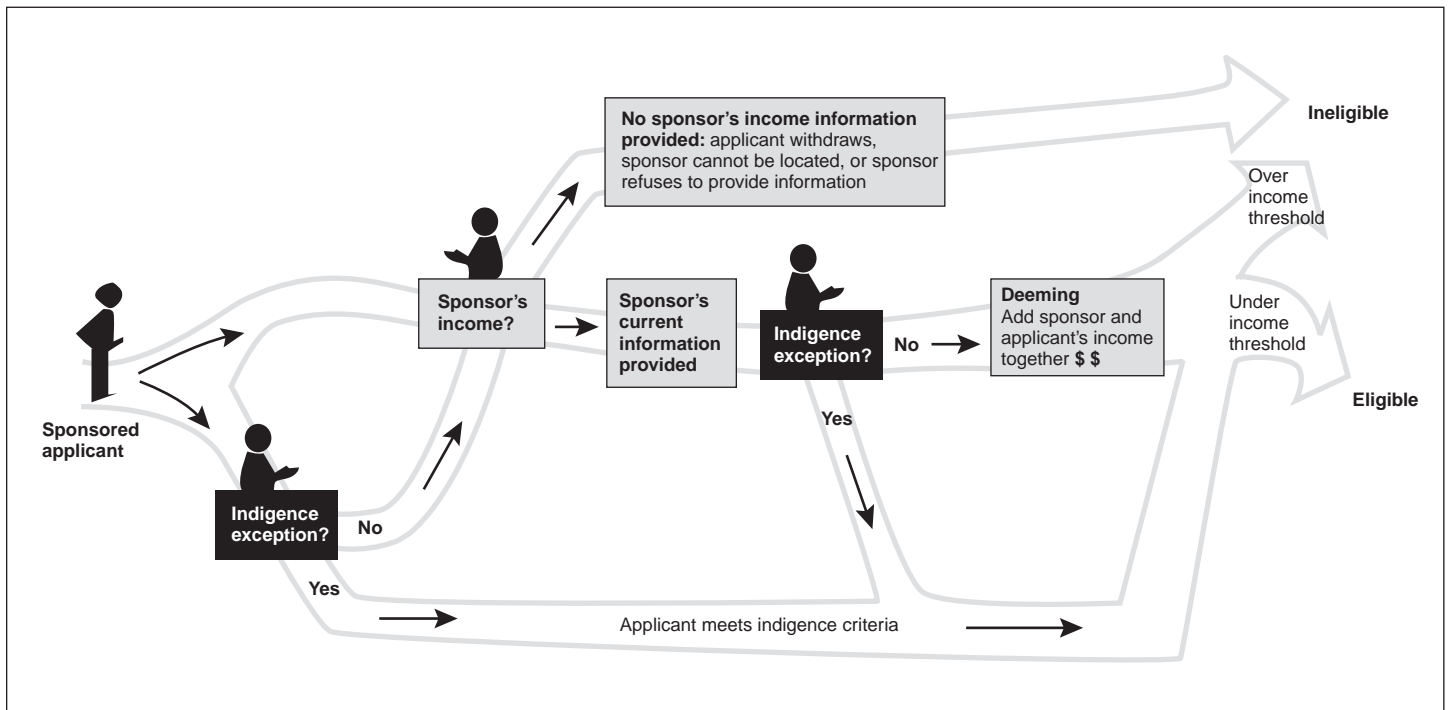
Note: Percentages are calculated based on the number of state administrators who reported that their agencies had established a sponsor deeming policy and responded to this question. For all five types of assistance, 25 out of 153 administrators skipped this question because they did not have a sponsor deeming policy. For the first and third types of assistance (reading from top to bottom), two additional administrators did not respond to this question. Percentages may not add up to 100 due to rounding.

Similarly, about 62 percent of state administering agencies reported that clarification on how to define indigence and who qualifies for the indigence exception would be moderately, very, or extremely useful. Although SSI guidance and recently issued SNAP guidance indicate at what point in the eligibility screening process indigence should be considered, and whether those who qualify for indigence must provide full sponsor income and asset information, federal guidance for TANF again does not clearly address this issue. During our site visits to five states, we

found that states and localities sometimes proceed differently, which can directly affect who is determined eligible for benefits. In some cases, local staff are directed to consider whether an applicant qualifies for an indigence exception before deeming occurs. Accordingly, if the agency's indigence criteria are met, the applicant can qualify for benefits regardless of the applicant's ability or willingness to provide full sponsor income information and without deeming the sponsor's income. In these cases, the eligibility worker counts only the actual amount of income or assistance the applicant receives from the sponsor, rather than deeming all or most of the sponsor's income and assets. One local official stated that eligibility staff in his locality assess an applicant's eligibility for the indigence exception before deeming and, though staff do not serve many sponsored noncitizens, those that do apply typically qualify for benefits this way.²⁹ In contrast, the policy in some other localities is to require applicants to provide sponsor income information before considering an exception. For these agencies, applicants who are unable or unwilling to provide sponsor income information are not considered for an indigence exception. One local official expressed concern that this requirement results in applicants, whose sponsors have essentially abandoned them, being denied benefits. (See fig. 5 for one example of how this process could vary.)

²⁹This official and other local officials we interviewed, however, said that some sponsored noncitizens who may qualify for benefits through the indigence exception ultimately withdraw their application when they are told that their names and those of their sponsors must be reported to the federal government, as required by law.

Figure 5: Example of Variation Regarding When an Indigence Exception Is Determined in the Application Process



Source: GAO.

Administering agencies also reported that additional federal guidance on other areas related to the indigence and battery exceptions would be helpful. For example, administering agencies are required to report indigence exception cases to DHS,³⁰ but neither DHS regulations nor federal benefit agency guidance provides the correct address for them to do so. As a result, state officials in four of the five states we visited did not have the correct address to send indigence reports, and some told us that they have not reported these cases to DHS. DHS officials also told us that they may not be receiving reports of every indigence exception case. Consequently, DHS has incomplete information on which sponsors are failing to financially support the noncitizens for which they signed

³⁰The 1996 legislation required benefit administering agencies to report any indigence exception cases to the U.S. Attorney General. However, due to the reorganization of immigration services into DHS, since 2003, such cases should be reported to USCIS Office of Policy and Strategy, according to agency officials.

affidavits of support.³¹ In addition, about two-thirds of state administering agencies reported in our survey that further clarification on who qualifies for the battery exception would be useful.³² However, among local officials we spoke with, some stated they have never made a battery exception.

Administering Agencies Also Reported Needing Assistance Accessing Federal Information Needed to Determine Who Is Sponsored

Administering agency officials reported that additional federal assistance on accessing DHS information needed to determine who is sponsored would also help them implement sponsor deeming policies. Specifically, state or local officials in each of the five states we visited reported difficulties accessing DHS information needed to determine whether a noncitizen applicant has a sponsor, and 65 percent of agencies administering these benefits nationwide reported that more specific policies on using SAVE in determining sponsorship would be useful. Agencies' difficulties in using SAVE could leave them vulnerable to fraud or improper payments because SAVE is a key mechanism for verifying eligibility and sponsorship status.³³ DHS officials stated that the agency provided SAVE users with technical assistance focused on using the automated system to obtain sponsorship information when this feature became available in 2005, and it continues to offer SAVE technical assistance through user-directed online tools and instructor-led seminars or webinars upon request.³⁴ However, 30 to 40 percent of administering agencies for TANF, Medicaid, and SNAP reported that they had not received any technical assistance or communication from DHS on determining if a noncitizen applicant has a sponsor.

As a result, benefit agencies report that staff commonly use SAVE to verify noncitizen information, but not all staff are aware of how to use SAVE to

³¹When we informed DHS of the situation, officials agreed to provide the correct address to the relevant federal benefit agencies.

³²In addition, 17 TANF, Medicaid, or SNAP administering agencies (in 14 states) that have sponsor deeming policies reported that they did not have a policy on this exception.

³³One local benefit official reported that she believes some sponsored noncitizen applicants intentionally withhold information about their sponsorship status in order to avoid sponsor deeming. We do not know the extent to which this occurs, though other local staff we spoke to on our site visits did not mention this issue.

³⁴In addition, DHS officials stated that the agency plans to offer enhanced Web access to SAVE beginning in 2009 that will, in part, assist benefit agencies with fraud detection. Training on the enhanced access will be offered to benefit agency users, and officials also indicated that they plan to convene a SAVE user conference in 2010 to provide additional assistance and training.

obtain sponsorship information. As an initial step, staff in all local offices we visited use DHS's automated SAVE system to verify the applicant's basic noncitizen information, such as name and admission code.³⁵ Some local officials said SAVE provides this information quickly and easily. However, not all local offices we visited were aware that, by taking an additional step, the automated SAVE system can provide information on whether that person is sponsored. Specifically, the system can provide the sponsor's name and address to administering agencies, usually within a few days. Instead, staff in some local offices used methods to verify sponsorship that either took longer or were less reliable, sometimes because they were unaware of the option to use SAVE. For example, some local officials said eligibility staff manually submit paper request forms to DHS, which usually results in a response within a few weeks but may take several months. In other local offices, staff use the noncitizen's admission code provided by SAVE to determine whether the applicant has a sponsor. However, many different codes indicate that a noncitizen is sponsored, and DHS has not provided administering agencies with an official list specifying which group of codes indicate sponsorship. Thus, eligibility staff sometimes rely on lists of codes developed in their own offices, which may not be fully accurate.³⁶ Some state and local officials said that maintaining such lists is challenging because admission codes are numerous and can change.

³⁵Noncitizens receive an admission code from DHS upon entry and, if they change their status, which classifies the individual by noncitizen status, such as refugee, asylee, or family-sponsored.

³⁶We obtained a few lists developed by state, local, and SSI agencies enumerating codes for sponsored noncitizens. We compared these with a similar list provided by DHS for our analysis and noted some discrepancies. For example, in some cases, the lists developed by administering agencies were missing codes that DHS uses to classify sponsored noncitizens, while in other cases, they included codes that DHS indicated are not used for sponsored noncitizens.

Agencies Generally Have Not Implemented Sponsor Repayment, Due in Part to Unclear Federal Guidance and Other Factors

Federal Regulations and Guidance Suggest Pursuit of Sponsor Repayment Is Optional, and Very Few Administering Agencies Pursue Repayment

Although federal law states that benefit granting agencies must administratively pursue sponsor repayment, DHS regulations on affidavits of support, as well as some federal benefit agency guidance, suggest that administrative pursuit of sponsor repayment is optional. Specifically, the law states that benefit administering agencies that have granted a means-tested public benefit to a sponsored noncitizen “shall request reimbursement by the sponsor.” The law also states that if the sponsor does not respond to this request within 45 days, “an action may be brought against the sponsor” in court to enforce the affidavit of support. The DHS regulations on affidavits of support, however, simply describe the process a benefit agency must go through if the agency “wants to seek reimbursement” from a sponsor. In addition, the *Federal Register* notice accompanying the issuance of the DHS regulations, states that “the agency may seek reimbursement” if a sponsored noncitizen receives a means-tested benefit.

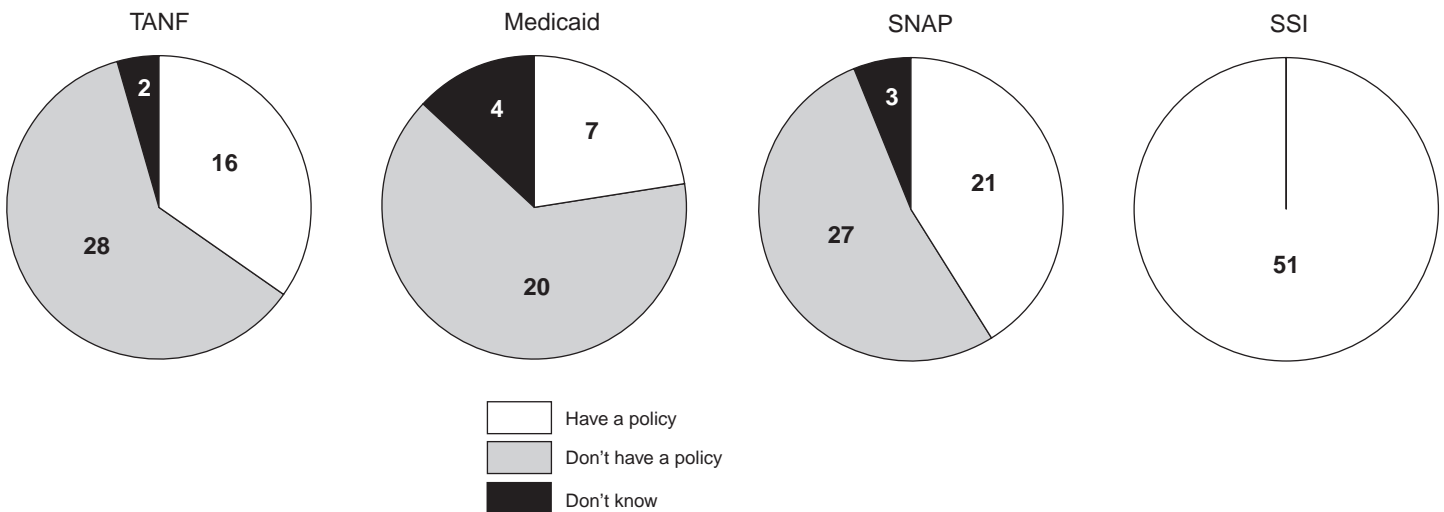
When asked about this apparent discrepancy between the language in the statute and that in the regulations and *Federal Register* notice, a USCIS Associate Counsel explained that the regulations are intended to describe the process agencies must use when they pursue sponsor repayment rather than address whether they are required to do so. As stated in the *Federal Register* notice, “the request for reimbursement [is] a prerequisite to suit,” but the act “does not require the agency to sue.” Accordingly, DHS concluded that a request for reimbursement does not have to be made if the agency has no intention to sue. Agencies generally have enforcement discretion in carrying out laws, and the USCIS Associate Counsel noted that the decision of whether to pursue sponsor repayment involves an exercise of the federal benefit agencies’ discretion. He added that federal benefit agencies may require their benefit administering agencies to pursue sponsor repayment by issuing their own pertinent regulations. While the federal benefit agencies have not issued related regulations,

some have issued federal guidance that also suggests pursuit of sponsor repayment is optional.

The importance of this issue was noted by state administering agency officials. Specifically, over two-thirds of the TANF, Medicaid, and SNAP state agency officials responding to our survey reported that clarification on whether it is mandatory or optional for agencies to administratively pursue sponsor repayment would be moderately, very, or extremely useful.³⁷ A few benefit administering agency officials we spoke with noted that their state policies indicate locals “may” pursue sponsor repayment and, in those states, local staff are not pursuing repayment.

Nationwide, most state benefit administering agencies reported that they have not established policies on sponsor repayment for TANF, Medicaid, or SNAP. In contrast, SSA has established a sponsor repayment policy for SSI benefits, which applies nationwide. (See fig. 6.)

Figure 6: Number of States in Which There Is a Sponsor Repayment Policy, by Benefit



Sources: GAO survey of state administrators of TANF, Medicaid, and SNAP (from left to right, first three pie charts); SSA Program Operations Manual System (see SSI pie chart far right).

³⁷This percentage was calculated based on the number of state benefit agency administrators who responded to this question (128). In our survey, we assumed that state agencies without a sponsor deeming policy in place would similarly not have a sponsor repayment policy. Therefore, state agencies without a sponsor deeming policy were not asked about sponsor repayment in our survey—5 for TANF, and 20 for Medicaid.

Notes: In our survey, we assumed that state benefit administering agencies without a sponsor deeming policy in place would similarly not have a sponsor repayment policy. Therefore, state agencies without a sponsor deeming policy were not asked about sponsor repayment in our survey—5 for TANF, and 20 for Medicaid. For SSI, SSA eligibility staff follow uniform federal-level policies that cover all states and the District of Columbia.

However, even in states with sponsor repayment policies formally in place, state and local staff do not always understand the unique characteristics of the sponsor repayment provisions. For example, a few staff we spoke to during one of our site visits thought that the 1996 sponsor repayment provisions apply only when sponsored noncitizens receive benefits erroneously or in greater amounts than they are eligible for, as is the case with traditional benefit recovery provisions.³⁸ A few others believed that the provisions require the federal government, rather than state or local administering agencies, to pursue sponsor repayment of benefits. In addition, some of the state and local officials we interviewed in one state were unaware of the sponsor repayment provisions and surprised to see that they were included in their state’s policy manuals.

Officials from only two states reported in our survey that they have pursued sponsor repayment of TANF, Medicaid, or SNAP benefits. Similarly, SSA officials told us that neither its regional nor field offices have pursued sponsor repayment of SSI benefits.³⁹ With the exception of SSA, federal benefit agency officials we interviewed did not know if their administering agencies had pursued sponsor repayment, as neither federal law nor regulations require that these efforts be monitored. In addition, neither federal law nor federal regulations impose penalties on administering agencies that do not pursue sponsor repayment.

Of the two states that reported pursuing sponsor repayment, neither was doing so for all cases. Specifically, Connecticut and New York state officials reported that some of their local offices have pursued sponsor repayment of TANF, Medicaid, or SNAP benefits received by sponsored noncitizens. In addition, these states have pursued repayment in different ways, and the full extent of their implementation is unknown.

³⁸We use “traditional benefit recovery provisions” in this report to refer to benefit administering agencies’ routine efforts to recover improperly issued benefits in cases of benefit fraud or payment error.

³⁹SSA policy requires its regional and field offices to report cases of SSI sponsor repayment to SSA headquarters. SSA headquarters officials reported that they have not received any reports of sponsor repayment.

-
- Connecticut's sponsor repayment policy requires that after local staff grant a sponsored noncitizen TANF, Medicaid, or SNAP benefits, they refer the case to local resource recovery staff. According to officials, the resource recovery staff are expected to initiate an investigation, which involves obtaining a copy of the affidavit of support and assessing the amount of benefits paid to the noncitizen, and then send a letter to the sponsor requesting repayment. If the sponsor does not respond to this request, local staff are to submit the case to the Connecticut Attorney General. However, while Connecticut officials consider this to be the state's sponsor repayment policy, it is still in draft, and they report that not all offices have pursued repayment. In addition, sponsor repayment in Connecticut has been on hold statewide since March 2007, when several legal services organizations questioned the legality of this policy in a complaint letter.⁴⁰ Connecticut state officials did not know how many cases were pursued prior to that time or how many benefits were repaid by sponsors.
 - In New York, a state official reported that sponsor repayment is to be pursued when noncitizens receive TANF or SNAP benefits after qualifying for the indigence exception to deeming.⁴¹ In these cases, local staff are to send a request for repayment to the sponsor. The official noted that New York's policies for TANF and SNAP indicate that counties should pursue sponsor repayment of benefits paid to sponsored noncitizens; however, individual counties have some discretion in determining whether to pursue sponsor repayment in each specific case. He indicated that repayment has been pursued administratively by several counties, but he did not know for how many cases.

⁴⁰Connecticut officials thought they were following federal law when they initiated sponsor repayment for TANF, Medicaid, and SNAP, but the complaint letter they received that led to the suspension of their efforts in this area cites the DHS regulations as support that repayment is optional.

⁴¹The state official we spoke to indicated that repayment is pursued when a sponsored noncitizen qualifies for the indigence exception to deeming because he or she is not receiving sufficient financial support from the sponsor. However, if the sponsored noncitizen qualified for the indigence exception because he or she was abandoned by the sponsor, and the sponsor's whereabouts were unknown, the official said that repayment would not be pursued because the state would likely not be able to locate the sponsor.

Administering Agencies Reported That High Relative Costs, Competing Priorities, and Limited Federal Guidance Hinder Their Pursuit of Sponsor Repayment

During our site visits, some state and local TANF, Medicaid, and SNAP officials suggested that pursuing sponsor repayment has clear costs and unclear financial benefits. Specifically, if a sponsored noncitizen qualifies to receive benefits after sponsor deeming occurs, it is because both the noncitizen and the sponsor are low-income. Agencies that pursue repayment of benefits from those sponsors may, therefore, expend more in administrative and potential court costs than they are able to recover from the sponsors. Because of these high relative costs, several officials we spoke to indicated that sponsor repayment, as it is currently defined in federal law, does not make sense for administering agencies to pursue.

Some state and local TANF, Medicaid, and SNAP officials told us that the staff who pursue sponsor repayment sometimes have competing priorities that also discourage the pursuit of sponsors for repayment. Local recovery staff we spoke to in one state noted that their office is significantly understaffed for the investigations it is required to perform for cases of benefit fraud and overpayment. While benefit agencies have access to DHS information on sponsors, including their names and addresses,⁴² the local recovery staff we spoke to said that pursuing sponsor repayment is particularly labor intensive because there is no national- or state-established infrastructure to efficiently and effectively track down and bill sponsors for repayment. Other state officials we spoke to reported that administering agencies would like to pursue sponsor repayment through the courts, but the state or county attorneys who need to litigate these cases have other higher priority cases to pursue.

Benefit administering agencies also reported that additional federal guidance on sponsor repayment is needed to assist implementation. For example, approximately two-thirds of the TANF, Medicaid, and SNAP state benefit administering agency officials responding to our survey reported that specific federal guidance on how to pursue sponsor repayment administratively, and when to pursue sponsor repayment administratively

⁴²DHS data on sponsors' names and addresses, if complete and easily accessible, could assist state and local officials pursuing sponsor repayment. However, while federal regulations require sponsors to submit address changes to DHS, the extent to which this is done is unknown, according to DHS officials.

or in the courts, would be moderately, very, or extremely useful.⁴³ While HHS guidance for TANF administering agencies notes that states may want to consider the sponsor’s particular circumstances, such as financial status, and other feasibility factors in determining whether to pursue sponsor repayment of TANF benefits, other federal benefit agencies’ guidance does not address this issue. In addition, during one of our site visits, state administering agency officials indicated that they would benefit from additional federal guidance on pursuing sponsor repayment for cases involving a battery exception to deeming. In these cases, the batterer may be the sponsor. However, DHS regulations require that agencies pursuing sponsor repayment send a letter to the sponsor containing several elements, including the noncitizen benefit recipient’s address.

Conclusions

The PRWORA and IIRIRA changes to sponsor deeming and repayment in TANF, Medicaid, SNAP, and SSI, coupled with simultaneous changes to noncitizen eligibility for these benefits, were intended in part to “assure that aliens be self-reliant in accordance with national immigration policy.” While the laws’ restrictions on noncitizen benefit eligibility directly work toward this goal, sponsor deeming and repayment efforts have not been as effective, in part because benefit administering agencies do not have the information and guidance they need to implement these provisions as intended.

Specifically, agencies lack clear federal guidance on implementing deeming in Medicaid and also struggle to obtain federal information on a noncitizen’s sponsorship status from DHS. As a consequence, certain sponsored noncitizens may receive means-tested public benefits based on their income and assets alone, even though they have sponsors who signed legally enforceable affidavits agreeing to support them when they became permanent residents in this country. In addition, agencies that are unaware of the most efficient and reliable method of accessing a noncitizen’s sponsorship status from DHS are vulnerable to benefit fraud

⁴³This percentage was calculated based on the number of state benefit administering agencies who responded to each of these questions. In our survey, we assumed that state agencies without a sponsor deeming policy in place would similarly not have a sponsor repayment policy. Therefore, state agencies without a sponsor deeming policy were not asked about sponsor repayment in our survey—5 for TANF, and 20 for Medicaid. One additional agency chose not to respond to the question related to the usefulness of clarification on when to pursue sponsor repayment administratively.

and improper payments. Medicaid and TANF agencies' efforts to implement sponsor deeming have also been affected by a lack of clear federal guidance on applying the indigence exception to deeming. Because some low-income sponsored noncitizens have sponsors who choose not to provide them financial assistance, or are unable to, inconsistencies in implementation of the law's indigence exception to sponsor deeming may cause these noncitizens unintended harm if they are prevented from obtaining benefits.

In addition, while very few administering agencies currently are pursuing sponsor repayment, agencies seem to be considering reasonable factors when deciding whether to pursue repayment. Specifically, because the sponsored noncitizens who receive means-tested benefits after deeming occurs are those that have low-income sponsors, full implementation of repayment may yield less than would be expended to achieve this outcome. While the costs of pursuing repayment may be a significant deterrent to agencies in most cases, there may be some cases in which the monetary benefits of pursuing repayment are substantial enough to outweigh the costs. For example, when sponsored noncitizens receive benefits after qualifying for the indigence exception to sponsor deeming because their sponsors have sufficient financial means but choose not to support them, agencies may be able to recover the costs of benefits from these sponsors. Under the current law, federal regulations, and federal guidance, though there appears to be inconsistency in whether pursuit of sponsor repayment is a requirement, this does not in any way bar an administering agency from pursuing sponsor repayment.

Because of the potentially high relative costs associated with pursuing sponsor repayment, efforts to improve benefit administering agencies' implementation of sponsor deeming may yield greater results. While the limited available data suggest that sponsor deeming currently affects relatively few people, ensuring that agencies have the federal guidance needed to administer these provisions is of increasing importance in the current economic environment. Specifically, it is possible that the number of sponsored noncitizens, like citizens, applying for and receiving these benefits will increase in the near term. If such an increase occurs at the same time that federal and state budgets are stretched, it will be even more important for the government to ensure that the sponsor deeming provisions, in particular, are being implemented in the way they were intended. If administering agencies are better able to determine which benefit applicants are sponsored and appropriately deem their sponsors' income, or grant related exceptions, agencies will be less likely to either

issue improper payments or unintentionally harm noncitizens who have been abandoned by their sponsors.

Recommendations for Executive Action

To help ensure sponsor deeming is implemented for Medicaid, we recommend that the Administrator of CMS issue guidance to help administering agencies implement the law in this area.

To improve consistency of benefit administering agencies' application of the indigence exception to sponsor deeming, we recommend that the Secretary of Health and Human Services clarify in the guidance for TANF a suggested process for determining an applicant's eligibility for that exception.

To help benefit administering agencies access information on sponsored noncitizens, we recommend that the Secretary of Homeland Security take the following two actions:

- Improve information on sponsorship status of noncitizens provided through the automated SAVE system. For example, a class of admission code list that indicates sponsored noncitizens could be added to the SAVE technical assistance tools or effectively distributed to SAVE users.
- Provide guidance to SAVE users that improves their understanding of how to request sponsor information through the automated SAVE system rather than through manual submission of paper request forms.

Agency Comments and Our Evaluation

We provided a draft of this report to HHS, USDA, SSA, and DHS for review and comment. HHS and DHS provided written comments, which appear in appendix II and III, respectively, of the report. SSA provided no comments.

In oral comments, HHS concurred with our recommendation that the Administrator of CMS issue guidance on sponsor deeming for Medicaid. However, in its written comments, HHS disagreed with our recommendation that the Secretary of HHS clarify in the TANF guidance the process for determining indigence exceptions to sponsor deeming. HHS stated that, unless there is an express law to the contrary, states have flexibility in determining TANF eligibility procedures and also asserted that it already addresses this issue in its guidance. We agree with HHS's comments, in part, and revised the recommendation to add the word "suggested" before "process" to clarify that states have flexibility in establishing their own TANF processes for determining eligibility for the indigence exception. However, we continue to believe that additional

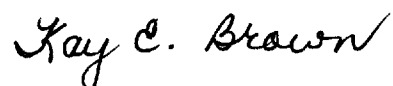
federal guidance is needed, as over 60 percent of state administering agencies reported through our survey that federal clarification on who qualifies for the indigence exception would be useful. In addition, procedures for determining indigence exceptions varied in the states we visited, including whether states require applicants to provide full sponsor income and asset information before assessing their eligibility for this exception. While a federal HHS official previously stated that the law suggests full sponsor income and asset information does not need to be provided to determine an applicant's eligibility for the indigence exception, the TANF guidance does not clearly state this. We believe adding this clarification to the TANF guidance would help address the inconsistencies among states and prevent unintended harm to noncitizens who lack the support of their sponsors.

DHS concurred with both our recommendations to help benefit administering agencies access information on sponsored noncitizens and indicated that it plans to take actions to address these in the coming months. HHS, USDA, and DHS also provided technical comments, which we incorporated into the report as appropriate.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to relevant congressional committees; the Secretaries of Agriculture, Health and Human Services, and Homeland Security; the Administrator of the Centers for Medicare and Medicaid Services; the Commissioner of SSA; and other interested parties. The report also will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-7215 or brownke@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix IV.

Sincerely yours,

A handwritten signature in black ink that reads "Kay C. Brown". The signature is written in a cursive, flowing style.

Kay Brown
Director, Education, Workforce,
and Income Security Issues

Appendix I: Objectives, Scope, and Methodology

To obtain information on agency implementation of sponsor deeming and repayment, as well as the population affected, we

- reviewed available federal data on noncitizens, as well as available federal and state data on benefit applicants and recipients, to develop estimates of the sponsored noncitizen population and noncitizen applicants and recipients;
- conducted a nationwide survey of states regarding Temporary Assistance for Needy Families (TANF), Medicaid, and the Supplemental Nutritional Assistance Program (SNAP);
- visited five states and selected localities within each state and interviewed officials administering TANF, Medicaid, and SNAP;
- interviewed officials from all 10 regional offices of the Social Security Administration (SSA) regarding relevant Supplemental Security Income (SSI) policies, implementation processes and challenges, and the frequency that officials had encountered related cases;
- interviewed officials from relevant federal agencies and reviewed pertinent federal laws, regulations, and agency guidance; and
- interviewed researchers knowledgeable in immigrant and public benefit issues.¹

We conducted this performance audit from March 2008 to May 2009, in accordance with 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 on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Sponsored Noncitizen Population Estimate

In determining the size of the sponsored noncitizen population, we reviewed potential data sources from Department of Homeland Security (DHS) and the U.S. Census Bureau. We concluded that no single federal

¹We interviewed researchers from the Catholic Legal Immigration Network, the Center for Immigration Studies, the Migration Policy Institute, the National Conference of State Legislatures, the National Immigration Law Center, and the Urban Institute, among others.

data source contained the relevant information necessary to generate a precise measure of this population. However, by combining data from several DHS sources we were able to produce an estimate of the number of sponsored noncitizens in the United States as of January 1, 2007.

Beginning with the overall noncitizen population, the DHS Office of Immigration Statistics (OIS) reports annually on the estimated number of legal permanent residents (LPR) residing in the United States. Recently, OIS reported that approximately 12.8 million LPRs were residing in the United States as of January 1, 2007.² Upon our request, OIS officials calculated that approximately 6.7 million of those LPRs entered the United States after the legally enforceable sponsor affidavit of support became effective in December 1997.

In order to estimate how many of the 6.7 million LPRs were sponsored by a family member, we used two additional sources of DHS data. First, from DHS, we requested a list of all admission codes denoting sponsorship.³ While DHS does not have a list of all admission codes ever issued for this group, we worked with subject matter experts in DHS to compile a list of the codes that applied to noncitizens sponsored by a family member during 2006 and 2007. We determined that the codes from these 2 years would be sufficient for our analysis, as the DHS experts attested that the resulting list would include most of the codes applied to the sponsored noncitizens relevant to our analysis.⁴ OIS then matched this list of codes with their records of noncitizens who obtained LPR status in 2006 and 2007 to estimate the percentage that were sponsored. OIS estimated that 62.5 percent of LPRs obtaining this status in 2006 and 2007 were sponsored.

By applying OIS's sponsored LPR percentage of 62.5 percent to their estimate of 6.7 million potentially sponsored LPRs, we estimate that 4.2 million sponsored noncitizens were residing in the United States as of January 1, 2007. The data used in this estimate are limited by assumptions made about emigration, mortality, and naturalization, which are discussed

²This is a point-in-time estimate.

³DHS applies an admission code to each noncitizen upon their entry to the United States, classifying the entrant by noncitizen status, such as refugee, asylee, or family-sponsored.

⁴This list included codes only for those noncitizens required to have an enforceable affidavit of support, the I-864, completed by a family member for entry into the United States.

in OIS's report, "Estimates of the Legal Permanent Resident Population in 2007." The estimate is also limited by our assumption that the LPR percentage for new noncitizens in 2006 and 2007 reasonably reflects that of past years. Despite these limitations, we determined, in collaboration with an OIS official knowledgeable of the data, that our methodology and the data used are sufficiently reliable for establishing a rough estimate of the size of the sponsored noncitizen population.

Noncitizen Applicant and Recipient Estimates

In determining the number of sponsored noncitizens applying for TANF, Medicaid, and SNAP benefits during 2007, we reviewed federal data from the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture (USDA) and found no source that contained information specific to sponsored noncitizen applicants. We instead determined, and United States Citizenship and Immigration Services (USCIS) officials confirmed, that DHS's Systematic Alien Verification for Entitlements (SAVE) system database is the best available proxy for noncitizen applicants. Benefit administering agency staff from all states typically access SAVE to obtain and verify citizenship status for noncitizen TANF, Medicaid, and SNAP applicants.⁵ Each time that a benefit agency staff member accesses SAVE to obtain noncitizen information, the system captures several pieces of data, including the date of the query and the admission code of the applicant.

Therefore, to estimate the number of sponsored noncitizen applicants, USCIS examined data on SAVE usage by benefit agency staff in 2007. Specifically, USCIS matched the SAVE database with the list of admission codes applied to noncitizens sponsored by a family member during 2006 and 2007. Through this analysis, USCIS estimated that benefit agency staff obtained information from SAVE on approximately 473,000 sponsored noncitizens in 2007. As noted previously, because SAVE is typically accessed by benefit agency staff when they are assessing noncitizen applicants, 473,000 is our proxy for sponsored noncitizen TANF, Medicaid, and SNAP applicants. Limitations on this estimate include the possibility that SAVE is not used by benefit agency staff 100 percent of the time, which would result in this being an underestimation. Conversely, benefit agency staff may access SAVE multiple times for the same applicant,

⁵Benefit administering agencies in 48 states, and the District of Columbia, have signed memorandums of understanding allowing them to request information from the SAVE system for the purposes of verifying the noncitizen status of benefit applicants and recipients.

which would result in this being an overestimation. While we are not able to estimate how often either of these situations occurs, we determined that the SAVE data are sufficiently reliable to use as a proxy for sponsored noncitizen applicants of TANF, Medicaid, and SNAP nationwide.⁶

To provide estimates on the number of noncitizens, both sponsored and nonsponsored, receiving TANF, Medicaid, and SNAP benefits, we relied on data we were able to obtain from the limited number of states that maintain relevant recipient information for those benefits. Florida officials, after analyzing state benefit data for December 2008, reported that approximately 5.20, 8.12, and 9.50 percent of TANF, Medicaid, and SNAP benefit recipients, respectively, were noncitizens in that month. Further, they reported the corresponding percentages for sponsored noncitizens were approximately 0.01, 0.04, and 0.03. Utah and Minnesota officials were also able to provide us with information on TANF and SNAP recipients in their states, based on analysis of state benefit data for fiscal year 2008. Utah officials reported that approximately 0.33 percent and 0.87 percent, respectively, of TANF and SNAP recipients were sponsored noncitizens. Minnesota reported that no sponsored noncitizen received TANF or SNAP benefits in that state during fiscal year 2008. Based on our conversations with officials in each state that provided the data, we determined that the data are sufficiently reliable for the purposes of this report.⁷

SSA is the only federal benefit agency to collect and maintain applicant and recipient data on sponsored noncitizens. To estimate the number of sponsored noncitizen SSI applicants and recipients during 2007, SSA officials analyzed agency data on SSI applicants for that year. Specifically, officials analyzed citizenship and sponsorship codes for each SSI applicant in order to identify noncitizen applicants. Based on this analysis, SSA officials reported that approximately 5.5 percent of SSI applicants were noncitizens in 2007, and approximately 1.1 percent were sponsored noncitizens.⁸ Similar analysis on recipient data found that approximately

⁶We did not assess the reliability of SAVE data for other purposes.

⁷However, the quality of this data is dependent on the ability of benefit agency staff to correctly identify the recipient as a sponsored noncitizen. State or local officials we spoke with in each of the five states we visited reported that they have difficulty determining who is sponsored.

⁸This 1.1 percent is equal to approximately 29,000 SSI applicants, which corresponds to 0.7 percent of the estimated sponsored noncitizen population.

9 percent of SSI recipients were noncitizens in that year, and approximately 0.3 percent were sponsored noncitizens. However, these are overestimates of our target group of sponsored noncitizens because they include all sponsored noncitizens, both those who entered the United States before the legally enforceable affidavit of support was required and those who entered after. Because SSA does not maintain data on each noncitizen applicant's or recipient's date of entry into the United States, we were unable to isolate our target group of sponsored noncitizens. Despite this limitation, and based on our conversations with the SSA official who provided the data, we determined that the data are sufficiently reliable for the purposes of this report.

Survey

To better understand state implementation of sponsor deeming and repayment for TANF, Medicaid, and SNAP, we conducted a Web-based survey of state administrators of each of these benefits in all 50 states and the District of Columbia. The survey was conducted between August and October 2008 with 100 percent of state administrators responding (a total of 153). The survey included questions about the extent that states have encountered benefit cases involving sponsor deeming, state policies on sponsor deeming and repayment, state efforts to pursue repayment administratively and through the courts, the availability of relevant data on sponsored noncitizen applicants and recipients, implementation challenges, and areas of assistance from federal agencies that have been or may be useful.

Because this was not a sample survey, there are no sampling errors. However, the practical difficulties of conducting any survey may introduce nonsampling errors, such as variations in how respondents interpret questions and their willingness to offer accurate responses. We took steps to minimize nonsampling errors, including pretesting draft instruments and using a Web-based administration system. Specifically, during survey development, we pretested draft instruments with TANF, Medicaid, and SNAP administrators from six states (Arizona, Connecticut, Florida, Mississippi, South Dakota, and Texas) between June and July 2008. We selected the pretest states to provide variation in the proportion of state residents that are LPRs, as well as geographic location. In the pretests, we were generally interested in the clarity, precision, and objectivity of the questions, as well as the flow and layout of the survey. For example, we wanted to ensure definitions used in the surveys were clear and known to the respondents, categories provided in closed-ended questions were complete and exclusive, and the ordering of survey sections and the questions within each section was appropriate. We revised the final survey

based on pretest results. Another step we took to minimize nonsampling errors was using a Web-based survey. By allowing respondents to enter their responses directly into an electronic instrument, this method automatically created a record for each respondent in a data file and eliminated the need for and the errors associated with a manual data entry process. To further minimize errors, programs used to analyze the survey data and make estimations were independently verified to ensure the accuracy of this work.

While we did not fully validate specific information that states reported through our survey, we took several steps to ensure that the information was sufficiently reliable for the purposes of this report. For example, we reviewed the responses and identified those that required further clarification and, subsequently, conducted follow-up interviews with those respondents to ensure the information they provided was reasonable and reliable. In our review of the data, we also identified and logically fixed skip pattern errors—questions that respondents should have skipped but did not. On the basis of these checks, we believe our survey data are sufficiently reliable for the purposes of our work.

Site Visits

To better understand administering agency implementation of sponsor deeming and repayment in TANF, Medicaid, and SNAP, we conducted site visits to five states, and selected localities in those states, between May and September 2008. The states and localities visited included California—Los Angeles and Orange Counties; Connecticut—Cities of Bridgeport and Stamford; Florida—Broward and Miami-Dade Counties; Georgia—DeKalb, Fulton, and Gwinnett Counties; and Minnesota—Hennepin and Ramsey Counties. The five states were selected primarily because they had significant populations of LPRs and low-income foreign-born residents, and they provided geographic variation. In addition, the states selected varied in the proportion of their cash assistance recipients that were noncitizens and in their provision of state-funded assistance programs for noncitizens. The localities were selected because they were within a region of the relevant state that had experienced significant growth in its LPR population in recent years or had a historically large base LPR population in the state. We visited two to five local benefit agency offices in each state. We cannot generalize our findings beyond the states and localities we visited.

During the site visits, we interviewed state and local administering agency officials. Through interviews with state officials, we collected information on states' sponsor deeming and repayment policies, possible variation in

local office implementation, challenges to implementation, and areas in which officials thought federal assistance has been or would be useful. Through interviews with local officials, we gathered information on the processes staff use to determine eligibility for noncitizens, the frequency that they have encountered cases involving sponsored noncitizens and sponsor deeming, implementation of sponsor repayment policies, implementation challenges, and areas that staff indicated they would like additional assistance. During some site visits, we observed the systems and tools eligibility staff use to process an application. During our interviews with both state and local officials, we also inquired about the availability of data on sponsored noncitizen benefit applicants and recipients.

Appendix II: Comments from the Department of Health and Human Services



DEPARTMENT OF HEALTH & HUMAN SERVICES

OFFICE OF THE SECRETARY

Assistant Secretary for Legislation
Washington, DC 20201

APR 9 2009

Kay Brown, Director
Education, Workforce, and
Income Security Issues
U.S. Government Accountability Office
441 G Street N.W.
Washington, DC 20548

Dear Ms. Brown:

Enclosed are comments on the U.S. Government Accountability Office's (GAO) report entitled: "NON-CITIZENS AND PUBLIC BENEFITS: More Clarity in Federal Guidance and Better Access to Federal Information Could Improve Sponsor Deeming Implementation" (GAO-09-375).

The Department appreciates the opportunity to review this report before its publication.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Pisaro Clark".

Barbara Pisaro Clark
Acting Assistant Secretary for Legislation

Attachment

**COMMENTS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
ON THE GOVERNMENT ACCOUNTABILITY OFFICE'S (GAO) DRAFT REPORT
ENTITLED: "NON-CITIZENS AND PUBLIC BENEFITS: MORE CLARITY IN
FEDERAL GUIDANCE AND BETTER ACCESS TO FEDERAL INFORMATION
COULD IMPROVE SPONSOR DEEMING IMPLEMENTATION" (GAO-09-375)**

GAO Recommendation

To improve consistency of benefit administering agencies' application of the indigence exception to sponsor deeming, we recommend that the Secretary of Health and Human Services clarify in the guidance for TANF the process for determining an applicant's eligibility for that exception.

HHS Comment

ACF respectfully disagrees with this recommendation. ACF addressed the process for determining eligibility for this exception in TANF-ACF-PI-2003-03, Response 5, cited below in pertinent part:

In determining whether the sponsored LPR is indigent, States would use their own standards and methods for deciding whether the sponsored alien "would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor." For example, Food Stamp program regulations at 7 C.F.R. 273.4(c)(3)(iv) define the phrase "is unable to obtain food and shelter" to mean that the immigrant's own family income, plus any cash or in-kind assistance actually provided by the sponsor and others, does not exceed 130 percent of the Federal poverty level for the size of the immigrant's household. Subsection (iv) also states that "each indigence determination is renewable for additional 12-month periods." The TANF agency may elect to adopt part or all of the policy used by the Food Stamp program or establish its own policy for determining whether the sponsored alien would, in the absence of the assistance provided by the agency be "unable to obtain food and shelter."

The TANF block grant program gives States the authority and flexibility to design and operate their own programs. Unless there is an express law to the contrary, States may establish their own methods and procedures for determining eligibility and payment, and States may establish their own methods and procedures for verifying eligibility and payment criteria. The statute on sponsor deeming at 8 U.S.C. 1631(e) provides no such process for determining an applicant's eligibility for the indigence exemption. Therefore, it is left to the State (as expressly stated in the law) to make the determination. Nevertheless, the last sentence of Response 5 offers States an example of a way to determine whether indigence exception would apply:

The TANF agency may elect to adopt part or all of the policy used by the Food Stamp program or establish its own policy for determining whether the sponsored alien would, in the absence of the assistance provided by the agency be "unable to obtain food and shelter."

Appendix III: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

April 8, 2009

Kay Brown
Director
Education, Workforce, and
Income Security Issues
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Brown:

We appreciate the opportunity to review Draft Report GAO-09-375 titled, "NON-CITIZENS AND PUBLIC BENEFITS: More Clarity in Federal Guidance and Better Access to Federal Information Could Improve Sponsor Deeming Implementation." USCIS concurs with the recommendations made in your Draft Report and is submitting their formal responses for your consideration in the Final Report.

To help benefit administering agencies access information on sponsored non-citizens, we recommend that the Secretary of Homeland Security:

Recommendation 1: Improve information on sponsorship status of non-citizens provided through the automated SAVE system. For example, a class of admission code list that indicates sponsored non-citizens could be added to the SAVE technical assistance tools or effectively distributed to SAVE users.

USCIS Response: Concur. USCIS will prepare an updated list of class of admission codes to indicate whether non-citizens are sponsored. USCIS will post that list to its Online Resources so that it is accessible by all user agencies, and will provide notice to all user agencies when the list is posted. This action should be completed in April 2009.

Recommendation 2: Provide guidance to SAVE users that improves their understanding of how to request sponsorship information through the automated SAVE system rather than through manual submission of paper request forms.

USCIS Response: Concur. Currently, user agencies can only access sponsorship information online through the automated system if they are using the Web-1 method to access the SAVE Program. SAVE is currently undergoing system upgrades intended to increase the overall verification efficiency of the Program and reduce the number of manual verification requests. As part of this effort, SAVE has been upgrading its Web-3

**Appendix III: Comments from the Department
of Homeland Security**

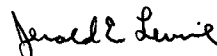
access method which currently has connection to more databases and features not found on other access methods.

As indicated in the report, the SAVE Program is adding the sponsorship feature to the Web-3 access method as part of its improvements. This upgrade is scheduled for June 2009, at which time SAVE will move all of its current Web-1 user agencies onto Web-3. These agencies will receive the added benefits of the Web-3 method while retaining the ability to receive sponsorship information.

The changeover to Web-3 includes an outreach program to educate user agencies on the system capabilities, as well as in-system notices in the time leading up to the change. With this outreach effort, SAVE will advise the affected agencies that sponsorship information is available through the online system in lieu of the manual Form G-845 process. SAVE will continue to offer customized training to these user agencies

We ask that you consider and reflect this response in the final GAO report on this subject. If you have any questions regarding USCIS's comments, you may contact Jane Chung at 202-272-9627.

Sincerely,



Jerald E. Levine
Director
Departmental GAO/OIG Liaison Office

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

Kay Brown, (202) 512-7215, or brownke@gao.gov

Staff Acknowledgments

Heather McCallum Hahn, Assistant Director; Rachel Frisk, Analyst-in-Charge; Theresa Lo; David Perkins; Heather Whitehead; Jean McSween; Cathy Hurley; Kirsten Lauber; Doreen Feldman; Alexander Galuten; Susan Bernstein; and Mimi Nguyen also made significant contributions to this report.

GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

Obtaining Copies of GAO Reports and Testimony

The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's Web site (www.gao.gov). Each weekday afternoon, GAO posts on its Web site newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to www.gao.gov and select "E-mail Updates."

Order by Phone

The price of each GAO publication reflects GAO's actual cost of production and distribution and depends on the number of pages in the publication and whether the publication is printed in color or black and white. Pricing and ordering information is posted on GAO's Web site, <http://www.gao.gov/ordering.htm>.

Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.

Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information.

To Report Fraud, Waste, and Abuse in Federal Programs

Contact:

Web site: www.gao.gov/fraudnet/fraudnet.htm

E-mail: fraudnet@gao.gov

Automated answering system: (800) 424-5454 or (202) 512-7470

Congressional Relations

Ralph Dawn, Managing Director, dawnr@gao.gov, (202) 512-4400
U.S. Government Accountability Office, 441 G Street NW, Room 7125
Washington, DC 20548

Public Affairs

Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800
U.S. Government Accountability Office, 441 G Street NW, Room 7149
Washington, DC 20548

