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Report to the Legislature

Report on Usage and Costs of the Systematic Alien Verification For Entitlements (SAVE) Program

Submitted by the Minnesota Department of Human Services

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LEGISLATIVE DIRECTIVE

The Legislature in Laws of Minnesota, 2000, chapter 488, article 10, section 30, directs the Commissioner of Human Services to “report to the chairs of the house health and human services policy committee and the senate health and family security committee on the usage and costs of the SAVE program over the previous year. These reports must include summary, nonidentifying information on the number of inquiries per month that were submitted to the SAVE system, the number of times secondary verifications were pursued as a result of the inquiries submitted to SAVE, and the number of times the county determined, as a result of information provided through the SAVE system, that an applicant to a program listed in section 256.01, subdivision 18, was ineligible for benefits due to the applicant's immigration status.” The reports, with information for the previous year, are due January 15, 2003 and January 15, 2004. The following report contains the information requested by the Legislature for 2002.

EXECUTIVE SUMMARY

This report provides the following information on the usage and costs of the Immigration and Naturalization Service (INS) Systematic Alien Verification for Entitlements (SAVE) Program in Minnesota for the time period March 2002 through October 2002:

- The number of primary and secondary queries submitted to SAVE per month.
- The cost of submitting queries to SAVE.
- The number of times a non-citizen submitted through the SAVE Program was determined ineligible for a program listed in Minnesota Statute Section 256.01.

The INS SAVE Program is an information-sharing initiative to assist in verifying the immigration status of non-citizens. It does not make determinations on an applicant's eligibility for a specific program or benefit. Nor is it a reporting mechanism. The SAVE program allows authorized staff to validate a non-citizen's immigration documentation and status by accessing and comparing the documentation to INS records.

The Department of Human Services (DHS) implemented the INS's SAVE Program statewide effective February 11, 2002. Minnesota based its policies and procedures for implementing SAVE on guidance issued by the United State Department of Justice on the verification of citizenship, qualified alien status and eligibility. Use of SAVE is the final step in the process of verifying the immigration status of non-citizens applying for certain cash, food, or health care programs. These programs include: the Minnesota Family Investment Program (MFIP); Emergency Assistance (EA); Diversionary Assistance (DA); Food Support; Work First; Refugee Cash Assistance; Minnesota Food Assistance; Medical Assistance (MA) except for Emergency MA; MinnesotaCare for families with children; General Assistance Medical Care (GAMC) except for Emergency GAMC or when immigration status is not an eligibility factor; and Refugee Medical Assistance.

Over the last eight months, Minnesota workers submitted a total of 6006 primary queries to the SAVE Program. There were some duplicate submissions of primary queries. Duplicate submissions are persons who were submitted through SAVE two or more times. Factoring out duplicate submissions, there were 5288 unique individuals submitted through SAVE during the period of March 2002 through October 2002. In addition, of the 5288 unique primary queries submitted, 1033 required submittal of a secondary query.

The cost for use of the SAVE Program is \$.15 per query or closure. States are charged for each submittal of a primary query, secondary query and for what INS terms closures. Closures are the result of reviewing a query, whether it is from a primary or secondary response, and then closing out the complete query. The total cost of using SAVE for March 2002 through October 2002 was \$1,800.15.

For the period March 2002 through October 2002, there were a total of approximately 3271 non-citizens denied cash, food or health care benefits. Of those 3271 persons, approximately 56 were submitted through SAVE. It should be noted that in many instances there were multiple reasons for the denial, one of which may have been immigration status. Therefore, while it can be said

that the SAVE verification may have played a part in the determination of ineligibility for these persons, it cannot be said that it was the sole reason for the denial.

The SAVE Program assists in insuring that only eligible non-citizen persons receive benefits. As the numbers demonstrate, ineligibility of non-citizens for benefits can often be determined based on verifications provided by the applicant. However, there are instances when a SAVE query will be part of the process of determining ineligibility and it will always be the final step in the eligibility determination process of non-citizens who appear to meet all eligibility requirements.

BACKGROUND

Minnesota Statute 256.01, subd.18, requires state and county human services workers to use the INS SAVE Program “to conduct immigration status verifications:

- (1) as required under United States Code, title 8, section 1642;
- (2) for all applicants for food assistance benefits, whether under the federal food stamp program, the MFIP or work first program, or the Minnesota food assistance program;
- (3) for all applicants for general assistance medical care, except assistance for an emergency medical condition, for immunization with respect to an immunizable disease, or for testing and treatment of symptoms of a communicable disease; and
- (4) for all applicants for general assistance, Minnesota supplemental aid, MinnesotaCare, or group residential housing, when the benefits provided by these programs would fall under the definition of "federal public benefit" under United States Code, title 8, section 1642, if federal funds were used to pay for all or part of the benefits”.

The DHS implemented use of the SAVE Program statewide effective February 11, 2002.

The DHS Commissioner is required to provide a report to the Legislature on January 15, 2003 and again on January 15, 2004 on the usage and costs of the SAVE program over the previous year. These reports must provide the number of primary and secondary queries submitted to SAVE per month. They must also include information on the number of times a worker determined, as a result of information provided through the SAVE system, that an applicant was ineligible for benefits in Minnesota due to immigration status.

The SAVE Program

The INS SAVE Program is an information-sharing initiative to assist in verifying the immigration status of non-citizens. As part of this process, non-citizen applicants are still required to provide documentation of their immigration status. The SAVE program allows authorized staff to validate a non-citizen’s immigration documentation and status by accessing and comparing the documentation to INS records. The SAVE Program provides an information service. It does not make determinations on an applicant’s eligibility for a specific program or benefit. Nor is it a reporting mechanism. Information on non-citizens provided by states in the context of using SAVE cannot be used by INS for the purpose of administrative enforcement of immigration laws.

The SAVE Program provides two methods for accessing INS data.

Primary verifications – The SAVE Program uses the Alien Status Verification System (ASVS) database, which contains information on more than 60 million non-citizens. The ASVS database is maintained under contract with Lockheed Martin. Submitting a query to this database is the primary step in validating the status of a non-citizen. When accessed by the user, ASVS responds within three to five seconds of the query. In most cases no further action by the worker is necessary.

Secondary verifications – Secondary verification involves transmitting a query to an INS facility where verifiers search other INS systems to determine the immigration status. Secondary queries are not submitted on all cases. Secondary queries are initiated by a user when the ASVS primary response indicates that a secondary query is needed, there are discrepancies between the information displayed on ASVS and the information provided by the applicant, or when the non-citizen applicant does not have an alien registration number.

Save As Part of the Application Process

In its guidance on verification of citizenship, alien status and eligibility, issued November 17, 1997, the United States Department of Justice instructs states that "... a provider should determine whether an applicant otherwise meets specific program requirements for program benefit eligibility before initiating the verification process ...". [62 Fed. Reg. 61344 (1997)] States are not to request immigration verifications or submit the name of a non-citizen applicant to SAVE until it has been determined that the non-citizen meets all other eligibility factors. The guidance goes on to say that "... no verification of an applicant's status as a U.S. citizen, U.S. non-citizen national or qualified alien should be undertaken where benefits are not contingent on the status".

Based on this guidance, Minnesota implemented SAVE as the final step in the process of verifying the immigration status of non-citizens applying for certain cash, food, or health care programs that require a specific immigration status. These programs include: MFIP; EA; DA; Food Support; Work First; Refugee Cash Assistance; Minnesota Food Assistance; MA except Emergency MA; MinnesotaCare for families with children; GAMC except for Emergency GAMC or when immigration status is not an eligibility factor; and Refugee Medical Assistance.

Workers request and applicants must provide all necessary verifications to determine eligibility, including verification of immigration status, prior to a worker accessing SAVE. All cases with a non-citizen member appearing to be eligible for benefits are submitted to SAVE to validate the immigration documentation provided by the unit. However, cases which are ineligible based on verifications provided by the applicant or due to failure of the applicant to provide verifications are not submitted through SAVE. For example, the worker determines the applicant has excess assets or the applicant fails to return income verifications. As suggested by the Department of Justice guidance, since the person or case is ineligible based on either verifications provided by the applicant or failure to provide verifications, the person or case is denied with no further action being necessary.

SAVE USAGE AND COSTS

Data on SAVE usage and costs for this report is from the period March 2002 through October 2002. As mentioned in the background section, statewide implementation of SAVE was effective February 11, 2002. Data for February is not included since it would be for a partial month. October is the final month for which data was obtained in order to allow for analysis and preparation of this report. The report due January 15, 2004 will cover the period November 2002 through October 2003.

Primary and Secondary Queries

The following chart shows the number of primary and secondary queries submitted per month by Minnesota workers. Over the last eight months, Minnesota workers submitted a total of 6006 primary queries to the SAVE Program. Of the 6006 primary queries, 1033 required submittal of a secondary query.

Number of Queries per Month

Month	Primary	Secondary
March 2002	686	124
April 2002	823	153
May 2002	865	154
June 2002	851	136
July 2002	807	113
August 2002	625	111
September 2002	625	95
October 2002	724	147
Totals	6006	1033

Of the 6006 primary queries, 718 were duplicate submissions. Duplicate submissions are persons who were submitted through SAVE two or more times. Factoring out the duplicate submissions, there were 5288 unique individuals submitted through SAVE during the period of March 2002 through October 2002.

SAVE Costs

The cost for use of the SAVE Program is \$.15 per query or closure. States are charged for each primary query and each secondary query. In addition, states are charged for what INS terms closures. Closures are the result of reviewing a query whether it is from a primary or secondary response and then closing out the complete query. The following chart shows the monthly charge for primary queries, secondary queries and closures. The total cost of using SAVE for March 2002 through October 2002 was \$1,800.15.

Query/Closure Costs by Month

Month	Primary	Secondary	Closures	Total
March 2002	\$102.90	\$18.60	\$79.50	\$201.00
April 2002	\$123.45	\$22.95	\$105.45	\$251.85
May 2002	\$129.75	\$23.10	\$111.60	\$264.45
June 2002	\$127.65	\$20.40	\$112.05	\$260.10
July 2002	\$121.05	\$16.95	\$87.00	\$225.00
August 2002	\$93.75	\$16.65	\$85.20	\$195.60
September 2002	\$93.75	\$14.25	\$79.50	\$187.50
October 2002	\$108.60	\$22.05	\$84.00	\$214.65
Totals	\$900.90	\$154.95	\$744.30	\$1,800.15

SAVE Impact on Denials

For the period March 2002 through October 2002, data was extracted from MAXIS, Minnesota's automated eligibility system, and MMIS, Minnesota's medical payment system, on the number of non-citizens denied cash, food or health care benefits. The immigration status verification field on MAXIS or MMIS was checked for non-citizens who were denied to see if it was coded S1 (SAVE primary) or S2 (SAVE secondary). Workers use this field to record the type of immigration status verification provided. For person submitted through SAVE, workers have been instructed to use the S1 or S2 codes in this field.

In addition, some coding problems were anticipated during the first year of SAVE implementation, as workers learned the new system. Therefore, alien numbers of non-citizens denied on MAXIS or MMIS were compared to a list, prepared by Lockheed Martin, of alien numbers submitted to SAVE for this same time period.

For the period March 2002 through October 2002, there were a total of approximately 3271 non-citizens denied cash, food or health care programs. Of those, approximately 56 were submitted through SAVE. The following chart shows a break out of the denials and the denials submitted through SAVE by program category.

Ineligible Non-Citizens

	Cash	Food	Health Care
Non-Citizens Determined Ineligible for Benefits	1556	1268	894
Non-Citizens Submitted to SAVE and Determined Ineligible	16	23	24

Note: The same person may be counted under multiple program headings since people often apply for multiple programs.

These numbers reflect Minnesota's policy on when to use SAVE based on federal guidance. For the majority of cases, a worker will have sufficient information to determine ineligibility before submitting a person through SAVE. In these cases workers are instructed to deny the person or case as appropriate based on the verifications provided. No further action, such as submitting names to SAVE, is necessary.

For those denials on which a SAVE query was done, it should be noted that in many instances there were multiple reasons for the denial, one of which may have been immigration status. Therefore, while it can be said that the SAVE verification may have played a part in the determination of ineligibility for these persons, it cannot be said that it was the sole reason for the denial.

CONCLUSION

The SAVE Program assists in insuring that only eligible non-citizen persons receive benefits in Minnesota. SAVE is the final step in the eligibility determination process for programs listed in Minnesota Statute Section 256.01 that require a specific legal immigration status. As the numbers illustrate, ineligibility of non-citizens for benefits can often be determined based on verifications provided by the applicant and use of SAVE is not necessary. However, there are instances when a SAVE query will be part of the process of determining ineligibility and it will always be the final step in the eligibility determination process of non-citizens who appear to meet all eligibility requirements.