

# SAVE Program Citizenship & Eligible Immigration Status

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## Agenda

- **SAVE Program (Citizenship & Eligible Immigration Status)**
  - Reviewing the TSP
  - Application requirements
  - Eligibility
  - Denial and termination of assistance



# SAVE Program Citizenship & Eligible Immigration Status



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A household made up of two adults and their two-month old baby applied for housing assistance.

Both adults are noncitizens and do not have eligible immigration status. The non-citizen parent completed the declaration of citizenship for the baby and declared the baby a US citizen.

Is this family eligible for assistance?



## Section 214 of the Housing and Community Development Act of 1980

Section 8 rental assistance is restricted to:

- U.S. citizens or nationals
- Noncitizens that have eligible immigration status



At least one household member must have eligible immigration status as defined in Section 214.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 B

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## Definition of Eligible Immigration Status

- U.S. citizens.
- Persons lawfully admitted for permanent residence.
- Persons granted refugee or asylum status because of persecution, or fear of persecution, on account of race, nationality, religion, political opinion, or membership in a particular social group.
- Persons granted “parole status” by the U.S. Attorney General for emergent or public interest reasons.
- Persons granted withholding of deportation or removal.
- Persons granted temporary residence under the general amnesty provisions of the Immigration Reform and Control Act of 1986 based on having resided in the U.S. since before January 1, 1982.
- Persons qualifying as victims of trafficking because they have been subject to a severe form of trafficking in persons such as sex trafficking, involuntary servitude, debt bondage, peonage, or slavery.

42 U.S.C. § 1436a and 24 C.F.R. § 5.506

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## Prohibition of Assistance to Noncitizen Students

Applicants who hold a noncitizen student visa are ineligible for assistance, as are any noncitizen family members living with the student.

A noncitizen student is defined as:

- A resident of another country to which the individual intends to return.
- A student pursuing a course of study in the United States.
- A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 R

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# Reviewing the Tenant Selection Plan



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## Example 1

### OCCUPANCY REQUIREMENTS

- Occupancy is limited to households whose head or spouse is at least 62 years of age or nonelderly disabled persons with permanent mobility impairments.
- Applicant's family composition must consist of at least one U.S. citizen or eligible noncitizen as determined by HUD guidelines.
- Applicant's family composition must be appropriate for the unit size as defined by our occupancy standards.
- Applicants must be screened and meet the requirements of the tenant selection criteria
- Applicants must demonstrate the ability to pay rent on time and to meet the requirements of tenancy

### VERIFICATION REQUIREMENTS

- Proof of age and identity
- Citizenship or eligible immigration status as verified through the Department of Homeland Security and the SAVE system
- Social Security numbers or certification that no SSN has been assigned. Applicant may retain their place on the Waiting List for 60-days while obtaining documented SSN.
- Social Security income verified by the Social Security Administration
- All other income, assets, expenses, deductions to be third party verified

## Example 2

### CITIZENSHIP AND IMMIGRATION STATUS

By law, only U.S. citizens and eligible non-citizens may benefit from federal rental assistance. Compliance with these rules ensures that only eligible families receive subsidy. These requirements apply to families making application to the property, families on the waiting list, and tenants. This paragraph describes the procedures we must use to determine applicant eligibility based on citizenship/immigration status.

- Assistance in subsidized housing is restricted to the following:
  - U.S. citizens or nationals; and non-citizens who have eligible immigration status.

All applicants for assistance must and will be given notice of the requirement to submit evidence of citizenship or eligible immigration status at the time of application.

All family members, regardless of age, must declare their citizenship or immigration status.

Non-citizens (except those aged 62 and older) must sign a Verification Consent Form and submit documentation of their status or sign a declaration that they do not claim to have eligible status. Non-citizens age 62 and older must sign a declaration of eligible immigration status and provide proof of age document. U.S. citizens must sign a declaration of citizenship. A mixed family with one or more ineligible family members may receive prorated assistance, continued assistance, or a temporary deferral of termination of assistance.

Applicants who hold a non-citizen student visa are ineligible for assistance, as are any non-citizen family members living with the student. Non-citizen students and their non-citizen families may not receive assistance. Non-citizen students are not eligible for continuation of assistance, prorated assistance, or temporary deferral of termination of assistance.

A non-citizen student is defined as an individual who is as follows:

1. A resident of another Country to which the individual intends to return;
2. A bona fide student pursuing a course of study in the United States; and
3. A person admitted to the United States solely for the purpose of pursuing a course of study as indicated on an F-1 or M-1 student visa.

This prohibition applies to the non-citizen student's non-citizen spouse and children. However, spouses and children who are citizens may receive assistance. For example, a family that includes a non-citizen student married to a U.S. citizen is a mixed family.

#### Administrative Restrictions on Assistance to Non-Citizens

Management is responsible for administering the restriction on assistance to non-citizens in accordance with regulations. When administering the restriction, we must treat all applicants equally, applying the same non-citizen rule procedures without regard to race, color, national

origin, sex, religion, disability, or familial status, and must comply with the nondiscrimination requirements described in Chapter 2 of HUD 4350.3.

#### Reviewing a Family's Citizenship/Immigration Status

We generally consider citizenship/immigration status once for each family, but will do so more frequently if immigration status or family composition is likely to change (e.g., when a family member applies for a change in immigration status)

We determine the applicant's citizenship or immigration status during the initial eligibility determination, prior to move-in.

As part of the annual or interim recertification process, we must determine the citizenship/immigration status of tenants from whom we have not previously collected the proper documentation or whose documentation suggested that their status was likely to change.

If the status of a family member in a mixed family changes from ineligible to eligible, the family may request an interim recertification.

The required evidence of citizenship/immigration status for any new family member must be submitted at the first interim or regular recertification after the person moves to the unit.

Although the extension period may not exceed 30 days, we may establish a shorter extension period based on the circumstances of the individual case.

We must inform the applicant in writing if an extension request is granted or denied. If the request is granted, we must include the new deadline for submitting the documentation. If the request is denied, we must state the reasons for the denial in the written response. When granting or rejecting extensions, we must treat applicants consistently.

We must deny assistance to an applicant upon the occurrence of any of the following:

1. The applicant fails to submit evidence of citizenship (i.e., the declaration) and eligible immigration status by the date specified.
2. The applicant submits evidence of citizenship and eligible immigration status on a timely basis, but DHS primary and secondary documentation does not verify eligible immigration status of a family member; and
3. The family does not pursue a DHS appeal or informal hearing rights;
4. The family pursues a DHS appeal and informal hearing, but the final decision is against the family member.



## Tenant Selection Plan Requirements

The TSP must include:

- A description of how the owner implements citizenship / immigration requirements, including policies regarding verification of citizenship, if any.



- The plan should mention the owner's rejection procedures relating to citizenship requirements.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 4-4 C1b

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# Application Requirements



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## Notice to Applicant

At application, owners must give each applicant notification of the requirement either to submit evidence of citizenship or eligible immigration status or to choose not to claim eligible status.

The notification must:

- State that financial assistance is contingent on submission and verification of citizenship or eligible immigration status.
- Describe the type of evidence that must be submitted.
- Give the time period in which evidence must be submitted.
- State that assistance may be prorated, denied, or terminated if any or all family members are determined ineligible for assistance.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 G1

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# Eligibility Determination



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## Review of Citizenship and Immigration Status



- Immigration and citizenship status is determined once - during initial eligibility - prior to move in.\*
- During the application interview, owners must obtain declaration of citizenship and verification consent forms for verification from all household members as appropriate.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraphs 3-12 E1 and 4-24 B

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At the time of move in, eligible immigration status was confirmed for a two person household. Both members of the household have green cards that expire five years after the date of move-in.

Does this present an issue?



## Review of Citizenship and Immigration Status

**\*Owners must review citizenship and immigration status more frequently if immigration status or family composition is likely to change.**

- At annual or interim recertification if:
  - Documentation suggested that immigration status is likely to change.
  - The owner did not previously collect the proper documentation for any family member.
  - A new member is added to the household.
  - The family has a change in citizenship or eligible immigration status of any family member.



HUD Handbook 4350.3, REV-1, CHG 4, Paragraphs 3-12 E2 and 7-11 A1 and 5

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## Timeframes for Submitting Documentation

Applicants must submit required documentation of citizenship and/or immigration status no later than the date the owner initiates verification of other eligibility factors.



HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 J1



## Extension to Submit Documentation

- If the applicant cannot supply the documentation within the owner's specified timeframe, the owner may grant one 30 day extension.
  - Applicant must certify that the documentation is temporarily unavailable, and;
  - Additional time is needed to collect and submit the required documentation.
- Although the extension period may not exceed 30 days, the owner may establish a shorter extension period based on the circumstances of the individual case.
- The owner must inform the applicant in writing if an extension request is granted or denied.
  - Extension approvals must include the new deadline for submitting the documentation.
  - Extension rejections must state the reason(s) for the denial.
- Owners must treat applicants consistently when granting or rejecting extensions.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 J2

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## Prohibition Against Delay of Assistance Rule



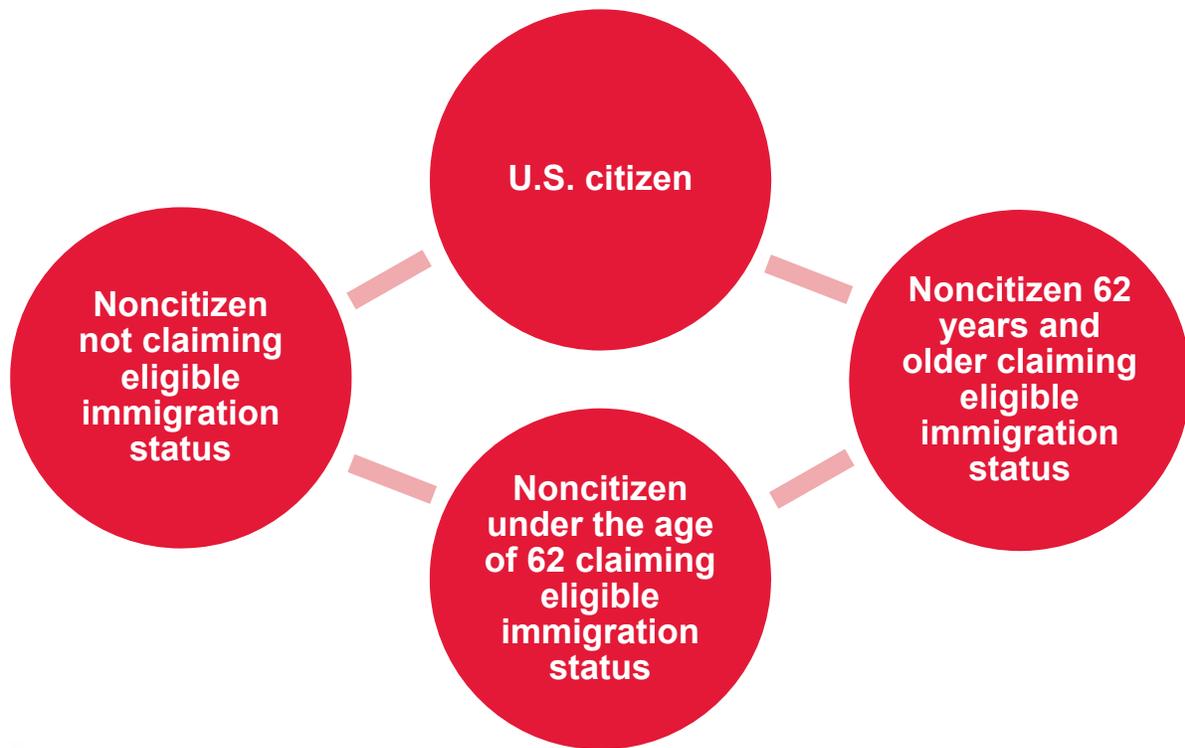
**Owners cannot delay assistance if the family submitted required documentation in a timely manner but the DHS verification or appeals process has not yet been completed.**

- If a unit is available and at least one member has been deemed eligible, the owner must offer the unit to the family.
  - Assistance is provided to the family member(s) determined to be eligible and to those family members that submitted their immigration documents on time.
  - If any family members did not provide the required immigration documentation, then the assistance for the family must be prorated.
- Owners continue to provide assistance to those family members who submitted their immigration documentation in a timely manner until their immigration status has been verified.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 K

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## Citizenship or Immigration Categories



## Required Documentation

- All family members are required to complete a citizenship declaration form.
- An adult family member must complete/sign the declaration form for any minors in the household.

Exhibit 3-5 4350.3 REV-1

**Exhibit 3-5: Sample Citizenship Declaration**

INSTRUCTIONS: Complete this Declaration for each member of the household listed on the Family Summary Sheet

LAST NAME \_\_\_\_\_

FIRST NAME \_\_\_\_\_

RELATIONSHIP TO HEAD OF HOUSEHOLD \_\_\_\_\_ SEX \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

SOCIAL SECURITY NO. \_\_\_\_\_ ALIEN REGISTRATION NO. \_\_\_\_\_

ADMISSION NUMBER \_\_\_\_\_ if applicable (this is an 11-digit number found on DHS Form I-94, *Departure Record*)

NATIONALITY \_\_\_\_\_ (Enter the foreign nation or country to which you owe legal allegiance. This is normally but not always the country of birth.)

SAVE VERIFICATION NO. \_\_\_\_\_ (to be entered by owner if and when received)

INSTRUCTIONS: Complete the Declaration below by printing or by typing the person's first name, middle initial, and last name in the space provided. Then review the blocks shown below and complete either block number 1, 2, or 3:

**DECLARATION**

I, \_\_\_\_\_ hereby declare, under penalty of perjury, that I am \_\_\_\_\_ (print or type first name, middle initial, last name):

\_\_\_\_\_ 1. A citizen or national of the United States.

Sign and date below and return to the name and address specified in the attached notification letter. If this block is checked on behalf of a child, the adult who will reside in the assisted unit and who is responsible for the child should sign and date below.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Check here if adult signed for a child: \_\_\_\_\_

HUD Occupancy Handbook 1 813  
Exhibit 3-5



While reviewing the AR, you find the two documents shown below but the Certificate of Naturalization was not sent to SAVE to confirm the validity of the document. The owner could not provide any additional information.

**Is this household eligible to receive full subsidy?**

**Exhibit 3-5: Citizenship Declaration Format**

**INSTRUCTIONS:** Complete this Declaration for each member of the household listed on the Family Summary Sheet

LAST NAME Martinez

FIRST NAME elavibel

RELATIONSHIP TO HEAD OF HOUSEHOLD spouse SEX F DATE OF BIRTH 9/19/70

SOCIAL SECURITY NO. Masked by PBCA 32289 ALIEN REGISTRATION NO. \_\_\_\_\_

ADMISSION NUMBER \_\_\_\_\_ if applicable (this is an 11-digit number found on DHS Form I-94, Departure Record)

NATIONALITY USA (Enter the foreign nation or country to which you owe legal allegiance. This is normally but not always the country of birth.)

SAVE VERIFICATION NO. \_\_\_\_\_ (to be entered by owner if and when received)

**INSTRUCTIONS:** Complete the Citizenship Declaration below by printing or by typing the person's first name, middle initial, and last name in the space provided. Then review the blocks shown below and complete either block number 1, 2, or 3:

**DECLARATION**  
elavibel Martinez hereby declare, under (print or type first name, middle initial, last name):  
 penalty of perjury, that I am:

1. A citizen or national of the United States.

Sign and date below and return to the name and address specified in the attached notification letter. If this block is checked on behalf of a child, the adult who will reside in the assisted unit and who is responsible for the child should sign and date below.

[Signature] \_\_\_\_\_ 9/12/17  
 Signature Date

Check here if adult signed for a child: \_\_\_\_\_

2. A noncitizen with eligible immigration status as evidenced by one of the documents listed below:

**THE UNITED STATES OF AMERICA**

**DEPARTAMENTO DE SEGURIDAD NACIONAL**

No. Masked by PBCA

**PERSONAL DESCRIPTION OF HOLDER**  
 I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

**Date of birth:** SEPTEMBER 09, 1970

**Sex:** FEMALE

**Height:** 5 feet 4 inches

**Marital status:** MARRIED

**Country of former nationality:** DOMINICAN REPUBLIC

**at:** MIAMI, FLORIDA

**The Secretary having found that:**  
CLAUDISE MARTINEZ  
 residing at: MIAMI, FLORIDA

having complied in all respects with all of the applicable provisions of the naturalization laws of the United States, and having taken the oath of allegiance as a ceremony conducted by  
**U.S. CITIZENSHIP AND IMMIGRATION SERVICE**  
 at: MIAMI, FLORIDA on: OCTOBER 17, 2014

*each person is admitted as a citizen of the United States of America*

**DEPARTMENT OF HOMELAND SECURITY**

## Required Documentation (continued)

### U.S. citizens

A signed Citizen Declaration Form.

Owners *may* require verification of the declaration by requiring presentation of a U.S. birth certificate or U.S. passport.

### Noncitizens 62 years and older claiming eligible immigration status

A signed Citizen Declaration Form

Verification of Age

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 I1



## Required Documentation (continued)



Figure 3-4 provides a list of acceptable DHS documents the owner may use when determining eligible immigrations status.

Figure 3-4: Acceptable DHS Documents

- Form I-551, "Permanent Resident Card".
- Form I-94, *Arrival-Departure Record* annotated with one of the following:
  - Admitted as a Refugee Pursuant to Section 207 ;
  - Section 208 or Asylum ;
  - Section 243(h) or Deportation stayed by Attorney General ; or
  - Paroled Pursuant to Section 212(d)(5) of the INA.
- Form I-94, *Arrival-Departure Record* (with no annotation) accompanied by one of the following:
  - A final court decision granting asylum (but only if no appeal is taken);
  - A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (application filed was before October 1, 1990);
  - A court decision granting withholding of deportation; or
  - A letter from an asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
- A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant's entitlement to the document has been verified.
- Other acceptable evidence. If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the *Federal Register*.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 J. 1.

## Required Documentation (continued)

**Noncitizens  
not claiming  
eligible  
immigration  
status**

A signed Citizen Declaration Form

\_\_\_\_\_. 3. I am not contending eligible immigration status and I understand that I am not eligible for financial assistance.

If you checked this block, no further information is required, and the person named above is not eligible for assistance. Sign and date below and forward this format to the name and address specified in the attached notification. If this block is checked on behalf of a child, the adult who is responsible for the child should sign and date below.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Check here if adult signed for a child: \_\_\_\_\_

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 I2



## Definition of Eligible Immigration Status

- U.S. citizens.
- Persons lawfully admitted for permanent residence.
- Persons granted refugee or asylum status because of persecution, or fear of persecution, on account of race, nationality, religion, political opinion, or membership in a particular social group.
- Persons granted “parole status” by the U.S. Attorney General for emergent or public interest reasons.
- Persons granted withholding of deportation or removal.
- Persons granted temporary residence under the general amnesty provisions of the Immigration Reform and Control Act of 1986 based on having resided in the U.S. since before January 1, 1982.
- Persons qualifying as victims of trafficking because they have been subject to a severe form of trafficking in persons such as sex trafficking, involuntary servitude, debt bondage, peonage, or slavery.

42 U.S.C. § 1438a and 24 C.F.R. § 5.508

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## SAVE - Electronic (Primary) Verification

- Access via website: <https://www.vis-dhs.com/>
- Access via EIV link
- To obtain a SAVE access code:
  - Owners must provide the Multifamily SAVE Administrator with the complete name, address and contact information of the owner, or management agent acting on the owner's behalf, and a list of their project numbers and/or contract numbers.
  - SAVE Administrator will provide the owner with an access code, user ID, and temporary password.

Information about the SAVE verification process may be found at  
<https://www.uscis.gov/save/about-save/verification-process>



## Possible SAVE Verification Results

Eligible SAVE Status

**Lawful Permanent Resident**  
**Temporary Resident**  
**Conditional Resident**  
**Asylee**  
**Refugee**  
**Cuban/Haitian Entrant**  
**Conditional Entrant**

### Institute Secondary Verification

- Owner completes and mails Form G-845S along with photocopies of the documents to the local immigration office within 10 days of receiving the message (Paper-based verification process).
- Owners must wait until the secondary verification is received to determine applicant eligibility.

Additional Information Needed

Dan, a US citizen living in an assisted unit, married Eva, a non-citizen, and has requested to add Eva to the lease.

During the interim recertification meeting, Eva completed a Declaration of Citizenship claiming noncitizen eligible immigration status, signed the consent form, and provided the owner with her green card.

The owner submitted Eva's information through the SAVE System and received an "Institute Secondary Verification" message.



#### WHAT'S NEXT?

- Owner completes Form G-845S and mails form and a copy of Eva's green card to the local immigration office within 10 days of receiving the message.
- Owner processes and IR to add Eva to the lease and provides full assistance to the family.
- Family continues to receive assistance until Eva's immigration status has been verified.

#### WHAT SHOULD BE IN THE TENANT FILE?

- Declaration of Citizenship
- Signed consent form
- Copy of green card
- Copy of the SAVE documents

# SAVE - Paper-based (Secondary) Verification

Owners must complete Form G-845 Supplement Verification Request and mail the completed form along with photocopies of the immigration documentation to the local immigration office.

Exhibit 4-2

Appendix 2-B

**Form G-845 Supplement,  
Verification Request**  
Department of Homeland Security  
U.S. Citizenship and Immigration Services

**USCIS  
Form G-845  
Supplement**  
OMB No. 1515-0101  
Expires 03/31/2018

▶ **START HERE - Type or print in black ink.**

**Part I. Information From the Registered Agency**  
NOTE: Only the Registered Agency should complete this information.

To: U.S. Citizenship and Immigration Services (USCIS)  
Attn: USCIS SAVE Program Status Verification Office

Stamp, type, or print the name, address, and ZIP Code of the Registered Agency. (Print clearly since USCIS may use agency address below with a No. 10 window envelope.)

From:

NOTE: You may only submit a completed Form G-845 Supplement with a completed Form G-845 to request verification. You may not submit Form G-845 Supplement alone. The information on this request concerns eligibility for certain Federal, state, and local public benefits.

**Applicant Information**  
Immigration Document Number

1.a. Alien Registration Number (A-Number)

1.b. Form I-94 Number (Arrival/Departure Record)

1.c. Other Immigration Number

1.d. Name or Form Number of Document Containing the Other Immigration Number

**Applicant's Full Name as Shown on the Immigration Document**

2.a. Last Name

2.b. First Name

2.c. Middle Name

3. Case Verification Number

4. Date of Birth (mm/dd/yyyy)

5. Social Security Number

**Information Requested by the Registered Agency (Select all applicable boxes)**

6.a.  Immigration Status

6.b.  Citizenship Status

6.c.  Special Benefit Provision for Certain Victims of Abuse

6.d.  Affidavit of Support

6.e.  USCIS to verify Cuban/Haitian entrants by filing out Part 3.

6.f.  Form SSA-8510, Authorization for the Social Security Administration to Obtain Personal Information, or other agency's equivalent release form, attached. (Use only for applicants with proceedings pending with EOIR.)

6.g.  For SSA only: Retirement, Survivors, and Disability Insurance (RSDI) Claim. (USCIS completes Item Numbers 4.a. - 4.d. in Part 2.)

6.h.  Status of this applicant as of 8/22/1996 is required (USCIS completes Item Numbers 1.a. - 1.b. in Part 3.)

**Registered Agency Information**  
Full Name of Agency Official

7.a. Last Name

7.b. First Name

7.c. Daytime Telephone Number (Include Area Code)

7.d. Extension Number (if applicable)

9. Date Request Completed (mm/dd/yyyy)

Form G-845 Supplement 05/2015 N Please see next page for additional information. Page 1 of 5

4350.3 REV-1 Appendix 2-B

**\*\*Appendix 2-B - Instructions and Mailing Addresses for DHS Form G 845S from the DHS Systematic Alien Verification for Entitlements (SAVE) Program Instructions Manual for the Department of Housing and Urban Development\*\***

**CHAPTER 5: SECONDARY VERIFICATION PROCEDURES**  
This chapter of the SAVE Program Manual provides instructions for secondary verification, for both the Alien Status Verification Index (ASVI) and non-ASVI user. It gives guidelines for initiating secondary verification and understanding INS' response to the verification request.

Questions and comments regarding secondary verification should be directed to the INS SAVE Program at \*\*1-888-464-4218.\*\*

**Background**  
The SAVE Program requires participating agencies and institutions to submit secondary verification requests to the INS under specified circumstances. The INS conducts thorough searches of applicable INS databases and paper files, as necessary, to respond to such secondary verification requests. A combination of both the primary and secondary components of the SAVE Program are used by a large number of SAVE users. However, status verification involving only the secondary process is available to benefit issuing agencies and institutions that have a very small number of non-citizen applicants for benefits.

The purpose of the secondary verification process is two-fold. First, it allows agencies to participate in the SAVE Program when access to the automated system would not be cost effective. Second, it provides a thorough search of all applicable INS automated databases and paper files when questions arise during the visual verification of documentation or the primary verification.

**Initiating Secondary Verification**  
Benefit issuing agencies and institutions with access to ASVI will perform primary verification for most non-citizen applicants prior to initiating secondary verification procedures. However, certain circumstances require that the benefit provider forego the use of ASVI and perform secondary verification immediately. Refer to the "Immediate Secondary Verification" topic in Chapter 3 for circumstances that require immediate secondary verification. Additionally, secondary verification should occur after an automated ASVI check when:

- ASVI returns a response of "Institute Secondary Verification"
- A material discrepancy between an applicant's immigration documentation and the record contained in ASVI exists
- A non-citizen claims they obtained Lawful Permanent (or Conditional) Resident Status because they were a battered alien, a parent of a battered child(ren), or a victim of domestic violence. Refer to the *Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, 62 FR 61344 at Exhibit B to Attachment 5 (Nov. 17, 1997), for instructions on verifying non-citizens claiming status in this category.

## Final Determination of Eligibility

Owners must notify families in writing immediately upon receipt of the DHS verification.

<b>All family members have eligible immigration status (Eligible Family)</b>	
<u>Tenant Families</u>	<u>Applicant Families</u>
Owner must notify the tenant family that they may continue receiving full assistance.	Owner must notify the applicant family that they are eligible for full assistance.



Dan, a US citizen living in an assisted unit, married Eva, a non-citizen, and has requested to add Eva to the lease.

During the interim recertification meeting, Eva completed a Declaration of Citizenship claiming noncitizen eligible immigration status, signed the consent form, and provided the owner with her green card.



**Owner receives positive result from DHS indicating that Eva has eligible immigration status.**

#### WHAT'S NEXT?

- Owner provides notification to the family that they may continue receiving full assistance.

#### WHAT SHOULD BE IN THE TENANT FILE?

- Declaration of Citizenship
- Signed consent form
- Copy of green card
- Copy of the SAVE documents
- DHS verification of eligible immigration status
- Notification provided to the family

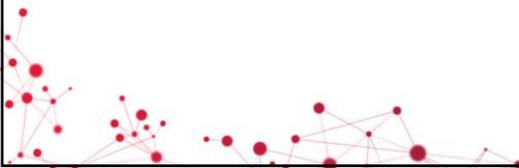
**CGI**

Dan, a US citizen living in an assisted unit, married Eva, a non-citizen, and has requested to add Eva to the lease.

During the interim recertification meeting, Eva completed a Declaration of Citizenship claiming noncitizen eligible immigration status, signed the consent form, and provided the owner with her green card.



**Owner receives negative result from DHS indicating that Eva does NOT have eligible immigration status.**



## Final Determination of Eligibility (continued)

### Only some family members have eligible immigration status (Mixed Family)

#### Tenant Families

Owners must notify the tenant family of their options:

1. Member(s) with negative results may leave the unit so the remaining members can receive full assistance.
2. The household may remain a mixed family and receive prorated assistance.

The family cannot receive prorated assistance if they are receiving continued assistance or temporary deferral of termination of assistance.

#### Applicant Families

Owners must notify the applicant family that they may be housed and receive prorated assistance based on the number of eligible members.



Dan, a US citizen living in an assisted unit, married Eva, a non-citizen, and has requested to add Eva to the lease.

During the interim recertification meeting, Eva completed a Declaration of Citizenship claiming noncitizen eligible immigration status, signed the consent form, and provided the owner with her green card.



**Owner receives negative result from DHS indicating that Eva does NOT have eligible immigration status.**

#### WHAT'S NEXT?

- Owner provides notification to the family of their options.
- Family chooses to remain a mixed family and receive prorated assistance - Owner processes IR to recalculate TTP and subsidy and notifies family of change in rent.

#### WHAT SHOULD BE IN THE TENANT FILE?

- Declaration of Citizenship
- Signed consent form
- Copy of green card
- Copy of the SAVE documents
- DHS verification of non-eligible immigration status
- Notification provided to the family
- IR to prorate assistance
- Notice of rent change

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## Final Determination of Eligibility (continued)

No members have eligible immigration status (Ineligible Family)	
<u>Tenant Families</u>	<u>Applicant Families</u>
<p>Owners must notify the tenant family of the ineligibility and inform the family of their options.</p> <ol style="list-style-type: none"> <li>1. The family may remain in the unit and pay market rent.</li> <li>2. The family may move out of the assisted unit.</li> <li>3. In very rare circumstances, the family may qualify for temporary deferral of termination of assistance.</li> </ol>	<p>Owners must notify the applicant family that their application has been removed from the list due to no members having eligible immigration status.</p>



# Denial and Termination of Assistance



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If the only family member who has eligible citizenship or immigration status passes away or vacates the assisted unit, what happens to the remaining ineligible members?

If there are no remaining family members with eligible immigration status residing in the unit, the family is no longer eligible to receive assistance and must be terminated from the program.



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<b>Denial of Assistance</b>	<b>Termination of Assistance</b>
<p><b>An owner must deny assistance when:</b></p> <ul style="list-style-type: none"> <li>• Applicant fails to submit evidence of citizenship and eligible immigration status by the date specified by the owner.</li> <li>• Applicant submits evidence of citizenship and eligible immigration status on a timely basis, but DHS primary and secondary documentation does not verify eligible immigration status of a family member; and               <ul style="list-style-type: none"> <li>• The family does not pursue a DHS appeal or informal hearing.</li> <li>• The family pursues a DHS appeal and informal hearing, but the final decision is against the family member.</li> </ul> </li> </ul>	<p><b>Assistance must be terminated when:</b></p> <ul style="list-style-type: none"> <li>• Owner is unable to establish citizenship or eligible immigration status <u>for any</u> family member from the information provided by the tenant and determines that the tenant does not meet the citizenship requirement.</li> </ul>
<p>HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 4-31 C</p>	<p>HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 8-5 E</p>

## Required Notice

### Rejection notice must advise the family that:

- The owner will deny or terminate rental assistance and give reasons for this action.
- The family may be eligible for proration of assistance.
- Tenants – but not applicants – may be eligible to obtain relief under the provisions for preservation of families.
- The family has the right to request an appeal to the DHS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal.
- The family has a right to request an informal hearing with the owner either upon completion of the DHS appeal or in lieu of the DHS appeal (the family can take advantage of two types of appeal).
- For applicants, the notice of denial must advise that if they have failed the primary and secondary verification and submitted an appeal to the DHS, but the DHS process has not been concluded, the applicant will receive assistance in a timely manner. (If the DHS decision is negative, the family's assistance may then be terminated.) However, once the DHS appeal process is complete, and the family receives a negative decision on the DHS appeal, the owner may delay assistance while providing the family with an opportunity for an informal meeting to appeal the decision.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 4-31 D

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## Appealing DHS's Determination of Ineligibility

The family may appeal the owner's decision directly to the DHS.

A copy of the appeal must be sent to the owner.

DHS should respond within 30 days.

**DHS Overturns  
Determination**

The owner can provide the family with housing assistance.

**DHS Upholds  
Determination**

The family has 30 days to request a hearing with the owner.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 3-12 M2

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## Informal Hearing

- Request for a hearing must be made within 30 days of receiving:
  - Notice from the owner denying assistance
  - DHS appeal decision.
- The person designated by the owner to attend the hearing cannot be the person who made or approved the decision under review and their subordinate(s).

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 4-31 E and 8-7 C

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## Informal Hearing – Tenant Rights

The tenant has the following rights during the informal hearing process:

- Examine and copy any documents in the owner's possession pertaining to the tenant's eligibility status and in DHS's possession (as permitted by DHS requirements), including any records and regulations that may be relevant to the hearing.
- Present evidence and arguments in support of eligible immigration status.
- Argue against evidence relied upon by the responsible entity and to confront and cross-examine all witnesses on whose testimony or information the owner relies.
- Attorney representation, or other designee, at the tenant's expense, and to have such person make statements on the tenant's behalf.
- An interpreter to attend the hearing, at the expense of the tenant, or owner, as may be agreed upon by the two parties.
- Record the hearing by audiotape.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 8-7 C

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## Informal Hearing - Decision

- The owner must provide a written final decision, based solely on the facts presented at the hearing, to the tenant within 14 days of the date of the informal hearing.
- Must state the basis for the determination.
- Must be in an accessible form if being provided to a tenant with a disability.
- A decision against a tenant issued in accordance with HUD requirements does not preclude the tenant from exercising the right, which may otherwise be available, to seek redress directly through the judicial procedures.

HUD Handbook 4350.3, REV-1, CHG 4, Paragraph 8-7 C

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## Records Retention

The owner must retain the following documents for a minimum of 5 years:

- Application
- Form completed by the tenant for income re-examination
- Photocopies of any original documents (front and back), including original DHS documents
- Signed verification consent form
- DHS verification results
- Request for an DHS appeal
- Final DHS determination
- Request for an informal hearing
- Final informal hearing decision



Thank you

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