HEA financial assistance is enrolled or accepted for enrollment, an applicant who asserts eligibility under §668.33(a)(2) shall provide documentation from the INS of immigration status.

(Authority: 20 U.S.C. 1091, 1094)

[58 FR 3184, Jan. 7, 1993, as amended at 63 FR 40626, July 29, 1998]

§668.131 Definitions.

The following definitions apply to this subpart:

Eligible noncitizen: An individual possessing an immigration status that meets the requirements of §668.33(a)(2).


Primary confirmation: A process by which the Secretary, by means of a matching program conducted with the INS, compares the information contained in an Application for Federal Student Aid or a multiple data entry application regarding the immigration status of a noncitizen applicant for title IV, HEA assistance with records of that status maintained by the INS in its Alien Status Verification Index (ASVI) system for the purpose of determining whether a student’s immigration status meets the requirements of §668.33(a)(2) and reports the results of this comparison on an output document.

Secondary confirmation: A process by which the INS, in response to the submission of INS Document Verification Form G–845 by an institution, searches pertinent paper and automated INS files, other than the ASVI database, for the purpose of determining a student’s immigration status and the validity of the submitted INS documents, and reports the results of this search to the institution.

(Authority: 20 U.S.C. 1091)

[58 FR 3184, Jan. 7, 1993, as amended at 63 FR 40626, July 29, 1998]

§668.132 Institutional determinations of eligibility based on primary confirmation.

(a) Except as provided in §668.133(a)(1)(i), the institution shall determine a student to be an eligible noncitizen if the institution receives an output document for that student establishing that—

(1) The INS has confirmed the student’s immigration status; and

(2) The student’s immigration status meets the noncitizen eligibility requirements of §668.33(a)(2).

(b) If an institution determines a student to be an eligible noncitizen in accordance with paragraph (a) of this section, the institution may not require the student to produce the documentation otherwise required under §668.33(a)(2).

(Authority: 20 U.S.C. 1091, 1094)

[58 FR 3184, Jan. 7, 1993, as amended at 63 FR 40626, July 29, 1998]

§668.133 Conditions under which an institution shall require documentation and request secondary confirmation.

(a) General requirements. Except as provided in paragraph (b) of this section, an institution shall require the student to produce the documentation required under §668.33(a)(2) and request the INS to perform secondary confirmation for a student claiming eligibility under §668.33(a)(2), in accordance with the procedures set forth in §668.135, if—

(1) The institution—

(i) Receives an output document indicating that the student must provide the institution with evidence of the student’s immigration status required under §668.33(a)(2); or

(ii) Receives an output document that satisfies the requirements of §668.132(a)(1) and (2), but the institution—

(A) Has documentation that conflicts with immigration-status documents submitted by the student or the immigration status reported on the output document; or

(B) Has reason to believe that the immigration status reported by the student or on the output document is incorrect; and

(2) The institution determines that the immigration-status documents submitted by the student constitute reasonable evidence of the student’s claim to be an eligible noncitizen.

(b) Exclusions from secondary confirmation. (1) An institution may not require