

## Supporting Students from Mixed Status Families

### Webinar Q and A

#### What is the process for data sharing between federal agencies?

Federal agencies can use two methods for sharing information:

- 1) **Computer Matching Agreements** or CMAs, must be entered into when information is being matched across different federal agencies. A CMA explains the procedure for comparing or “matching” records from one agency database or computer with another. CMAs are established for the following purposes:
  - a) Establishing or verifying initial or continuing eligibility for federal benefit programs (such as federal student aid); or
  - b) Verifying compliance with the requirements – either statutory or regulatory – of such benefit programs; or
  - c) Recouping payments or delinquent debts under such benefit programs.

CMAs are time-limited and can only be in place for up to 18 months, with the possibility of renewing the CMA for up to an additional 12 months if certain conditions are met. After the CMA has expired, the agencies must negotiate a new written agreement. A matching notice announcing a new or reestablished matching program or significant changes to a matching program is published in the Federal Register to allow for public review and comment. A CMA is not effective until at least 30 days after the publication date of the matching notice in the Federal Register. Changes to CMAs are public and accessible via search.

- 2) **Memorandum of Understanding**, or MOUs may be used by federal agencies to share information when the sharing does not constitute a matching program as described above. MOUs are often used for statistical analysis or research purposes. MOUs are different from CMAs in that their components are not governed by the Privacy Act and OMB has not issued guidance specific to MOUs. For example, there is no government-wide requirement that a federal agency publishes the agreement in the Federal Register for comment or posts it on the agency’s website; MOUs are not required to have an expiration date. However, an individual agency may have their own policies and processes (either developed by the agency or set in a separate law) that govern what must be included in an MOU or for making the MOU available to the public. Changes to an existing MOU do not need to be published in the Federal Register.

The Department describes the purpose(s) for which it maintains its systems of records in each applicable System of Records Notice (SORN). The Department’s SORNs can be found on the [Department’s website](#). The SORN most relevant for the creation of a StudentAid.gov account is

titled the “Person Authentication Service (PAS)” (18-11-12). The SORN most relevant to the FAFSA form is titled the “Aid Awareness and Application Processing” (18-11-21).

The Privacy Act requires that SORNs contain at least the following information: the name and location of the system; the categories of individuals on whom records are maintained in the system; the categories of records maintained in the system and the categories of sources of records in the system; the routine uses of the records contained in the system, including the categories of users and purposes of such uses; the policies and practices of the federal agency regarding the storage, retrievability, access controls, retention, and disposal of the records; the title and business address of the federal agency official who is responsible for the system of records; and the federal agency procedures whereby individuals can be notified at their request if the system contains a record pertaining to them, can be notified at their request how to gain access to any record pertaining to them contained in the system and how they can contest its contents if the information is outdated or inaccurate.

### **What is the process for changing MOUs and CMAs?**

The Department can make changes to SORNs, CMAs, and MOUs at any time, so long as a particular CMA or MOU would permit such an amendment and it would be otherwise lawful. The Department may have multiple agreements with the same federal agency for different purposes.

### **Can other federal agencies request access to StudentAid.gov account or FAFSA information if they think a law has been broken?**

Yes, other federal agencies can request information from the Department for purposes related to civil or criminal law enforcement. The Department may send such information to a foreign, federal, state, or local enforcement agency if permissible under applicable federal law, rules, and policies. Generally, the Department only may disclose personally identifiable information from records protected by the Privacy Act without the consent of the individual when there is an appropriate law enforcement request.

As it relates to federal student aid, suspected violations of law are often related to some type of financial aid fraud such as a stolen identity being used to access federal aid or knowingly providing false information on a form in order to access a larger amount of federal aid or more favorable loan repayment terms (including falsification of citizenship), or a suspected drug offense that would make a student ineligible for federal financial aid..

### **Is data protection limited by the MOUs, CMAs and other data privacy protections in place at the time the data was submitted? For example, if a student submitted a FAFSA before the data sharing agreements were changed, can that data be shared with other federal agencies?**

Data sharing and privacy protections are subject to the agreements in place at the time of the data sharing, not the agreements that were in place when the data was submitted. Any future changes to how the Department's data are used or shared could apply to data already in its possession, as well as data it collects after the changes.

### **How long does ED retain data FAFSA?**

The Department must keep this information for the length of an applicant's relationship with the Department. For example, if someone receives a loan, the Department will keep their information for the full life of the loan (including all the years they are in repayment) and a period of time after to ensure the loan is closed and to meet various legal and regulatory requirements. If someone receives a Pell Grant, the Department will keep their information to track how much they received in Pell Grants so they do not exceed lifetime limits set by law over the recipient's lifetime.

### **If a parent has filed a tax return using an ITIN, their information is already in the "system." What is the additional risk of completing or contributing to a FAFSA and/or getting an FSA ID?**

To the extent that a student or a contributor has already provided the Department with information when creating a StudentAid.gov account or previously filling out the FAFSA form, the Department likely still has that information. In such an instance, the Department would only be adding updated information to the Department's systems (e.g., income information, change in address) were the student to submit a new FAFSA form.

### **As students and families navigate the best decision for them, would asking for access to their FAFSA data at this time potentially draw unwanted attention, particularly since data for undocumented family members cannot be deleted/is already in the system?**

At this point in time there would be no reason for a family that has already submitted a FAFSA to ask for access for their information. Everyone who submits a FAFSA receives a record of their information via the FAFSA Submission Summary.

### **Can you restate the date after which FAFSA data is readily accessible?**

The current database being used was established in 2004.

### **If a student from a mixed family indicates they are unable to provide parental information, would the student still be eligible for an unsubsidized loan? Would schools reach out to the student to ask why?**

Yes, students could say that their parent is not willing to provide financial information and then the student would only be eligible to receive an unsubsidized loan. Many colleges reach out to applicants to confirm they answered that question the way they wanted to answer the question. Colleges have the final say, but most cooperate with parent refusal. Students may wish to speak to the financial aid office at their college prior to completing the FAFSA in this manner.

### **Is the verification process back for this application cycle?**

The verification process for the 2025-2026 cycle is in existence. Federal Student Aid has indicated they expect the selection rate to remain low again this year, similar to last year. Keep

in mind that the majority of income information is transferred directly from the IRS so there would be no need to collect tax documents to verify this information.

**Should parents who do not have an SSN encourage their children to complete a paper FAFSA?**

Whether a FAFSA is filed electronically or submitted on paper, the information is stored in the same system. Submitting a completed paper form with all appropriate contributor's information does not change the information obtained by the Department of Education.

**Is completing the FSA ID process using an international mailing address (if available), general delivery from USPS or a virtual mailing address like iPostal1 good options for maintaining privacy when completing or contributing to a FAFSA?**

When setting up an FSA ID account, students and contributors are asked to provide a physical mailing address for verification purposes. Those establishing accounts should provide their current physical address. This will assist with the identity verification process required for those setting up an account.

**What is the Department of Education link for information about FSA privacy policies again?**

<https://studentaid.gov/notices/privacy>

**How do you sign up for FSA electronic announcements?**

We recommend bookmarking this link and checking back regularly: [Electronic Announcements | Library | Knowledge Center](#). Also, if you are able to create an FSA ID on the StudentAid.gov website, you can manage your communication preferences within your account settings to opt-in for informational emails and Federal Student Aid updates.

**Is there a resource that can be shared about the language that uAspire uses with students to address their privacy concerns?**

uAspire is working on a student-facing FAQ handout on this topic, but it is in its very early stages of development. The Department produced a [student-friendly Q and A](#) on January 17, 2025, which can be accessed here. The [President's Alliance for Higher Education and Immigration](#) also provides some accessible language on some of the legal aspects related to FAFSA data privacy. It is available as a webpage, and as a downloadable PDF.

**Building off the idea of questions you would ask - are the questions you would advise counselors NOT to ask students or their families?**

We advise counselors to never directly ask students or their families if they are undocumented. Advisors should clearly explain the questions on the form and answer them accurately.

**As a nonprofit, is there any legal authority for the government to ask for access to our database on our students to identify undocumented students or families? Are there recommendations about how we can track this data without subjecting our students to additional risk?**

We recommend that organizations only collect information they need, avoid directly naming immigration status in any databases, and assign de-identified codes to participants to ensure that their personal information is protected. We further recommend that organizations examine their data retention policies and consider how best to store or host data. Below, you can find some best practices for storing and securing data.

- [Procedures and privacy concerns for serving the undocumented](#)
- [Safeguarding Organizations: A Toolkit to Strengthen Security and Defend Against Retaliation](#)

**Colorado has a state-based application for undocumented students. Applicants must certify on the application that they do not have an SSN. If a student in a mixed-status family fills out the state application for aid, could they get in trouble for fraud if they certify they don't have an SSN if they are a U.S. Citizen?**

Misrepresenting information on a government form could carry risks.

Unless your state is actively encouraging eligible students to use the state-based application as an alternative to the FAFSA, it is not advisable to do it. Some states may choose to follow California's lead to open up state-based DREAM Act applications (or similar), so keep up with your state's government news. But until that happens, only California students are advised that the state-based application is an additional option.

**Is information submitted through state financial aid applications for students who are undocumented available to federal agencies?**

State financial aid applications for undocumented students are not shared with federal agencies as a standard practice. However, in rare instances, such as during a federally declared emergency or if legally required, the state may need to comply with federal requests for specific

**Is there something in CA laws keeping this from happening? Where can I find privacy information on the CA Dream Act Application? If students only fill out the CA Dream Act, is their information accessible to the federal government?**

The CA Student Aid Commission has made a commitment to the students of California. CSAC wants to assure undocumented students and their families that it is safe to apply for the CADAA.

- Information provided through the CADAA is used solely to determine eligibility for state financial aid.
- Information provided through the CADAA is not shared with the federal government, and it is not used for immigration enforcement.
- Students do not need to have Deferred Action for Childhood Arrivals (DACA) status to attend college or receive state financial aid. This chart on the Immigrants Rising website helps explain the differences.
- CSAC will work to the fullest extent of the law to protect all students who share their information through the CADAA.

You can learn more about California's commitment at [Messages from the Executive Director | California Student Aid Commission](#)

### **How does living in a sanctuary state affect one's vulnerability?**

The 11 sanctuary states in the United States have made commitments to their students and communities. Each state's commitment varies and you can learn more about their efforts by visiting [The 11 Sanctuary States in the United States](#)

### ***Resources:***

- [Immigrant Legal Resource Center Community Resources](#)
- [FAFSA Messaging Template](#) from the President's Alliance
- California Student Aid Commission [Memo on Data Privacy](#)