

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

ICE Directive 1014.2: Student Loan Repayment Program

Issue Date: June 21, 2021

Effective Date: June 21, 2021

Superseded: ICE Directive 1014.1, (formerly ICE Directive 1.20.0), ICE Repayment of Student Loans for Recruitment, dated January 3, 2008.

Federal Enterprise Architecture Number: 306-112-002b

1. **Purpose/Background.** The mission and goals of U.S. Immigration and Customs Enforcement (ICE) require the hiring of highly qualified individuals and the retention of employees in difficult-to-fill positions. This Directive revises the ICE Student Loan Repayment Program (SLRP) and establishes policy and procedure for repayment of all or part of an outstanding federally insured student loan for the purposes of employee recruitment or as a retention incentive for employees in certain positions who might otherwise leave ICE.
2. **Policy.** The core of ICE's mission is the talent, strength, and preparedness of its workforce. Student loan repayment can serve as a vital part of agency efforts to build and sustain a modern workforce. Subject to the availability of appropriated funds, ICE is committed to maintaining a robust SLRP. The ICE approving official may authorize direct repayment to a loan holder on behalf of an eligible ICE employee for any, or part of, an outstanding and qualifying student loan for retention and recruitment purposes. The ICE approving official must further adhere to merit system principles and take into consideration the need to maintain a gender-balanced workforce in which members of racial and ethnic minority groups are appropriately represented.
 - 2.1. The decision to offer student loan repayment is an individual compensation determination based on organizational need, specific case justification, and budgetary limitations without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, disability, and genetic information. The ICE SLRP is not an entitlement and is to be used only to the extent that it is necessary for effective recruitment and retention purposes.
 - 2.2. Nominating supervisors may consider eligible employees for a federally insured student loan repayment benefit up to \$10,000 per calendar year, with a \$60,000 agency maximum per employee. More than one loan may be repaid if the combined repayments do not exceed these limits.
 - 2.3. Eligible employees retained or candidates recruited for federal service must be highly qualified, possess unique qualifications, or specific skills or services required by the agency. For retention purposes, all eligible employees must possess and retain a performance rating of achieved expectations or equivalent and have no conduct-related issues as described in section 3.3(2) of this Directive.

2.4. All eligible employees or candidates must agree to remain in the position and employed with ICE for three years, from the date of the first payment to the financial institution, regardless of the amount of federally insured student loan repayment benefit authorized.

2.5. Benefits may be provided for either recruitment or retention purposes, provided the following criteria are met:

1) **Recruitment:** Federally insured student loan repayment may be authorized to recruit a prospective employee where:

- a) There is a determination that, in the absence of federally insured student loan repayment benefits, ICE would have difficulty filling a position with a highly qualified candidate who is not currently employed by ICE¹;
- b) The difficulty filling the position must be documented in writing and the criteria used to determine the amount of the federally insured student loan repayment benefit offered must be articulated; and
- c) The authorization for federally insured student loan repayment, including the amount to be paid, must be completed before the employee enters on duty.

2) **Retention:** Federally insured student loan repayment may be authorized to retain an eligible employee in a position where:

- a) There is a determination that in the absence of federally insured student loan repayment benefits, the highly-qualified eligible employee is likely to leave ICE for employment outside of Federal service. It must also be demonstrated that it is essential to retain the eligible employee based on unique qualifications or a special need of ICE. In making this determination, the nominating supervisor must consider the extent to which the eligible employee's departure would affect the agency's ability to carry out an activity or perform a function that is deemed essential to its mission.
- b) This approval must be made in writing and the criteria used to determine the amount of the federally insured student loan repayment benefit must be articulated.
- c) Eligible employees must provide and submit to the nominating supervisor a statement of intent to depart the agency or Federal Government and/or

¹ Factors that should be considered and addressed when deciding whether to offer the benefit to the employee include: 1) The success of recent efforts to recruit suitable candidates for similar positions, including such indicators as offer acceptance rates, the proportion of positions filled, and the length of time required to fill positions; 2) Recent turnover in the same or similar positions; 3) Labor market factors that affect the ability to recruit for similar positions; and 4) Highly specialized skills or qualifications needed for the position.

documentary evidence that they are likely to leave the Federal Government (e.g., a selection notice for a non-federal job).

3. Definitions. The following definitions apply for purposes of this directive only.

3.1. Approving Official. The ICE official responsible for approving direct repayment to a loan holder on behalf of an eligible ICE employee for any, or part of, an outstanding and qualifying student loan for retention and recruitment purposes. At ICE, this is the Chief Human Capital Officer.

3.2. Eligible Employee. Eligible employees include:

- 1) Permanent ICE employees;
- 2) ICE employees serving a term appointment with at least three (3) years remaining on their appointment;
- 3) ICE employees serving an excepted appointment with conversion, career, or career-conditional appointments (e.g., Presidential Management Fellows, Veterans' Recruitment Appointments (VRAs), and career interns);
- 4) ICE temporary employees who are serving on appointments leading to conversion to term or permanent appointments; or
- 5) Eligible candidates outside of the Federal Government who have successfully completed the DHS/ICE application process and who have been selected to be employed by ICE.

3.3. Excluded Employees.

- 1) ICE may not authorize SLRP benefits to recruit an individual from outside the agency who are currently employed in the Federal service;
- 2) Otherwise eligible employees whose performance is less than achieved expectations (or equivalent);
- 3) Otherwise eligible employees who are the subject of a proposed or final disciplinary or adverse action (e.g., letter of reprimand to removal). If the disciplinary or adverse action is later overturned, withdrawn, or expired, or if the action is more than (3) years old, an otherwise eligible employee will not be excluded from this incentive if all other requirements are satisfied; or
- 4) Employees occupying a position excepted from the competitive civil service because of its confidential, policy-determining, policy-making, or policy-advocating nature (e.g., Schedule C employees) are not eligible for student loan repayment benefits.

- 3.4. Federally Insured Student Loan.** A loan made, insured, or guaranteed under parts B, D, or E of Title IV of the Higher Education Act of 1965,² or a health education assistance loan made or insured under part A of Title VII of the Public Health Service Act or under part E of Title VII of that Act, including the following:
- 1) Federal Family Education Loans (FFEL): Subsidized Federal Stafford Loans, Unsubsidized Federal Stafford Loans, Federal PLUS Loans, and Federal Consolidation Loans;
 - 2) William D. Ford Direct Loan Program (Direct Loans): Direct Subsidized Stafford Loans, Direct Unsubsidized Stafford Loans, Direct PLUS Loans, Direct Subsidized Consolidation Loans, and Direct Unsubsidized Consolidation Loans;
 - 3) Federal Perkins Loan Program: National Defense Student Loans (made before July 1, 1972), National Direct Student Loans (made between July 1, 1972, and July 1, 1987), and Perkins Loans (made after July 1, 1987); and
 - 4) Loans made or insured under the Public Health Service Act: Loans for Disadvantaged Students, Primary Care Loans, Nursing Student Loans, Health Professions Student Loans, and Health Education Assistance Loans.
- 3.5. Headquarters Responsible Officials (HRO).** Executive Associate Directors (EADs) of Enforcement and Removal Operations, Homeland Security Investigations (HSI), Management and Administration (M&A); the Principal Legal Advisor; the Associate Director of the Office of Professional Responsibility (OPR); and the Assistant Directors, Officers, or equivalent positions who report directly to the Director, Deputy Director, or Chief of Staff.
- 3.6. Nominating Supervisor.** Special Agents in Charge (SACs), Field Office Directors (FODs), ICE Attachés, Chief Counsel, Unit Chiefs, or other managers who are designated in writing by the employee's Directorate or Program Office.³
- 3.7. Service Agreement.** A written agreement executed between ICE and an eligible employee in order to participate in the ICE SLRP wherein the eligible employee agrees to a specified period of employment in a position with ICE of not less than three (3) years in return for the payment on the qualifying federally insured student loan(s). A service agreement in no way constitutes a promise of, or right or entitlement to, appointment, continued employment, or noncompetitive conversion to the competitive service.
- 3.8. Student Loan Repayment Benefit.** The authorized and approved benefit provided to an eligible employee under which ICE repays by direct payment a qualifying federally insured student loan.

² Section 5379 of Title 5 of the U.S. Code (U.S.C.) (Student Loan Repayments).

³ Nominating supervisor authority will not be delegated to individuals holding a rank below GS-14 unless such individual is serving in a GS-14 supervisor capacity on temporary orders.

4. Responsibilities.

4.1. The HROs are responsible for:

- 1) Ensuring compliance with this Directive within their Directorate and Program Offices; and
- 2) Authorizing SLRP benefits.

4.2. Strategic Resourcing Alignment Division (SRAD) is responsible for:

- 1) Certifying the availability of SLRP funds and tracking fund usage for budgetary purposes. The overall SLRP allowance will remain in the Office of Human Capital (OHC) Program Code;
- 2) Upon approval of each Student Loan Repayment benefit, the personnel action will route to SRAD and the appropriate funding string will be applied;
- 3) SRAD will monitor activity on each benefit from obligation to expense;
- 4) SRAD will report out to OHC on obligation and expense activity along with remaining balance during each Execution Review meeting;
- 5) SRAD will submit Contingent Liability requests at year end for retention benefits authorized in the last pay-period and for any new hires onboarding in the last pay-period of the fiscal year who are authorized the SLRP benefit that will pay out after crossing into the new fiscal year; and
- 6) Remaining balances at the end of the fiscal year will be reported to OHC and M&A leadership not later than September 20th of each year.

4.3. The CHCO is responsible for:

- 1) Ensuring compliance with merit system principles when authorizing repayment of a federally insured student loan(s) while considering the need to maintain a balanced and diverse workforce;
- 2) Certifying the availability of funds needed to cover the obligation of the loan for the duration of the eligible employee's service agreement; and
- 3) Approving or denying SLRP benefit.

4.4. Nominating Supervisor is responsible for:

- 1) Choosing, on a case-by-case basis, when to offer repayment of a qualifying federally insured student loan(s) for recruitment or retention;

- 2) Ensuring compliance with merit system principles when nominating an individual or position for repayment of a qualifying federally insured student loan(s) and considering the need to maintain a balanced and diverse workforce;
- 3) Preparing Student Loan Repayment documentation justifying the qualifying federally insured student loan repayment is in accordance with this Directive and any other agency policies;
- 4) Reviewing employee provided documentation to verifying the employee's student loan balances(s), that the loan(s) are federally insured, and that they are eligible under the program's requirements;
- 5) Requesting the availability of funds from OHC to cover the obligation for the duration of the service agreement;
- 6) Ensuring the eligible employee signs a service agreement prior to the first payment;
- 7) Submitting the written determination, service agreement, or waiver requests to the Authorized Official or designee for approval and then onto OHC; and
- 8) Maintaining a record of each SLRP package for audit purposes.

4.5. The OHC is responsible for:

- 1) Preparing and maintaining written operational guidance for the administration of the ICE SLRP;
- 2) Providing technical advice and assistance to Directorates and Program Offices;
- 3) Monitoring Directorate and Program Office compliance with merit system principles when offering qualifying federally insured student loan repayments authorized within their organizations and that authorizing officials take into consideration the need to maintain a balanced and diverse workforce;
- 4) Ensuring that management responsibilities under labor relations statutes and union agreements are fulfilled, if applicable, at the level of recognition;
- 5) Maintaining Directorate and Program Office plans and employee packages for audit purposes;
- 6) Preparing the required annual ICE report on the use of the SLRP and submitting it to the Department of Homeland Security (DHS);
- 7) Ensuring information regarding the availability of a recruitment incentive (if approved) is included in the job opportunity announcement; and

- 8) Processing approved requests and ensuring all appropriate documents and signatures are obtained for SLRP processing.

4.6. Eligible Employee. Loan repayments made by an agency do not exempt an eligible employee from his or her responsibility and/or liability for any loan(s) the eligible employee owes. Additionally, the eligible employee is responsible for:

- 1) Providing written certification that he or she is likely to leave federal service without the benefit when requesting a SLRP retention benefit;
- 2) Providing all necessary federally insured and eligible student loan information to the nominating supervisor;
- 3) Any income tax obligations resulting from the qualifying federally insured student loan repayment benefit;
- 4) Completing and signing any service agreement;
- 5) Fulfilling the requirements of the service agreement;
- 6) Recertifying the balance of the qualifying federally insured student loan(s) annually during the three-year service period, or subsequent periods; and
- 7) Ensuring Senior Executive Service job search reporting compliance with the Ethics office for reporting external employment.

5. Procedures.

5.1. Processing SLRP benefits for Recruitment and/or Retention.

- 1) OHC will inform eligible employees or applicants of the availability of the SLRP benefit. For recruitment purposes, applicants will be notified of the availability for SLRP benefit in the Job Opportunity Announcements (JOA). For possible retention incentive opportunities, eligible employees will be informed by informational communication (such as ICE Broadcast Message or ICE Breaker) regarding the availability of the benefit. Receipt of JOAs or Broadcasted Messages do not grant recipients eligibility.
- 2) Applicants and eligible employees requesting consideration of SLRP benefits will prepare and submit all required certifications, service agreement, and documentation to the Nominating Supervisor.
- 3) Nominating Supervisors will review, prepare, and submit a completed request package to OHC via Electronic Systems for Personnel.

- 4) OHC will conduct a final technical review of the submitted package for SLRP benefit payment and processing which includes: fund certification, approval, disapproval, and quality control measures for continued processing.

5.2. Service Agreement. Before any loan repayment may be made for recruitment or retention purposes, the employee must sign a service agreement.

- 1) The agreement must require the employee to serve for a minimum of three (3) years in a position with ICE from the date of the first payment to the holder of the loan, regardless of the amount of repayment authorized.
- 2) The three (3) year period begins when the first payment is made to the holder of the loan.
- 3) Additional loan repayment amounts may be authorized during the period of the initial service agreement subject to review and recertification that funds are available, up to an amount not to exceed the annual limit per employee of \$10,000 and up to an amount not to exceed the maximum lifetime limit per employee of \$60,000.
- 4) Any loan repayment made after completion of the initial three (3) year service agreement may extend the service agreement by one additional year for each additional benefit amount. Maximum repayment limits cited above continue to apply.
- 5) If required to justify highly qualified employees, the agreement should specify condition considerations, such as, but not limited to:
 - a) The eligible employee's position;
 - b) The duties the eligible employee is expected to perform;
 - c) The work schedule; and
 - d) The required level of performance.

5.3. Loan Repayments.

- 1) SLRP benefits approved will be directly paid to the lending institution holding the loan of the eligible employee. Payments are applied only to indebtedness outstanding at the time the agreement is signed, and no payment is made before an employee enters on duty.
- 2) Loan repayment benefits made under this authority are in addition to the eligible employee's basic pay. These benefits are subject to Federal Income Tax, Federal Insurance Contributions Act (FICA), Medicare withholding, and to any applicable state or local income tax withholdings.

- 3) The total disbursements (payment to lender, taxes, FICA, etc.) will not exceed agency maximum payment limitations.

5.4. Failure to Complete a Service Agreement.

- 1) Employees who voluntarily leave the position or are involuntarily separated from ICE because of a negative suitability determination under Part 731 of Title 5 of the Code of Federal Regulations (CFR), unacceptable performance or misconduct and fail to complete the agreed upon period of service must refund the full amount of benefits received during the agreement period.
- 2) Employees who complete the initial three (3) year service agreement but fail to complete the period of service under a one (1) year extension (e.g., fourth year, fifth year, etc.) must repay the amount of the benefits received in the extension period only.
- 3) In the event an employee must repay student loan incentive payments already paid on their behalf, the employee's supervisor, and/or Mission Support Division (MSD) will notify the OHC-Payroll Unit by email, requesting that the employee be billed for the indebtedness. The notice will contain the employee's name, Social Security Number, total amount of the indebtedness, period covered by indebtedness and reason.

5.5. Waiver of Repayment.

- 1) Repayments may be waived wholly or in part at the discretion of ICE Director if recovery would not be in the public interest or would be against equity and good conscience. In making this determination, the ICE Director will consider consistency, fairness, and the cost to the taxpayer of recovering monies owed to the government.
- 2) A waiver may be considered, but is not automatic, when an eligible employee accepts a position in another component of DHS. Supervisors of eligible employees who meet the criteria for a waiver of their student loan indebtedness must:
 - a) Complete and attach the original Student Loan Repayment Program Service Agreement, ICE Form 30-026, along with the loan balance from the lending institution, and written justification as to why recovery of the debt would be against equity, good conscience, and public interest;
 - b) Complete ICE Form 30-029, Waiver of Student Loan Indebtedness Information Request; and
 - c) Submit all completed documentation and forward to the ICE Program Operations Unit, Office of Human Capital for review, final processing, and submission to the Component Head for final approval.

- 3) If the waiver request is approved, the Payroll Office will suspend collection of the debt and the eligible employee and nominating supervisor will receive written notification that the debt was suspended.
- 4) Repayment is automatically waived when an employee fails to complete the service agreement due to death, disability retirement, or inability to continue working due to disability supported by medical documentation acceptable to the approving official.

5.6. Annual Reporting. OHC will report use of federally insured student loan repayment authority annually to the Department of Homeland Security Office of the Chief Human Capital Officer.

6. Recordkeeping. In accordance with General Records Schedule 2.4, Employee Compensation and Benefits Records, Item 090, the HROC will retain copies of the approved request package of student loan repayments, supporting documentation, service agreements, and make records available upon request for a period three (3) years after date of approval, completion of service agreement, or termination of benefit, whichever is later, but longer retention is authorized if required for business use.


7. Authorities/References.

- 7.1. 5 U.S.C. § 5379.
- 7.2. 5 C.F.R. pt. 537.
- 7.3. 5 C.F.R. § 213.3301.
- 7.4. 5 C.F.R. § 315.704.
- 7.5. DHS Management Directive 251-02, Rev. 00, *Repayment of Student Loans for Recruitment and Retention* (May 31, 2007).
- 7.6. DHS Delegation Number 3000, *Human Capital and Human Resources* (June 5, 2012).

8. Attachments.

- 8.1. ICE Form 30-026, *Student Loan Repayment Program Service Agreement*.
- 8.2. ICE Form 30-027, *Student Loan Repayment Program Outstanding Federal Loan Information Sheet*.
- 8.3. ICE Form 30-028, *Student Loan Repayment Program Request for Benefit*.
- 8.4. ICE Form 30-029, *Student Loan Repayment Program Waiver Request of Indebtedness*.

9. **No Private Right.** This document provides only internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigated prerogatives of ICE.



Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement