



U.S. Immigration and Customs Enforcement

STUDENT LOAN REPAYMENT PROGRAM

STANDARD OPERATING PROCEDURE

**Office of Human Capital
Human Capital Operations**

Immigration and Customs Enforcement/Office of Human Capital
STANDARD OPERATING PROCEDURE
STUDENT LOAN REPAYMENT PROGRAM

Effective Date: June 26, 2021

Superseded: None. This is the originating and establishing document regarding the U.S. Immigration and Customs Enforcement (ICE), Office of Human Capital (OHC) procedures for implementing ICE Directive 1014.2, *Student Loan Repayment Program*.

- 1. Purpose.** The purpose of this Standard Operating Procedure (SOP) is to establish procedure for the repayment of all, or part of, an employee's outstanding federally insured student loan for the purposes of employee recruitment or retention in accordance with 5 United States Code (U.S.C.) 5379 and 5 Code of Federal Regulation (C.F.R.) 537.
- 2. Scope.**
 - 2.1.** This SOP applies to all ICE Program Offices requesting the use of Student Loan Repayment Program (SLRP) incentives.
 - 2.2.** The SLRP may be offered to employees, or job candidates, in positions under the following appointment types:
 - 1) Permanent; or
 - 2) A time-limited appointment, if:
 - a) The employee, or job candidate, will have at least 3 years remaining under the appointment after the beginning of the service period established under a service agreement; or
 - b) The time-limited appointment authority leads to conversion to another appointment of sufficient duration so that his or her employment with the agency is projected to last for at least 3 additional years after the beginning of the service period established under a service agreement.
 - 2.3.** The SLRP is applicable to loans made, insured, or guaranteed under Parts B, D, or E of title IV of the Higher Education Act of 1965, 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.

3. Definitions/Acronyms.

- 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 (CHCO).
- 3.2. **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, Chief of Staff, or designee.
- 3.3. **Nominating Supervisor.** Special Agents in Charge (SACs), Field Office Directors (FODs), ICE Attachés, Chief Counsels, Unit Chiefs, or other managers who are designated in writing by the employee's Directorate or Program Office.
- 3.4. **Service Agreement.** A written agreement executed between ICE and an employee in order to participate in the ICE Student Loan Repayment Program wherein the employee agrees to a specified period of employment with ICE of not less than 3 years in return for the payments on the qualifying 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.

4. Responsibilities.

- 4.1. The **HROs or designees** are responsible for:
- 1) Ensuring compliance with this SOP within their Directorate and Program Offices;
 - 2) Ensuring the appropriate SLRP documentation justifying the student loan repayment is in accordance with the SLRP directive, this SOP, and its attachments;
 - 3) Authorizing SLRP benefits; and
 - 4) Submitting a recommendation to the CHCO for approval or denial to offer an employee or candidate a SLRP incentive.
- 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 OHC Program Code;

- 2) Upon approval of each SLRP package, applying the appropriate funding string to the personnel action;
- 3) Monitoring each SLRP benefit payment obligation to expense;
- 4) Reporting out to OHC on obligation and expense activity along with remaining balance during each Execution Review meeting;
- 5) Submitting 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) Reporting the remaining fund balances at the end of the fiscal year to OHC and M&A leadership not later than September 20th of each year.

4.3. CHCO, or designee is responsible for:

- 1) Ensuring compliance with merit system principles when authorizing repayment of federally insured student loans 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 benefits.

4.4. Human Capital Policy Unit (HCPU) is responsible for:

- 1) Preparing and maintaining written policy guidance for the administration of the ICE Student Loan Repayment Program;
- 2) Providing SLRP technical advice and assistance to Program Offices;
- 3) Monitoring the Electronic System for Personnel (ESP) system to take initial action on requests for SLRP benefits;
- 4) Preparing the required annual ICE report on the use of the SLRP and submitting to DHS; and
- 5) Reviewing and ensuring all appropriate documents and signatures are obtained for SLRP processing and forwarding all technically sound SLRP benefit requests via ESP to the CHCO for approval or denial.

4.5. HROC is responsible for:

- 1) Ensuring information regarding the possible availability of a recruitment incentive is included in the job opportunity announcement;
- 2) Processing personnel actions to effect initial and subsequent SLRP incentive packages. When processing a SLRP recruitment incentive, the effective date may not precede the employee's appointment date; and
- 3) Maintaining required electronic forms or request package documents for audit purposes.

4.6. OHC-Payroll Unit is responsible for:

- 1) Processing initial and subsequent incentive payments and submitting the payments to the National Finance Center for disbursement to the loan provider; and
- 2) Conducting a bi-weekly reconciliation of employee separations with employees with SLRP service agreements, to determine if there is outstanding debt to be repaid to ICE for non-fulfillment of the service period.

4.7. Nominating Supervisors are responsible for:

- 1) Choosing, on a case-by-case basis, when to offer repayment of student loan(s) for recruitment or retention;
- 2) Preparing SLRP documentation justifying the student loan repayment is in accordance with this directive and its attachments;
- 3) Verifying the student loan is federally insured and eligible under this program;
- 4) Verifying the current loan balance at the time of the initial payment;
- 5) Verifying the current loan balance on a regular and recurring basis and any subsequent payment to determine if the benefit is still needed, and providing that information to HCPU in a timely manner;
- 6) Requesting the availability of funds from OHC to cover the obligation for the duration of the service agreement;
- 7) Ensuring employee signs repayment service agreement prior to payment;
- 8) Certifying the employee's work performance is at a satisfactory level for a retention incentive;
- 9) Submitting the written determination and service agreement requests or, if applicable, waiver, to the HRO, or designee, for approval and then onto HCPU;

- 10) Notifying HROC prior to an employee separating, if possible, to determine if the terms of the service agreement have been fulfilled; and
- 11) Maintaining SLRP packages for audit purposes.

4.8. Employee. Loan repayments made by an agency do not exempt an employee from his/her responsibility and/or liability for any loan(s) the individual has taken out. The 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 nominating supervisor;
- 3) Any income tax obligations resulting from the student loan repayment benefit;
- 4) Prior to signing service agreement, having a complete understanding of the terms of the benefit;
- 5) Completing and signing service agreement (for a recruitment incentive, signs on the appointment date);
- 6) Fulfilling the requirements of the service agreement;
- 7) Recertifying the balance of the student loan annually during the three-year service period, or subsequent periods, to confirm need;
- 8) Ensuring compliance with ethics requirements regarding reporting external employment;
- 9) Reimbursing the paying agency for all benefits received if he or she is separated, reassigned, promoted out, or transfers voluntarily or involuntarily for misconduct, unacceptable performance, or a negative suitability determination; and
- 10) Submitting the written waiver request, if applicable, to the HRO, or designee, for approval and then on to OHC.

5. Requirements/Procedures.

5.1. Program Requirements.

- 1) Recruitment.

- a) An agency may grant authorization to recruit a job candidate to fill an agency position if the agency would otherwise have difficulty filling it with a highly qualified individual.
 - b) An agency may not authorize SLRP benefits to recruit an individual who is currently employed in the Federal service.
 - c) Student loan repayment benefits in connection with a recruitment action must be approved before the job candidate enters on duty in the position for which he or she was recruited. The agency and the job candidate may sign the service agreement before the job candidate begins serving in the position, but the agency may not begin making loan payments until the job candidate begins employment.
- 2) Retention.
- a) An agency may grant authorization to retain a current employee of the agency, if the employee otherwise is likely to leave the agency for employment outside the federal service and it is essential to retain the employee based on the employee's high or unique qualifications or a special need of the agency. The agency must consider the extent to which the employee's departure would affect the agency's ability to carry out an activity or perform a function deemed mission essential.
 - b) Employees must have a recent work performance rating of at least satisfactory. New employees may be considered for a SLRP retention incentive upon completing a 90-day performance evaluation.
 - c) Employees must provide and submit to the nominating supervisor evidence that they are likely to leave the Federal Government.

5.2. Processing a SLRP Recruitment Incentive.

Step 1. Notification Process. HROC will inform applicants of the availability of the SLRP recruitment benefit by including the following language in job opportunity announcements, "A student loan repayment incentive may be available, in which case a service agreement is required." This language will be included in all job opportunity announcements (JOAs), including delegated examining, direct hire authority, and merit promotion where the area of consideration is beyond current federal service employees.

Note. HROC may grant an exception to allow a Program Office to offer a SLRP recruitment incentive in an instance where the language was not included in a JOA.

Step 2. Nomination Process. The Program Office must return the selection certificate to HROC (Staffing Unit) indicating they wish to offer a SLRP recruitment benefit. The HRS will extend the tentative offer, confirm acceptance, and verify the

candidate's acceptance of the SLRP recruitment benefit. Once the Staffing HRS notifies the Program of the acceptance, the Nominating Supervisor must obtain approval from the Authorized Official within the Program Office and must submit a request package to OHC via the ESP. The request package should include the following completed and signed/dated documents:

- 1) A written justification stating it is essential to recruit the employee based on the employee's high or unique qualifications or a special need of the agency;
- 2) A written justification is **not** required when filling a position that has been deemed by OHC as mission critical, hard-to-fill, or difficult to retain. See Attachment 8.1;
- 3) Standard Form (SF) 52, Request for Personnel Action;
- 4) ICE Form 30-026, Student Loan Repayment Program Agreement;
- 5) ICE Form 30-027, Student Loan Repayment Program Outstanding Federal Loan Information; and
- 6) ICE Form 30-028, Student Loan Repayment Program Request for Benefit.

Step 3. Technical Review. HCPU will access the SLRP request in ESP and will conduct a technical review to:

- 1) Determine the eligibility criteria is met;
- 2) Verify the employee's loan institution is covered under parts B, D, or E of title IV of the Higher Education Act of 1965; 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 VIII of that Act; and
- 3) Verify all forms are complete and accurate.

Step 4. Approval Process. Upon conducting the technical review, HCPU will forward the request package to the CHCO for review and approval or denial. An approval board may be established in instances where the number of requests exceed the available funds.

Step 5. Approved SLRP benefit requests are forwarded to SRAD. SRAD will verify available funding and will apply the appropriate funding string to the request in ESP.

Step 6. Personnel Processing. HROC (Processing) will query ESP on a recurring and daily basis to identify SLRP benefit requests that have been approved and will process the request accordingly.

Step 7. Payment Distribution. OHC-Payroll Unit will query ESP on a recurring and daily basis to identify SLRP benefit requests in ESP that have been approved, funded,

and processed. Upon verification, Payroll Unit will submit the payment into the National Finance Center's (NFC) Special Payment Processing System (SPPS) using "Student Payment" as the type of adjustment. The payment will be sent directly to the lending institution holding the loan on behalf of the employee. If the employee has more than one student loan at the same or different lending institution, additional payments will be submitted; however, the total payment of the loans will not exceed the amount authorized for the annual payment.

5.3. Processing a SLRP Retention Incentive.

Step 1. Notification Process. The notification process when offering a SLRP retention incentive may begin with an employee responding to an informational communication to the ICE workforce (e.g., ICE Breaker) regarding the availability of the benefit. The notification will include information regarding the program and the eligibility criteria, required documentation for the program, and instructions on how to submit a request to their supervisor for the incentive.

Step 2. Nomination Process. Upon receiving endorsement from the HRO within the Program to grant a SLRP retention benefit, the Nominating Supervisor must submit a request package to OHC via the ESP. The request package should include the following completed and signed/dated documents:

- 1) A written narrative stating it is essential to retain the employee based on the employee's high or unique qualifications or a special need of the agency. A written justification is **not** required when filling a position that has been deemed as mission critical, hard-to-fill, and difficult to retain (See Attachment 8.1);
- 2) Standard Form (SF) 52, Request for Personnel Action recording the "Action Requested" section of the SF-52 as **LR** for SLRP recruitment benefit and **LN** for SLRP retention benefit;
- 3) ICE Form 30-026, Student Loan Repayment Program Agreement;
- 4) ICE Form 30-027, Student Loan Repayment Program Outstanding Federal Loan Information;
- 5) ICE Form 30-028, Student Loan Repayment Program Request for Benefit;
- 6) Employee statement certifying he or she is likely to leave the agency for employment outside the Federal service without the benefit. (This statement can be documented in block 7 of ICE Form 30-028); and
- 7) Supervisor's certification that the employee has a satisfactory work performance level. (This statement can be documented in block 7 of ICE Form 30-028.)

Step 3. Technical Review. HCPU will access the SLRP request in ESP and will conduct a technical review to:

- 1) Determine the eligibility criteria is met;
- 2) Verify the employee's loan institution is covered under parts B, D, or E of title IV of the Higher Education Act of 1965; 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 VIII of that Act; and
- 3) Verify all forms are complete and accurate.

Step 4. Approval Process. Upon conducting the technical review, HCPU will forward the request package to the CHCO for review and approval or denial. An approval board may be established in instances where the number of requests exceed the available funds.

Step 5. CHCO approved SLRP benefit requests are forwarded to SRAD. SRAD will verify available funding and will apply the appropriate funding string to the request in ESP.

Step 6. Personnel Processing. HROC (Processing) will query ESP on a recurring and daily basis to identify SLRP benefit requests that have been approved and will process the request accordingly using the Nature of Action Code "817."

Step 7. Payment Distribution. OHC-Payroll Unit will query ESP on a recurring and daily basis to identify SLRP benefit requests in ESP that have been approved, funded, and processed. Upon verification, Payroll Unit will submit the payment into the National Finance Center's (NFC) Special Payment Processing System (SPPS) using "Student Payment" as the type of adjustment. The payment will be sent directly to the lending institution holding the loan on behalf of the employee. If the employee has more than one student loan at the same or different lending institution, additional payments will be submitted; however, the total payment of the loans will not exceed the amount authorized for the annual payment.

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 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. References.

- 7.1. 5 U.S.C. § 5379, "Student Loan Repayments"
- 7.2. 5 C.F.R. Part 537, "Repayment of Student Loans"

- 7.3. DHS Directive 251-02, "Repayment of Student Loans for Recruitment and Retention"
- 7.4. ICE Directive 1014.2, "Student Loan Repayment Program"
- 8. **Attachment.**
 - 8.1. Mission Critical and Hard to Fill Positions
 - 8.2. ICE Form 30-026, Student Loan Repayment Program Service Agreement
 - 8.3. ICE Form 30-027, Student Loan Repayment Program, Outstanding Loan Information Sheet
 - 8.4. ICE Form 30-028, Student Loan Repayment Program, Request for Loan Benefits
 - 8.5. ICE Form 30-029, Waiver of Student Loan Indebtedness Information Request
- 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.
- 10. **Questions.** Address questions or concerns regarding this instruction to the Human Capital Policy Unit (b)(7)(E) [@ice.dhs.gov](mailto:____@ice.dhs.gov)

Susan C. Dunbar

Susan C. Dunbar

Chief Human Capital Officer

U.S. Immigration and Customs Enforcement



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: All Managers and Supervisors

FROM: Susan C. Dunbar
Chief Human Capital Officer

SUBJECT: Student Loan Repayment Program

SUSAN C
DUNBAR

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SUSAN C DUNBAR
Date: 2021.06.26
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The Federal Student Loan Repayment Program (SLRP) permits agencies to repay federally-insured student loans as a *recruitment* incentive to attract highly qualified candidates, or as a *retention* incentive to retain highly qualified current employees of the agency. This Fiscal Year (FY), ICE was appropriated funds to be used for the SLRP. The Office of Human Capital (OHC) has been designated centralized responsibility to manage the ICE SLRP.

On June 21, 2021, Acting Director Tae Johnson signed Directive 1014.2, Student Loan Repayment Program. This revised Directive expands ICE's SLRP to include the option of student loan repayments for *retention* purposes, which was not previously an option. The management decision to offer student loan repayment is an individual compensation determination that is made on a case-by-case basis, organizational need, specific case justification, and budgetary limitations. Incentive approval is without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, disability, or genetic information. The SLRP is not an entitlement and is to be used only to the extent necessary for effective recruitment or retention purposes and in accordance with law and policy. This benefit is not available to individuals who will or are currently occupying a position excepted from the competitive civil service because of their confidential, policy-determining, policy-making, or policy-advocating nature (e.g., Schedule C appointees).

If an employee or a candidate to whom an offer has been made is approved for the SLRP, ICE will make a lump-sum payment to the lending institution(s) up to a maximum of \$10,000 for an employee in a calendar year and a total of not more than \$60,000 for any one employee. Any eligible candidate or employee who meets the SLRP criteria will be provided the maximum repayment of \$10,000, unless their total debt is less, in which case they will receive the full amount under \$10,000. Employees approved for the SLRP must sign a service agreement to remain in the service of ICE for a period of at least three (3) years, regardless of the amount of the benefit paid. They are also responsible for any income tax obligations resulting from the student loan repayment benefit.

The attached Standard Operating Procedure (SOP) provides detailed information about the types of student loans that are covered, as well as details on which positions OHC has already deemed eligible for SLRP and how to submit a nomination to OHC. Upon receipt of the nomination, OHC will conduct a review to confirm the regulatory and agency requirements have been met and verify funds availability. Favorable nominations will be forwarded to the Chief Human Capital Officer (CHCO) for approval. Upon approval of the nomination, OHC will submit loan repayment information to the National Finance Center (NFC) for lump-sum payment distribution to the employee's loan institution(s).

Senior HR Advisor Debbie Kolen will be hosting lunch and learns over the coming weeks to employees and supervisors who are interested in learning more about this program. Dates and times will be provided in ICE Breaker. In addition, any questions regarding the SLRP may be directed to the OHC Human Capital Policy Unit at [\(b\)\(7\)\(E\)@ice.dhs.gov](mailto:(b)(7)(E)@ice.dhs.gov).

Mission Critical and Hard-to-Fill Positions

ICE's mission critical occupations and hard to fill locations are as follows:

Criminal Investigators in hard-to-fill locations of: San Juan, PR; Honolulu, HI; San Francisco, CA; Sai Pan, Guam; and Southwest Border locations.

Deportation Officers in hard-to-fill locations of: El Centro, CA; Fresno, CA; Glenwood Springs, CO; Lumpkin, GA; Winnfield, LA; Dilley, TX; and Karnes City, TX.

Generals Attorney in all locations throughout the Nation.

OHC-National Recruitment and Retention Unit (NRRU) surveyed ICE Program Offices to determine positions that they have had difficulty filling and retaining employees. ICE Program Offices provided the following list of positions having difficulty filling and retaining employees. OHC validated the information by reviewing personnel data:

Enforcement and Removal Operations (ERO) - All IHSC medical occupations and locations and Law Enforcement Specialist (Vermont);

Homeland Security Investigations (HSI) – Intelligence Research Specialist (Criminal Analyst), and Information Technology Specialist (DC and Vermont);

Management and Administration (M&A) - Instructional Systems Design Specialist (DC), Instructor (Dallas, TX), Policy Analyst, Economist, Regulatory Analyst, Human Resources Specialist (Irving, TX), Contract Specialist, Systems Engineer, and Operations Research Analyst;

Office of Professional Responsibility (OPR) - Security Specialist (Polygraph Examiner), Security Specialist (Special Security Officer), Personnel Security Specialist, and Inspection and Compliance Specialist; and

Office of the Principal Legal Advisor - Legal Assistant (OA)

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

ICE Directive 1014.3: Student Loan Repayment Program

Issue Date: September 30, 2021

Effective Date: September 30, 2021

Superseded: ICE Directive 1014.2, Student Loan Repayment Program, dated June 21, 2021

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, or designating subordinate Senior Executive Service officials to authorize, 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, or designating subordinate OHC Senior Executive Service officials to approve or deny, 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 HRO, 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 include: 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 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 will extend the service commitment 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 benefit 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