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**Comment**

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USCIS, DHS - Are currently refusing to maintain ANY FILES on US Citizens, therefore placing ALL US Citizen RECORDS, which contain US Citizen personal identifying information into alien files, in other words "irretrievable format." (THIS APPLIES to ANY INFORMATION COLLECTION ACTIVITIES, that could possibly contain USC personal identifiers, incl. supporting docs).  
  
The Department of Justice has warned against the abuse of agencies that refuse to maintain files in retrievable formats, so as to deny them access to their own information:   
"Indeed, a major criticism of the Privacy Act is that it can easily be circumvented by not filing records in name-retrieved formats. See Privacy Commission Report at 503-04 & n.7, available at http://epic.org/privacy/ppsc1977report. Recognizing this potential for abuse, some courts have relaxed the "actual retrieval" standard in particular cases. Moreover, certain subsections of the Act have been construed to apply even to records not incorporated into a 'system of records.'" Found Here: https://www.justice.gov/opcl/definitions#record  
  
The OMB Guidelines state that the term "record" means "any item of information about an individual that includes an individual identifier," OMB Guidelines, 40 Fed. Reg. 28,948, 28,951 (July 9, 1975), available at http://www.whitehouse.gov/sites/default/files/omb/assets/omb/inforeg/implementation\_guidelines.pdf (emphasis added), and "'can include as little as one descriptive item about an individual,'" id. at 28,952 (quoting legislative history appearing at 120 Cong. Rec. 40,408, 40,883 (1974), reprinted in Source Book at 866, 993, available at http://www.loc.gov/rr/frd/Military\_Law/pdf/LH\_privacy\_act-1974.pdf.  
The Second Circuit found the Third Circuit's test to be supported by the legislative history of the Privacy Act and by the guidelines issued by OMB, id. at 61-62.Emphasizing that "the legislative history makes plain that Congress intended 'personal information' . . . to have a broad meaning," the Second Circuit held that the term "record" "has 'a broad meaning encompassing,' at the very least, any personal information 'about an individual that is linked to that individual through an identifying particular.'"Id. at 62 (quoting Quinn and holding that letter containing Bechhoefer's name and "several pieces of 'personal information' about him, including his address, his voice/fax telephone number, his employment, and his membership in [an association]," was a record covered by Privacy Act).   
  
USCIS has claimed that once a record is placed into the alien's file, it is no longer considered "about" the US Citizen. This, however, is erroneous in multiple ways:   
  
Contracts, between the federal government and the U.S. Citizen (ie. I-864) are just that, between the US Citizen and Federal Government. Yet, USCIS places I-864 contracts into the alien's file, and then claims the contract between the US Citizen and Federal Government, no longer pertains to the US Citizen, and therefore the US Citizen is denied access to the status of that contract, and even a copy of their own contract. They are denied the ability to even have knowledge of whether the Federal Government is performing, failing to perform, breach, etc. while at the same time, all such personal information regarding the US Citizen contractual/business relationship with the federal government, is granted to the alien, not only denying US Citizens access to own information, but releasing US Citizen personal information to a 3rd party.   
  
USCIS also utilizes all of the information contained within the alien's file, when determining whether to grant the US Citizen the ability to sponsor all future aliens. The truth is, everything within the alien's file pertains to the US Citizen, because the US Citizen is his/her sponsor, and such information is relied upon, when making future determinations for the US Citizen's own applications.  
  
USCIS' unlawful policies much change. USCIS MUST either:   
(1) maintain files on US Citizens;  
(2) grant US Citizens access to ALL of their own information, pertaining to them, which USCIS chooses to maintain and RELY UPON, in whatever file they choose to maintain it in, & allow them to correct errors.  
  
It is the mission of the Department of Homeland Security to protect the American people. This is a PUBLIC POLICY issue, as the entire policy is contrary to its original design, granting ALL individuals access to their own information maintained by USCIS, AND the ability to correct errors.  
  
The ONLY INDIVIDUALS currently denied the ability to correct errors regarding information USCIS maintains, are U.S. Citizens. This discrimination and abuse of the Privacy Act must come to an end. US Citizens must be granted access to their own information REGARDLESS of where USCIS chooses to maintain it, as the information pertains to them, when it is "about them." Anything speaking "about" a US Citizen, containing their personal identifiable information, is therefore "about them."