



October 15, 2018

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Submitted via email: dhsdeskofficer@omb.eop.gov

Ref: [USCIS Federal Register](#) Notice, OMB Control Number 1615-0124

**Subject: 17 Reasons Why DACA Applications Should Require Disclosure of
Fraudulent Social Security Numbers**

Dear Ms. Deshommes:

In the six years since the Deferred Action for Childhood Arrivals (DACA) program began in 2012, more than [800,000](#) unlawful aliens participated in the process. They received renewable two-year periods of deferred action and work permits. DACA recipients range in age from 15 to 31, almost all are of working age, most engaged in unlawful employment at some point during their long periods of unlawful residence and, most importantly, used fraudulent social security numbers. This letter is written to request review of a policy that allows DACA applicants to conceal their use of fraudulent social security numbers when they apply for deferred action. It is also written to recommend that the Form I-821D deferred action application be amended to require disclosure of both false numbers and employment histories.

Introduction

A clear idea of the direction the disclosure policy has taken is this startling media [advice](#):

Good news for deferred action applicants: If you used a false social security card, you need not reveal the number on your deferred action application forms. The U.S. Citizenship and Immigration Services has clarified that when the forms ask for an applicant's social security number, it refers to social security numbers issued to the applicant. If you used a friend's number, a made-up number or a *stolen number*, you should answer N/A for "not applicable" where it asks for the number" (emphasis mine).

USCIS announced the policy on social security numbers in a DACA FAQ (Frequently Asked Question) in September 2012. There is a backstory. A month earlier, in August 2012, the Social Security Administration (SSA) suspended the social security number "mismatch" program. Professor Jan Ting of Temple University Law School perceptively [reported](#) that the suspension was not made

public until more than four years later, on Sept. 16, 2016, as the former administration drew to a close. Even then, the fact of the suspension was buried in a footnote in an SSA Records Maintenance notice. *See also this [report](#)*. The USCIS nondisclosure policy would have been incomplete without the [SSA mismatch suspension](#).

Non-governmental [guidance](#) comes directly to the point about nondisclosure:

WARNING! Volunteering information about false social security numbers may harm an applicant. CIS [USCIS] has stated clearly that applicants should only list official Social Security numbers and not fake or borrowed numbers (emphasis in original text).

The policy requiring disclosure of only "officially issued" social security numbers applies to both [employment authorization applications](#) and [deferred action applications](#).¹

The nondisclosure policy was flawed in 2012 when USCIS first implemented it. The policy should be overturned in 2018. There are 17 reasons for reversal.

1. USCIS Asks for the Wrong Social Security Numbers

The policy's obvious analytic flaw is that it fails to take into account the nature of the caseload. [100%](#) of deferred action cases are comprised of unlawful aliens (they must demonstrate they have "no lawful status") and [75%](#) of unlawful aliens use fraudulent social security numbers (according to the Actuary of the Social Security Administration). Few were ever issued genuine numbers. Far more deferred action applicants have false numbers than genuine numbers. In no other caseload can USCIS be as certain that large numbers of applicants are using false social security numbers. Yet USCIS requires disclosure of numbers they don't have (genuine numbers) and fails to require disclosure of numbers they do have (false numbers). USCIS should be asking for social security numbers that applicants have and use, not only numbers they don't have and never used.

Nobody asks credit card thieves to disclose their genuine card numbers because that's not the point of the examination. Most thieves don't have genuine credit card numbers. That's why they stole the credit cards. The focus of the inquiry is the credit card numbers they stole, not the numbers that were "officially issued" to them by credit card companies. No one cares if thieves own personal property they didn't misappropriate. Nevertheless, this is the irrational approach USCIS has taken, asking for disclosure of only "officially issued" social security numbers in an immigration caseload known to use fraudulent numbers. False numbers are the only kind most applicants have ever known. They rely on

¹ The interpretation limiting disclosure to only "officially issued" social security numbers is disturbing for two reasons. First, deferred action applicants are not the only aliens who use the Form I-765 to apply for employment authorization. Many other aliens also use the form to apply for work permits. The disclosure policy casts a long shadow and signals applicants in other programs that they too can conceal their use of false social security numbers on the "same application, same policy" reasoning. Secondly, the interpretation contravenes the explicit language in the application. The [prior version of the Form I-765](#) contained this point-blank question: "Include all numbers you have ever used, if any." False social security numbers should be disclosed under the question's plain language. "All numbers" necessarily includes false social security numbers. Without changing the unambiguous language of the question in the application, USCIS changed the question's plain meaning in the DACA FAQs. Under the new constrained interpretation, DACA applicants and all others using the I-765 application need only disclose social security numbers that were officially issued.

those numbers for their livelihoods. The USCIS disclosure policy is amateurish or uninformed at best, inexperienced or incompetent at worst.²

A second major failing concerns the overall standard. DACA was established without Congressional authorization. It is for this reason USCIS should show heightened vigilance to ensure DACA is not overrun by abuse. We expect a higher order of policy for adjudications under that standard. A policy that allows concealment of widespread fraud is not the kind of luminous policy that shows unrelenting deterrence of abuse in an immigration program based on heightened review. In assembly-line fashion, and without the slightest vigilance, USCIS issued work permits to more than half a million unlawful aliens, ignoring the largest fraud issue in the caseload by asking the wrong question. This policy set the stage for a classic see-no, hear-no, say-no fraud scenario that: keeps DACA adjudicators in the dark about use of false numbers; exposes rightful owners to greater risk; and allows applicants to conceal misuse. The triangle of secrecy begins with initial applications and continues through the renewal process. It rapidly intensified to reach thousands of cases.

It may be easier to understand the fraud of one than the fraud of many. If information indicates there is -- not merely a possibility -- but a high probability that an immigration applicant is using a false number, the commonest of common sense suggests that USCIS should ask the applicant to disclose the number. What is true for one immigration applicant is equally true for an entire caseload, particularly if it is comprised of hundreds of thousands of similarly-situated applicants. But DACA got it backwards. The upshot of the close-lipped, official-only disclosure policy is that nobody discloses their false social security numbers in deferred action applications, despite the fact that most applicants have them. USCIS doesn't even make a pretense of screening for false numbers. DHS's "See Something, Say something" campaign is nowhere to be found. Adjudicators don't *see something* because applicants weren't required to *say something*. Unlawful aliens have never had more incentives and ability to apply for an immigration benefit.³

The broad use of false social security numbers among applicants in the DACA caseload makes the nondisclosure policy a devil's bargain with a terrible price to pay. The policy simultaneously allows widespread disbursement of work permits and wholesale concealment of fraud. The policy incentivizes applicants to conceal fraud, their use of false numbers, in order to obtain much sought-after work permits. It is doubtful that even defenders of the nondisclosure policy would refer to it as "the pride of USCIS."

Unethical notarios are thrilled that USCIS asks for the wrong numbers. They will do a brisk trade, fully exploiting a policy that allows their clients to conceal fraud.

² Disregard of rampant use of false numbers is reminiscent of the immortal scene in the classic 1942 movie *Casablanca*: "I am shocked -- shocked -- to find that gambling is going on in here [spoken by a policeman as he gathers his winnings from that very gambling]!" Both USCIS and the policeman ignore conspicuous unlawful activity going on all around them. USCIS in particular is surrounded by fraud. This is a rather unusual case of not seeing what you don't look for.

³ A 2002 GAO report entitled [Identity Fraud: Prevalence and Links to Alien Illegal Activities](#) stated, "Also, INS has reported that large-scale counterfeiting has made fraudulent employment eligibility documents (e.g., Social Security cards) widely available." Ten years later, in 2012, USCIS should not have started a policy that ignores fraudulent social security numbers in a major and controversial domestic immigration program. USCIS has [publicly stated](#) that use of a false number "is not a factor" in establishing eligibility for DACA.

2. Furtive Behavior Spreads to Supporting Documents: Truth Becomes the First Casualty

Deferred action applicants not only fail to disclose their false numbers in applications. They also take affirmative steps to make sure no supporting documents are submitted bearing false numbers.

A [DACA Resource Guide](#) straightforwardly urges:

WARNING: Do not provide documents with fake or stolen social security numbers!
(capitalization and exclamation in original text).

A [Practice Advisory](#) suggests nondisclosure in applications and avoiding the submission of documents with false numbers:

USCIS guidance states that Question 9 of Form I-765 asks only for Social Security numbers that were “officially issued” to the requester by the Social Security Administration. This would presumably include Social Security numbers that were “officially issued” based on fraudulent underlying documents. However, *other numbers (real or invented) used by the requester need not be provided*. Applying the same rationale to Form I-821D, requesters should include in Question 5 of Part 1 only Social Security numbers that were officially issued to them. Requesters may want to *consider avoiding evidence of continuance residence in the United States that includes a Social Security number that is not their own* (emphasis mine).

Others provide [similar guidance](#). We cannot blame this chorus of advice. If USCIS has no interest in disclosure in applications, no one would expect disclosure in supporting documents. The fact that adjudicators never become aware of the fraud is the result of a USCIS policy that effectively informs applicants, *"If you ever used false social security numbers, don't tell us about it in either applications or documents."* USCIS prefers to wear a blindfold on the issue and DACA applicants know it. The approach backfired massively. USCIS should have long ago taken administrative notice of the consequences of the policy and what are now common practices across the United States.

On the surface this is simply a policy that doesn't require disclosure of certain information. Underneath there is a dark current of frenzied activity. One step against a logical request for information brought about the behavior. Applicants do not disclose false numbers in applications because the policy does not require it. But that's not enough. They must then scour their supporting documents for false numbers, retaining the "clean" documents for submission and withholding the others. Alternate documents are sought and obtained to substitute for those with false numbers. Once those tasks are concluded, the packages are finalized and applications signed under penalty of perjury that the information is "true and correct" and "that copies of documents submitted are exact photocopies of unaltered original documents." The deceptions are complete, ready for mailing, and in conformity with widely-available guidance.⁴

⁴ As German author Goethe thoughtfully observed, "Whoever wishes to keep a secret must hide the fact that he possesses one." Deferred action applicants are hiding all facts relating to false numbers to keep their use secret. They can conceal fraud and all manner of mischief under cover of the USCIS policy. We're not at the foothills of false number fraud. We're at the summit with this caseload. Their victims may be numerous enough to put on a list the size of a city telephone book.

The sketch is not isolated. It likely happened hundreds of thousands of times. The outbreak and spread of covertness played a defining role in the program. Fraudsters feel right at home with the USCIS policy and avenues for concealment. They throw their false numbers and any documents with false numbers into a hole and then throw away the hole. *"False numbers, how do I conceal thee? Let me count the ways."* Concealment is total; it must be in order for it to succeed. Truth becomes the first casualty in the deferred action program. This is all hush-hush, done on the q.t. It's a furtive system that works quite well for everyone, except those concerned about process integrity. A fair-minded adjudications system would encourage, not extinguish, truth-telling behavior.

Neutral observers felt a sense of bewilderment and melancholy as they saw these artful practices settle over the deferred action world. Looking at the same terrain, notarios saw dollar signs and opportunities galore. No other program is as perfectly designed to repress honesty and reward guile.

3. Muddled Policy Requires Disclosure of False Names but not False Numbers

The DACA application has a question for "Other Names Used." The [DACA Filing Tips](#) inform that other names include "aliases."⁵ Insofar as USCIS has no interest in false social security numbers, but does have an interest in aliases, the information-gathering nature of the application became illogically lopsided. DACA applications should have fully captured all aliases and false social security numbers, not just the aliases. The applications will remain incomplete until they require the disclosure of false social security numbers used in connection with aliases. False names and numbers are as closely connected in the underground world as genuine names and numbers are in the business world. The principal feature of names and numbers that attracts identity thieves is their authenticity. Fraudsters have long realized the futility of taking half-steps: a name without a social security number may be about as useful as an ATM card without a pin code.

USCIS has still not come to the same realization. False names and numbers are inextricably linked, the disclosure of one requires the disclosure of the other. They go together like horse and carriage, hand in glove, or peas in a pod. For the last six years, however, USCIS has continued a policy requiring disclosure of false names, but not false social security numbers in DACA applications. Few should have confidence in the integrity of the deferred action program until USCIS includes false social security numbers in the screening. That effort will begin with requiring applicants to disclose their false numbers, just like their false names, recognizing that many aliens simultaneously use both; in fact, the falsehoods are so intertwined that using one without the other may be as pointless for aliens committing the fraud as USCIS screening for it. This is not just about optics or symmetry. The new policy will add needed vigilance to the deferred action program.

The deferred action policy requiring disclosure of false names, but not false social security numbers, cannot continue unshaken in an enlightened, real-world immigration benefits delivery system.

⁵ See, [The Alias Among Us: The Homeland Security and Terrorism from Document Fraud, Identity Theft and Social Security Number Misuse](#) (Senate Hearing, 2003).

4. Protects Wrongful Users of Social Security Numbers More Than Rightful Owners

Wrongful users of social security numbers can do almost anything rightful owners can do; indeed, wrongful users will often do things rightful owners would never do, including encumbering the numbers with bad credit. Rightful owners don't feel just mildly frustrated with the USCIS approach. They recognize the nondisclosure policy does more to protect wrongful users than rightful owners of social security numbers.⁶

Deferred action applicants understandably have an interest in keeping the nature of their false social security numbers secret from those with whom they use them; for instance, employers, landlords, banks, and credit card companies. USCIS unhelpfully obliges the secrecy preference, allowing applicants to continue the same covert behavior in the deferred action program. The policy permits silence at the expense of rightful owners. A useful yardstick to measure a policy is to examine who benefits from it. The applicants who stand to benefit most from the nondisclosure policy are not all deferred action applicants; rather, only those who fraudulently use social security numbers. No one else benefits, certainly not rightful owners of the numbers. Wrongful users plainly benefit most from secrecy. That simple exercise has the power to scythe down the belief that nondisclosure is somehow good for everyone.

Fraud prevention is such a well-established public policy that it should dominate any agency policy allowing fraudulent concealment, especially when fraud perpetrators are so rife in the caseload and fraud victims are so numerous in the public. USCIS policy should have yielded to the broader public policy of exposing fraud. The adverse societal impact of the USCIS policy grew as increasing numbers of applicants were granted deferred action without disclosing use of false social security numbers. The core of any policy on false numbers must be exposure, not concealment. What policy is best for rightful owners? What is best for wrongful users? USCIS made the wrong policy decision, disregarding public policy and the public interest.⁷

Secrecy is the badge of fraud. Disclosure is the emblem of sound immigration policy.

5. Fix for Nettlesome Issue of Employment History: Simple, Don't Require Disclosure

Work history is one of the more common disclosures required in immigration applications but, curiously, not deferred action applications. An issue as inevitably linked to both unauthorized employment and use of false social security numbers may have been considered too nettlesome to

⁶ There is the fraudster, who deserves to be identified, and the victim, who is innocent and deserves help. Then there is the fraud enabler, the one who allows fraud concealment. USCIS fits that role in the DACA program by furthering the goals of fraudsters far more than the protection of victims. A deceitful DACA applicant, an innocent identity theft victim, and a blindfolded USCIS adjudicator walk into an integrity conference. Who is going to walk out with everything they want?

⁷ There is another public policy facet to the controversy. An issue arises about whether agencies should use FAQs to make major policy announcements. The disclosure policy was issued as a mere update to the DACA FAQs in September 2012. A policy of this magnitude should not have been released as an administrative question-and-answer (Q&A), on the same day as two other Q&As, and added to a long and growing list of other Q&As. A better approach would have been a memorandum under the signature of a senior USCIS official. This approach might have allowed [public comment](#) on an interim or draft memorandum before it was finalized. The disclosure issue has such wide public policy ramifications that USCIS should have wanted to bring other expertise to bear on the proposal. There would likely have been a great deal of public input on an issue as important as this one.

make a required disclosure. A comparison is useful. There are divergent disclosure policies regarding work background in asylum and DACA applications. Employment history is a required disclosure in [Form I-589 asylum applications](#).

Asylum applications have this disclosure requirement:

Provide the following information about your employment during the past 5 years. List your present employment first. (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

The application then provides space for the disclosure of the names and addresses of employers, occupations, and dates of employment. No similar disclosure is required in [Form I821D deferred action applications](#).

It is also useful to compare residency requirements. Asylum applicants must apply within one year of arrival. Deferred applicants, in sharp contrast, must have been in the United States since 2007 before they can apply. Because of the longer time span, unlawful aliens in the deferred action program are far more likely to have engaged in unauthorized employment than applicants in the asylum program; yet convoluted policy requires disclosure of employment history from asylum applicants, not deferred action applicants. USCIS undervalues the importance of employment history in DACA applications.

Adjudicators cannot distinguish between applicants who use false social security numbers to find jobs from those who use the numbers to commit monetary fraud, because USCIS requires disclosure of neither employment histories nor false numbers in deferred action applications. Information provided in job histories could be as useful to adjudicators reviewing deferred action applications as those reviewing asylum applications. In point of fact, deferred action applications should have more, not less, information than asylum applications because of different interview requirements. DACA decisions [are paper-based adjudications](#). Few, if any, DACA applicants are interviewed while all asylum applicants are interviewed. DACA adjudicators also do not [proactively verify documents](#). The absence of interviews and [proactive document verifications](#) makes it important for DACA adjudicators to have at least the same basic information in applications as adjudicators have in asylum applications. But that's not the case.

DACA adjudicators wear blinders on the issue of employment history. "That's great!" is the consensus among notarios. They want adjudicators wearing as many blinders as possible. The less adjudicators know the better. With no (or few) face-to-face interviews, no review of work histories, no proactive document verifications, and no disclosure of false numbers, notarios can more fully exploit the deferred action program. Notarios would be happy to give USCIS the most valuable player award for creating these vacuums.

6. USCIS Missed the Opportunity to Perform a Huge Public Service by Locking False Numbers in E-Verify

Not only should USCIS have wanted unlawful aliens to disclose their false social security numbers in DACA applications, they should have wanted to go one step further and "locked" the false numbers to prevent their continued misuse in E-Verify. The deferred action program provides a unique opportunity for USCIS to gather fraudulent social security numbers and lock or flag them. The E-Verify system has, since 2013, used a new safeguard to help individuals who have had their social

security numbers stolen or compromised. The E-Verify system now detects and prevents fraudulent use of social security numbers to obtain work authorization.⁸

This [apt comparison](#) is made:

Just like a credit card company will lock a card that appears to have been stolen, USCIS may now lock SSNs in E-Verify that appear to have been used fraudulently.

DACA attracts applications from large numbers of unlawful aliens who use fraudulent social security numbers. A huge public service opportunity arises to lockdown those false numbers in E-Verify. DACA and E-Verify are two sides of the same zipper. They can slide together in perfect harmony on the issue of false social security numbers. USCIS is uniquely situated to make both processes run smoothly. Regrettably, USCIS missed the opportunity to provide that public service. Because no false numbers were gathered, there were no numbers to lock in the E-Verify system.⁹

7. USCIS Guidance Contains a Gaping Defect in Logic

The [DACA FAQs](#) contain two Q&As intended as guidance for deferred action applicants.

Compare:

- Q71: How should I fill out question 9 on Form I-765, Application for Employment Authorization?
- A71: When you are filing a Form I-765 as part of a DACA request, question 9 is asking you to list those Social Security numbers that were *officially issued* to you by the Social Security Administration (emphasis mine).

With:

- Q24: What steps will USCIS and ICE take if I engage in fraud through the new process?
- A24: If you knowingly make a misrepresentation, or *knowingly fail to disclose facts*, in an effort to obtain DACA or work authorization through this process, you will be treated as an immigration enforcement priority to the fullest extent permitted by law, and be subject to criminal prosecution and/or removal from the United States (emphasis mine).

USCIS allows applicants to conceal their fraudulent social security numbers by requiring disclosure of only official numbers (Answer # 71) and at the same time warns applicants of the failure to disclose

⁸ The [leaked 2010 draft USCIS memo](#) predicted the E-Verify locking feature: "USCIS has plans to undertake additional fraud detection efforts, including development of a Data Analytics System that will routinely search for violations and provide an automated solution; 'locking' Social Security Numbers (SSNs) that appear to be subject to fraudulent use, and allowing identity theft victims to lock their own SSNs."

⁹ In a 2013 report, the [DHS OIG](#) concluded that USCIS did not record cases of immigration fraud in the TECS database which, "may have increased the risk that aliens committing fraud were granted immigration benefits or given additional opportunities to apply for benefits." An equally serious issue is occurring in the deferred action program. USCIS is not recording any fraudulent social security numbers in the E-Verify database because of the nondisclosure policy.

facts (Answer #24). The important piece of information that deferred action applicants remember is that it is perfectly fine not to disclose one type of fraud, but don't fail to disclose any other facts.

The USCIS guidance has a gaping defect in logic. The process does in fact allow deferred action applicants to "knowingly fail to disclose facts" "in an effort to obtain" work permits. Applicants knowingly -- in fact, energetically -- wade through and scour their documents to ensure there are no false numbers. The false numbers are the facts they knowingly fail to disclose. The entire approach to false numbers, in both applications and supporting documents, has become "mum's the word;" trumping the requirement that applicants must not fail to disclose facts.

8. Incompatible with Sweeping OPM Data Breach and Other Mass Identity Thefts

In a [historic breach](#) of the OPM (Office of Personnel Management) database in 2015, over 20 million social security numbers were stolen, sending a shockwave through the federal workforce. If thieves had stolen 20 million blank green cards from USCIS, senior USCIS official would understandably expect the fullest possible interagency cooperation for any indications of use of the stolen cards. Basic principles of unified government require that cooperation. Whatever reason USCIS had to sustain the nondisclosure policy before the OPM breach disappeared after it. The massive data breach should have been an opportune policy turning point, albeit belated, but the deferred action ship has yet to turn. The 2012 USCIS policy stays the course as if the 2015 OPM storm never happened.

Consider this [OPM disclosure](#):

If you received a notification letter and PIN code from the Office of Personnel Management, we have determined that you're Social Security Number and other personal information was stolen in a cyber-intrusion involving background investigation records.

Had OPM failed to disclose that social security numbers were stolen, there would be complete unanimity on the issue of whether the nondisclosure was careless. Similar unanimity should exist on the issue of another agency's policy allowing nondisclosure of stolen numbers. One agency was targeted by thieves while another agency ignores what was stolen, among a group well known to use what was stolen. That's happening here. The USCIS nondisclosure policy was flawed when it started in 2012 before the breach. It is reckless after it. USCIS should be cross-checking the false numbers disclosed by deferred action applicants against the numbers stolen from OPM. Here's the thing: no cross-checking of any kind is taking place, against any database, because of the nondisclosure policy. USCIS has no false numbers to cross-check because they never asked for them, surprisingly when we consider that most aliens in this caseload are known to use false numbers.

The central inquiry can be distilled to a basic: Is the OPM breach made better or worse by the USCIS nondisclosure policy? The OPM breach put federal employees and others at risk because their social security numbers were stolen. The USCIS policy puts them at continuing risk because it allows concealment of stolen numbers. The carnage wrought by the massive breach is made worse by the flawed policy. Had the timeframes been reversed, and the OPM breach came first, it is doubtful that USCIS would have followed the crisis with a policy allowing concealment of stolen numbers.

Government-wide strategy should break down the wall of worry created by the sweeping OPM data breach, not add to it by retaining an unsound immigration policy that permits concealment of the very thing that creates the worry. The National Counterintelligence and Security Center issued a [pamphlet](#)

and online [video](#) specifically mentioning possible credit vulnerabilities. OPM's long-term, credit-monitoring service suggests abuse will be cause for ongoing concern. The thieves know people are more vigilant at the beginning, so they wait until everyone calms down ("[First comes the hack, then comes the scam](#)"). If the social security numbers stolen from OPM ever end up for sale in the United States, the unlawful alien population may be the largest market. That's the takeaway for USCIS and the basis for vigilance. Traditional immigration policy favors vigilance over inattention when major fraud issues come to light, especially when, as here, innocent victims are involved.

Millions of others have been victims of identity theft for reasons having nothing to do with the OPM breach. Some 16 million people in the United States were victims of identity theft in 2012 alone, according to the [Department of Justice](#). "In general, victims who had personal information, such as a *social security number misused*, were more likely to experience financial, legal or other problems as a result of the incident than other types of identity theft victims" (emphasis mine). Continuation of the USCIS policy will only deepen the anxiety felt by these other innocent victims.

Common ground should take the form of a new policy: deferred action applicants are required to disclose their use of fraudulent social security numbers and federal employees and others are better protected from potential fraud. Even mild analytic rigor sustains the compromise. There would likely be broad support from federal unions, federal employees, and the public at large for policy change. The new policy would be part of a broad interagency plan to combat fraud in the aftermath of the OPM breach. If USCIS doesn't reverse the policy, and continues to pave the way to work permits for deferred action applicants who use false numbers, they do so at the peril of federal employees and other innocent victims.

Unsurprisingly, fraudsters and notarios see no reason to change current policy. They think it's a terrific business model and just fine the way it is. Many victims will experience emotional distress at the prospect of economic loss and credit damage, considerations that are of no concern to these bad actors.¹⁰

9. Cyber and USCIS Policies Work at Cross Purposes

Discerning reviewers will cast an even more skeptical eye on the USCIS disclosure policy when comparing it to cyber practices. There are two sides: the USCIS side turns a blind eye to false number fraud while the cyber side requires continuous monitoring for it. It is contradictory for USCIS to allow undocumented aliens to conceal information that might have been stolen during cyber-attacks while cyber professionals are busy tightening security to prevent new cyber-attacks. Interagency personnel should work in coordination, not at cross purposes. Cyber security isn't just about tech. There must be a sound policy base. Policy upgrades are needed as much as tech upgrades to keep pace with emerging threats.

Cyber professionals are at the forefront of curbing theft of personal information. That's where USCIS should be:

¹⁰ This commenter sent a letter to USCIS on January 26, 2015 (before the OPM breach) among other things recommending reversal of the nondisclosure policy. To date (and long after the breach), USCIS shows no signs of altering the policy in any way. Notarios could not have hoped for a better or more determined defender of the *status quo*.

- Requiring disclosure of false numbers,
- Cross-checking the disclosed numbers against relevant databases,
- Entering the numbers in the E-Verify system, and
- Reviewing the circumstances of fraudulent use before granting work permits.

None of that happened for more than half a million applicants. The entire DACA caseload was carelessly processed. No doubt, it was administratively convenient for USCIS to do it that way. A "Comprehensive Integrity Review Process" is needed for the deferred action program to include what should be routine practices. The practices might have removed tens of thousands of false numbers from the fraud playing field, helping identity theft victims. USCIS will always lag behind cyber defenses as long they retain the nondisclosure policy.

USCIS is long overdue for a policy upgrade that comports with tech upgrades.¹¹

10. Ignores Child Victims of Social Security Theft

Children are targets of fraudulent social security number scams. [Illegal immigration](#) is a primary driver of the abuse:

The use of fraudulent documents for employment authorization and child identity theft go hand-in-hand because adults *can use children's Social Security numbers for years* without being detected (emphasis mine).

Children are 51 times more likely to be the victims of identity theft than adults:

There is another fascinating and disturbing number that jumps out while going through the data. The child ID theft rates stand in stark contrast to adult ID theft rates from the same security breach population. 10.2% (4,311) of these 42,232 minor's Social Security numbers had loan, property, utility and other accounts associated with them. This is fifty-one (51) times higher than the 0.2% identity theft rate for adults in the same population over the same period – 633 of the 347,362 adults had someone else use their Social Security number used to commit fraud ([Child Identity Theft, New Evidence Indicates Identity Thieves are Targeting Children for Unused Social Security Numbers](#)).

¹¹ The issue should not be handily dismissed as an IRS or SSA problem (one [USCIS adjudications supervisor](#) reportedly said, "We're not Social Security, let it go" in response to possible fraud). [IRS](#) supposedly wants to continue the practice of allowing unlawful aliens to use false social security numbers to file tax returns. USCIS E-Verify policy already recognizes that false numbers and unauthorized employment are inseparably linked. Simple enough. That's the basis of E-Verify. Further, USCIS already requires deferred action applicants to disclose both real and false names in applications. That's simple too. *Is it that much of an analytic leap to recognize that false names and false numbers are also connected?* Equally simple, but for years in the deferred action program USCIS has required applicants to make one disclosure (false names) but not the other (false numbers). Parallel disclosures ("other names used" plus "other social security numbers used") are needed to resolve the issue, not punting it to another agency for resolution. Changing the disclosure policy to a commonsense approach would recognize the reality that false numbers, false identities, false documents, and unauthorized employment are all interconnected; and for that reason require deferred action applicants to disclose their real and false names, real and false numbers, supporting documents bearing false names or numbers, and employment history.

In the January 20, 2015 [State of the Union](#) address, the President urged Congress to pass legislation to "protect our children's information." The USCIS nondisclosure policy protects misuse of information, not children's information, by allowing concealment of fraud. "In the case of child identity theft, an identity thief compromises a child's SSN and attaches a fictitious name and birth date to it. The thief then establishes a [credit profile](#) by applying for credit through an authorized user or by working with a data furnisher." ¹²

All children will someday need their unencumbered social security numbers. They shouldn't discover for the first time when they apply for their first jobs, leases, or credit cards that they already have credit or tax histories (*see* this short but compelling [news report](#) on children's social security numbers, including an interview of an alien). Misuse of a child's social security number is hidden away from view and scrutiny under the nondisclosure policy. It will be impossible to determine if the alien totally appropriated the child's identity, or just the child's social security number, because USCIS doesn't have the number and didn't ask for it. In some cases, a false social security number can be linked to a fake alien registration number (A-number), an issue that should concern USCIS. The matter can be conceptualized this way: an unlawful alien stole or "borrowed" a child's social security number, used the number for years, and is still using the number. Under the disclosure policy, the alien is under no obligation to reveal that he is using the child's number when applying for deferred action.

USCIS should change the policy for the good of everyone, but "*Do It for the Kids*" is my admonition.¹³

11. Missed "Clamping" Opportunity: Greater Risk of Resale and Multiple Misuse of Stolen Social Security Numbers

What happens when false social security numbers are no longer needed? DACA recipients can apply for [genuine numbers](#) in their own right. False numbers that proved so useful in the past won't simply be discarded. They are valuable assets that can be sold or given away to new wrongful users. Reuse of stolen numbers may be more financially damaging to rightful owners than original misuse. Nondisclosure allows the recycling and continued circulation of false numbers. The USCIS policy paves the way for fraudulent recycling. Deferred action applicants are far less likely to sell their unneeded false numbers if the numbers were previously disclosed in deferred action applications. Disclosure has an inherent clamping feature. Few will sell stolen goods after they've officially admitted to stealing, buying, or using them. The same is true of false or stolen social security

¹² "Childhood" can be a misleading tag for DACA. Many applicants are adults, although they came to the United States when they were children. More DACA applications were filed by those over, not under, the age of 19 during the first year deferred action was in operation. [Almost 14,000](#) were over the age of 30. Few other immigration programs are as beneficial to unlawful alien adults based on their childhoods. The primary beneficiaries of the nondisclosure policy are working-age aliens who more likely used false numbers during their long period of unlawful residence.

¹³ This commenter was the primary drafter of the legacy [INS Guidelines for Children's Asylum Claims](#), released on December 10, 1998 (Human Rights Day). USCIS should not stray from the "best interests of the child" principle reviewed in the guidelines. If children were the only victims of social security number theft, a unified consensus would require reversal of the USCIS nondisclosure policy in children's best interests. The fact that there are millions of other identity theft victims doesn't diminish the special vulnerability of children. Further, it is just as much in the best interests of the other victims to reverse the policy.

numbers. Use of many fraudulent social security numbers will end with disclosure and continue with nondisclosure. A small disclosure investment will pay large integrity returns.

The fact that USCIS never becomes aware of original misuse and subsequent reuse of false numbers is fairly traceable to the nondisclosure policy. USCIS has continued the policy for six years, heedless of its impact on others. The policy does not give the slightest peripheral vision to innocent identity theft victims. They are exposed to repeated risk without any attempted fraud intervention by USCIS. For those who want to escalate the risk of sequential fraud, study the USCIS policy.¹⁴

12. Trivial Personal Disclosures Won't Compensate for Missing Fraud Disclosures

Remarkably, USCIS does require deferred action applicants to disclose detailed trivial information; namely, their exact height and weight; eye color (including check-a-box options for maroon, pink, brown or hazel); and hair color (including check-a-box options for sandy, blond, gray or red). These incidental disclosures are not required in asylum applications and were perhaps added to deferred action applications as filler to take up space. The problem of omitting important fraud information from disclosure can't be concealed or remedied by requiring over-disclosure of insignificant personal information.

A blunt observation: USCIS thinks it is more important for deferred action applicants to disclose their hair and eye colors than employment histories and use of false numbers. Quite astonishing for a caseload of this nature. A host of nickel-and-dime disclosures won't compensate for missing information that might help identity theft victims. USCIS adjudicators don't need the detailed personal information but do need the information relating to possible fraud. *Exercise:* Maroon eyes, red hair, employment history, and false number use -- which two are required disclosures? Which two have decision-making importance for adjudicators? Clue: They are not the same two.

Nondisclosure of fraud (or any hint of it) is a must-read section in the notario playbook. It shouldn't be in the USCIS playbook.¹⁵

¹⁴ One [unfortunate woman](#) had her social security number stolen by more than 200 unlawful aliens. The woman is up against a block of alien fraudsters using her number. Who's going to win that one? There may be many in the DACA caseload who left a wide debris of financial suffering in their wake.

¹⁵ Notarios are delighted that USCIS requires only limited disclosures. They are certain to review the financial rewards and disclosure policies when advising their clients. "Not a problem" is their stock reply to all questions clients have about stolen, borrowed, and fraudulent social security numbers. Any document bearing a false number will be shunt away with the cautionary advice, "we gotta keep that under our hats." It will come as no surprise to notarios that the numbers were used in connection with unauthorized unemployment and "some other stuff," to which they will advise (with a wink): "Let's not let the cat out of the bag about your work history and other activities. USCIS doesn't care about those pesky issues and there is no reason for us to mention them." Amidst all this learned wisdom, they may use terms like "cash cow" as part of their sales pitch when referring to the program. The vast majority of the advice and reassurances offered during client consultations will consist of, "follow these easy steps" and "not to worry, I've done this before and will get all the clean docs you'll need." Notarios will, no doubt, provide beaming testimonials from former clients attesting to the ease and rewards of the process, as well as their talent and ingenuity for achieving desired results. DACA application packages filed with the assistance of notarios will be perfect in every way, designed to ensure that clients receive their work permits and notarios receive their fees and credit for success. The entire arrangement is driven by profit on both sides with overlays of fraud and concealment of fraud. *The operational imbalance is also disturbing: blindfolded DACA adjudicators are up against seventh-level Zen masters of fraud, beckoning the question of whether*

13. Ignores Dishonest Behavior not Involving Arrests

USCIS errs seriously if they assume that false social security numbers are always used to obtain jobs and never used for any other purpose.¹⁶ It seems rather odd to suppose that an unlawful alien who uses a false social security number for one unlawful activity would not use it for another unlawful activity. Unauthorized employment may be the least pernicious behavior for which false social security numbers are used. For instance, false numbers can be used in connection with unpaid:

- Loans
- Credit cards
- Traffic citations
- Utility bills
- Rent
- Phone bills
- Hospital bills
- Taxes

The discovery of this type of activity could lead to a discretionary denial of the deferred action application even if there was never an arrest.

The USCIS-issued employment authorization card is considered "[definitive proof of authorization to work in the United States](#)." Deferred action applicants are ready to employ trickery, deceit, and the withholding and concealing of truth to get those coveted cards. In the midst of these machinations, USCIS must ensure the cards are not issued to aliens who used false social security numbers at the expense of others. The alien's history of false use must be reviewed before issuing the card. How the alien made practical everyday use of a false number is a necessary part of the inquiry (for example, if the alien used the number to obtain employment, to commit retail fraud, or both). An [illustrative case](#) is an alien who was hired as a live-in caregiver for an elderly couple suffering from dementia. The alien used the couple's names, social security numbers, and dates of birth to open credit card accounts, buying more than \$73,000 in luxury goods.

Connected with the issue, but having a separate dynamic, is the issue of exclusive reliance on automated background checks. A government policy allowing nondisclosure of false social security numbers undermines the background and identity check process. The manner in which deferred action applicants used false social security numbers may, in some cases, provide a better insight into their backgrounds than automated background checks.¹⁷

USCIS or the notarios control the reins of DACA with greater dexterity. A former [USCIS manager](#) concluded that fraud is "huge" in DACA, suggesting that greater control may lie with notarios. The field needs to be brought to level terms and adjudicators given some sense of parity with notarios.

¹⁶ According to the *New York Times*, a [former administration official](#) stated, "But they [apparently USCIS] are not interested in using this [false ssns] as a way to identify one-off cases where some individual may have violated some federal law in an employment relationship." The best way to determine if it is a one-off case for an employment-related reason is to examine how the unlawful alien made use of the false social security number. *Any government official, current or former, who is astute enough to recognize the use of false numbers in employment settings should be among the first to recognize the need for employment history disclosures.* The failure to make employment histories and false numbers required disclosures does not appear to be a mere stumble.

¹⁷ In a May 2013 DACA Investigative Bulletin, [Judicial Watch](#) reported on an "ad hoc background check protocol" for DACA applicants. USCIS's handling of the fraudulent social security number issue may be a further example of weakness in the background check process. Applicants may never have been arrested for any activity relating to use of their false numbers. How they used the false numbers may nevertheless reveal behavior that is important to adjudicators.

14. Inconsistent Legal Provider & Social Security Fraud Policies

It is inconsistent for USCIS to be concerned about [legal provider fraud](#) that affects primarily immigration applicants, but have no interest in social security number fraud -- committed by immigration applicants -- that affects wide segments of the U.S. population. "The wrong help can hurt," as USCIS advises on its website about legal provider scams. "The wrong use of social security numbers can hurt too," as millions of innocent fraud victims will attest. Unlawful legal providers may be the source of both false documents and false numbers. Their activities can impact both aliens and citizens. USCIS should be as sympathetic about U.S. citizens targeted in social security number scams as aliens targeted in legal provider scams, and just as proactive about combatting it.

USCIS has an obligation to decide which immigration policy is right, not just for deferred action applicants using false social security numbers, but for everyone -- especially innocent victims whose social security numbers were stolen. USCIS "customer service" becomes extreme when disclosure policy does more to conceal fraud than reveal it. A 360-degree view of the entire landscape is required to make correct policy decisions. This is not a situation where USCIS has taken a wide view and implemented a strong and robust strategy to identify deferred action applicants using fraudulent numbers. There is no strategy. Fraud screening is nonexistent.

Shining a light inside this dark mechanism reveals not a single cogwheel spinning for identity theft victims. No light is needed to see the large fraud and exploitation cogwheels. They are spinning at 1000 RPMs per minute, keeping the mechanism in smooth-running condition and operating at top speed. This passes as sound policy in the DACA program.

The [Center for Immigration Studies](#) reports that USCIS does not want to know if deferred action applicants are gang members. The same can be said equally, indeed more emphatically, about USCIS not wanting to know if they use false social security numbers. It is not impossible to develop sound immigration policies that are good for everyone, not just USCIS customers. Current policy has drifted too far in the direction of an immigration applicant base. USCIS's implementation of the deferred action program should not have been so badly mishandled that it produced a destabilizing policy with lasting fallout, one that ultimately decimated DACA and spilled over to other immigration benefits systems. Major recalibration is required.¹⁸

15. Rewards Fraud: Limited Disclosures Lead to Financial Benefits

No major mind stretch is needed to discern that aliens who lied to employers about their social security numbers to get jobs may lie to USCIS about their qualifications to get work permits. Their task is made easier by limited disclosures. Aliens have no reason to be satisfied with their fake names and numbers when they can obtain genuine work permits and numbers under their own names. Consider the interrelationship between two financial motivations: 1) using false social security numbers to obtain *unauthorized employment* (often lower paying jobs), and 2) obtaining genuine USCIS-issued work permits to obtain *authorized employment* (often higher paying jobs). The goals

¹⁸ An Irish proverb insightfully states, "You'll never plow a field by turning it over in your mind;" meaning that merely thinking about a task won't get it done. USCIS has had six years to think about the ineffective policy they put in place in 2012. The field remains fertile ground for cultivation in 2018, this time using a plow that will produce a more bountiful harvest.

are the same: better jobs and more money. Nobody applies for DACA without also applying for work permits. [USCIS](#) requires that applicants "must" file employment authorization applications at the same time they file DACA applications.

Compare:

- SSA [states](#): "If you conceal certain information from SSA to collect benefits you are not entitled to receive, that could be considered fraud against Social Security."
- USCIS effectively states: "If you conceal use of false SSNs when applying for DACA, that cannot be considered fraud against USCIS."

Plainly, fraudulent concealment was committed against both agencies. USCIS steadily eroded process integrity, suppressed vigilance, and bolstered the notario system. To all of that, USCIS unleashed a flood of furtive conduct throughout the DACA system and nurtured it for years. It started quietly enough in September 2012 and over time accelerated in sufficient numbers to have a full-scale impact on the process. The nondisclosure policy didn't legitimize the DACA program. It ignited and fueled an outbreak of deceptive, clandestine behavior.

Applicants are free to conceal their use of false social security numbers, supporting documents bearing false numbers, and work histories when applying to USCIS. Once deferred action is granted based on limited disclosures, the financial benefits are striking. Almost 60% of DACA beneficiaries received new jobs since receiving DACA and 45% had higher earnings (two reports, [here](#) and [here](#)). USCIS shouldn't reward guile with work permits. It is axiomatic that the more you reward bad behavior the more you'll get it.

16. Discordant Slogans and Policies

There are slogans on the USCIS website, in Congressional testimony, and in public relations materials relating to deferred action applicants coming "[out of the shadows](#)" (and [here](#)), "[totality of the circumstances](#)," and "[case-by-case](#)" [processing](#)." Let's see if the slogans are in harmony with the policies or mere rhetoric. As of 2018, [800,000](#) aliens were granted DACA. [One estimate](#) is that 44% of DACA recipients previously used false social security numbers (roughly 350,000 false numbers). The fraud rate could have been even higher than 50% (over 400,000 false social security numbers), according to the same report.

800,000 is larger than the population of Washington, D.C. These Q&As are more informative than USCIS Q&As regarding the manner in which the caseload was processed:

- Q: How many were required to disclose their use of false social security numbers?
A: Zero.
- Q: How many were required to disclose their employment histories?
A: Zero
- Q: How many were adequately screened?
A: Zero percent of working-age applicants. ¹⁹

¹⁹ Between the ages of 16 (the minimum working age in most states) and 31 (the maximum age under DACA). Almost everyone in the DACA caseload is old enough to work. The only applicants who are not of working age are 15 year-olds

USCIS vetted these cases with huge blind spots. The numbers also demonstrate the case-by-case, out-of-the-shadows, and totality slogans are complete myths. There likely was not a single case in which an applicant emerged from the shadows, disclosed use of a fraudulent number in a deferred action application, and USCIS reviewed the circumstances of fraudulent before granting a work permit. *Not one.* If such a disclosure did happen, it was a Halley's Comet-like occurrence. The program is a dark hole wherein false numbers and work histories do not come to light -- ever; despite the fact most deferred action applicants used false numbers and worked without authorization. All deferred action applicants who used false numbers or engaged in unauthorized employment (or both, the common practice) were given *de facto* waivers for anything they might have done using the numbers, without adjudicators reviewing or even knowing the underlying facts. *That's hardly case-by-case processing.* These are blanket determinations that undoubtedly augmented approval rates. The system is geared to issuing the maximum number of work permits to deferred action applicants with the least number of germane disclosures, regardless of any slogans. If 800,000 automobiles were manufactured with design defects, they would all be recalled.²⁰

Unauthorized employment and use of false numbers are clearly related issues, but instead of requiring disclosure USCIS allows concealment. The policy permits applicants to withhold information, particularly how they acquired false numbers in the shadowy and booming black market world of fraudulent social security numbers.²¹ *That's hardly coming out of the shadows.* It is more accurate to say that unlawful aliens are jumping out of the shadows to grab valuable work permits and better jobs without having to reveal if they've ever worked unlawfully before, used someone else's social security number to get those jobs, or did anything else with the numbers. Should USCIS hold fast to the policy, aliens will never want to reveal their use of false numbers. This type of immigration fraud may be minimized to the point that it becomes a non-issue.

The way a policy narrows the intake of information necessarily restricts the circumstances that adjudicators may consider. The slogan suggests applications are reviewed considering all the circumstances, yet use of false social security numbers is not among those circumstances. USCIS removes lines of inquiry that have decision-making importance for adjudicators. DACA adjudicators are also foreclosed from considering valuable employment-related information. *That's hardly the "totality" of circumstances.* It is short sightedness on a grand scale. The nondisclosure policies did not merely give free passes on the issues. They caused stealth to reach epidemic proportions, gravely undermining the system. The public should have as much confidence in the policies as the slogans. This is not the type of immigration system that never needed reform because it was never deformed.

(DACA applicants must be at least 15 to file applications, unless in removal proceedings). It must be borne in mind, however, that even underage applicants can find jobs if they have false numbers and fake dates of birth.

²⁰ A [small recall](#) already took place. USCIS was quick to send out letters to about 2,000 DACA recipients asking for the return of mistakenly-issued 3-year work permits, that speed evidently inspired by court order. After six years, USCIS should finally reverse the deeply-flawed DACA nondisclosure policy. In terms of numbers, the mistaken policy affected far more DACA recipients than mistakenly-issued work permits.

²¹ A [full set of documents](#), comprised of a false social security card, driver's license, and green card, can be bought for as little as \$260. Fraudulent social security numbers and green cards are easily purchased in the black market or on the dark web. Genuine SSA-issued numbers and USCIS-issued work permits can also be obtained, almost as easily, following guile in the DACA program. Once deferred action is granted, DACA recipients may still engage in [unlawful behavior](#). Both DACA applicants and recipients have [troubling arrest statistics](#).

DACA was deformed from the beginning. Deception was always taller than truthfulness, much taller. DACA will slide from systemic failure to total collapse unless USCIS recognizes and corrects what they have been doing wrong for years. ²²

In sum, the propensity that most deferred action applicants have toward fraud was compounded by the broad nondisclosure policy, fracturing the DACA program. The policy allows for the total camouflage of false number fraud in both applications and supporting documents; renders the fraud invisible to DACA adjudicators reviewing initial and renewal applications; exposes the general public, including children, to continuing and repeated financial risk; and helps notarios achieve their unscrupulous goals of exploiting the system. These nationwide conditions existed for six years, affected many thousands of cases, and continue today. This is an extraordinary event for anyone perusing the annals of immigration history. Future historians are sure to take note of it.

17. Violates Old Legal Precept

It is worth recounting the legal maxim *fraus est celare fraudem* which means, "to conceal a fraud is itself a fraud." We don't need to be legal history scholars or linger long on the issue of whether the precept was violated. It was. Consider the flaw in this theorem:

- Commission: Use of fraudulent social security numbers.
- Concealment: Nondisclosure in applications and withholding of supporting documents evidencing fraudulent use.
- Reward: Work permits (better jobs, more money).

Commission + Concealment = Reward. Current policy rests on this excessively lax and unsound formula. It was a mistake for USCIS to lend the cloak of their immigration authority to a policy allowing concealment of fraud, in direct contravention of the old legal maxim. This is not the type of victimless offense that justifies a policy rewarding commission and concealment in all cases. It instead justifies a policy requiring disclosure and review. Some unlawful aliens may use false numbers without causing financial injury to others. Some may not. These determinations must be made by adjudicators after reviewing the facts. Disclosure allows case-by-case review of all the circumstances surrounding commission while concealment prevents it. Failure to review how applicants used false numbers results in the conclusive presumption that all the numbers were used responsibly. ²³

²² A criticism of a new policy may be that it relies on "self-disclosure." Deferred action applicants could simply continue concealing their false numbers and employment histories regardless of any new policy. A couple of points about that argument. First, the possibility of continued concealment did not deter USCIS from requiring disclosure of false names, nor should it deter USCIS from requiring disclosure of false numbers. Secondly, if USCIS doesn't shake the trees, by requiring disclosure of false names and false numbers, as well as employment history, nothing will ever fall and no fraud victims will ever be protected. Closer scrutiny should be required of all working-age applicants who claim to have long-term unlawful residence in the United States, but never held jobs of any kind and never used false numbers. Scrutiny is impossible, however, because employment histories and false numbers are not required disclosures under current policy. USCIS's main concern may not be that applicants won't disclose their false numbers and work histories when asked. It may be that applicants will disclose them, possibly slowing adjudications in some cases.

²³ The USCIS policy fails when viewed through the lens of process integrity, transparency, and individualized review; passing only when viewed through the lens of expediency. The notion that deferred action applicants must disclose both their genuine and false names, their genuine social security numbers, but not false numbers, is absurd in an immigration program of this nature. Notarios and other bad actors don't mind review of genuine numbers (because there are few),

Had USCIS implemented a policy allowing the concealment of some *de minimus* number (for instance, a telephone number), I might have had different thoughts about the issue. Here, however, the concealment relates to the most assailable of all numbers. Fraud, by its nature, is hidden and becomes more dangerous when allowed to continue. Condoned concealment is not a reasonable management solution for this widespread practice. The policy bestows work permits on those who successfully use and conceal fraudulent social security numbers. No better rationale exists for overturning the policy. A new full disclosure policy should be integrated into the deferred action program. The policy will be defined by candor, probity, and accountability; not secrecy, falsity, and deceit. The foundational principle will be reframed from concealment of false numbers to disclosure and review of their use. A new approach will allow DACA adjudicators to have access to information they require to perform their tasks more credibly. As importantly, the new policy will allow approved deferred action applicants to get fresh starts, not false starts.

Looking to the whole of the system and process integrity, not just administrative convenience or customer preferences, will produce a far better policy than the current formula.

Conclusion

Millions of people had their social security numbers stolen, including federal employees, members of the general public, and even children in increasing numbers. Yet USCIS made no effort to require the disclosure of fraudulent numbers in an immigration caseload known to use them. Further, USCIS did not undertake practices that might have removed tens of thousands of false numbers from the fraud playing field, helping identity theft victims across the United States. USCIS instead turned a blind eye and rewarded the commission and concealment of fraud in a caseload comprised of well over half a million applicants. It is not hyperbole to suggest that careless screening resulted in a huge immigration blunder. This version of the DACA experiment is a monumental failure.

Senior policymakers need to pause and think about what they are doing. DACA's signature policy is built on sand. The weak foundation undercuts the soundness of the DACA system and places the public at greater financial risk. The policy ignores the single most-unifying feature in this huge caseload: their use of false social security numbers. Nondisclosure is a flimsy, irresponsible, and unprincipled policy that caused DACA to go off the rails and spin out of control. Notarios and fraudsters understand the systemic flaws -- with perfect clarity -- and fully exploit them. A useful guidepost is that truth should not be the first casualty of any immigration policy, no matter how administratively convenient the policy may be. Immigration systems falter when convenience is prioritized over all other considerations, including process integrity, as is the case in DACA. Everyone who commits fraud wants to hide it. No government policy should equip fraudsters with the cover to cloak the behavior. The official-only disclosure policy conceals when it should reveal, protects wrongful users of social security numbers more than rightful owners, and sparked a wave of covert activity across the immigration system. The aberrant process ends with USCIS bestowing gifts

but prefer no review of false numbers (because there are many). A useful rule-of-thumb is that whatever fraudsters and notarios don't like is usually sound immigration policy. USCIS nevertheless accommodates notario preferences by cementing them into policy. A statement that boldly requires disclosure of "officially issued" numbers only is about as useful as a hat rack on a moose. The program is imperiled, not because of mischance, but for want of better policymaking. *Until USCIS fully grasps the repercussions of the failed policy, DACA will continue to be overrun by fraudulent concealment. Fraud is always dangerous, but when combined with concealment in massive numbers, extended agency inaction, and continuing financial risk to the general public, it strikes a devastating blow to the process.*

on those who may have financially harmed others, gifts that can be renewed every two years. Few approaches whisper, "Psst...you're using careless vetting to give work permits to unlawful aliens and completely ignoring identity theft victims" quite like this one. The danger to innocent victims will outlast the flawed screening of DACA applicants. USCIS tripped over themselves, innocent victims, process integrity, and vigilance with their haphazard administration of DACA.

There is a better way. Principled changes to DACA policy will put an end to years of undiscerning, ostrich-like adjudications. Bold leadership is needed to establish a new nationwide policy that deals with -- not looks the other way -- when immigration applicants engage in the kind of fraud that touches nearly everyone. The crisis that besets the DACA system is one of flawed policies and procedures, starting at intake: the application. DACA policy should require, not exempt, disclosure of work histories and false social security numbers. *These disclosures belong in DACA applications. Period.* Minimum due diligence requires that adjudicators review the circumstances of fraudulent use before granting work permits. Current policy must be scrapped and replaced with a clear-eyed and levelheaded policy based on disclosure and review, not secrecy and stealth -- lifting the long veil of darkness. After six years of failed disclosure policies, USCIS will need an aggressive public relations campaign advising of the new disclosure requirements to ensure that everyone, especially renewal applicants, are aware of them. Applicants who concealed information in their initial applications should not be allowed to do it again during the renewal process.

USCIS's broken integrity beacon casts more shade than light and produced a maelstrom of fraudulent concealment. Integrity is not irretrievably lost, however. The beacon can be repaired with policy and procedural changes, reframing a foundational principle, and modifications to the DACA application. Sunlight must be spilled across the entire DACA caseload and the free-wheeling system brought to a close. Reform will bring a fair-minded process that encourages, not extinguishes, truth, allowing adjudicators to perform their tasks more credibly.

Between 2012 and 2018, an immigration program was decimated by deceit. It was called "Dreamers" by some. But we know it as deferred action or DACA. As presently configured, DACA is a rogue program with blind beneficence at one end, enfeebled vigilance at the other, and no place to go but down. An immigration system that cares so little about the impact of its policies on others cannot continue unchallenged. Without change, the future will look like the past. The backbone of reform will be fusing vigilance and fairness for all. Nothing will take the sting out of fraud more than bringing it to light. The book of immigration integrity lies open and USCIS holds the pen to write a new and better chapter on deferred action.

I hope these comments will help steer discourse in sensible directions.

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The writer is also the author of a policy paper on the deepening reach of P-3 refugee fraud in the United States. See Fillinger, Charles, *A Decade of Policy Failure: The Impact of Mass Refugee Fraud on the U.S. Immigration System* (July 30, 2018), available at SSRN: <https://ssrn.com/abstract=3220352> or <http://dx.doi.org/10.2139/ssrn.3220352>. Fillinger retired from ICE in 2012 and lives in Thailand. The views in this letter are his and do not reflect the opinions of any agency.