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Department of Homeland Security
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Submitted via www.regulations.gov

**RE: Collection and Use of Biometrics by U.S. Citizenship and Immigration Services;
DHS Docket No. USCIS-2019-0007; RIN 1615-AC14**

Dear Mr. McDermott

Our organization, the Michigan Immigrant Rights Center (“MIRC”), submits this comment strongly opposing the above-referenced rules proposed by the Department of Homeland Security (“DHS”) and urging DHS to withdraw them in their entirety. The proposed rules are an unnecessary effort designed to target and dehumanize non-citizens and anyone willing to support non-citizens, including U.S. citizen spouses, parents, children, and technically, any sponsor. Collecting iris images, DNA, and voice prints, among other civil liberty intrusions, do not improve or make more efficient the administration of immigration benefits; rather, they, along with other elements of this proposed rule, fundamentally violate the civil liberty interests protected under the Constitution and otherwise needlessly portray non-citizens as criminals.

Further, the currently collected biometric modalities--photographs, signatures, and digital fingerprints--meet the identity verification needs of the agencies; no small- or large-scale fraud is identified in the proposed rules requiring such an expansive collection of sensitive personal identifying data. Rather, what we have is an enhanced technical capacity masquerading for 94 Federal Register pages as a problem requiring itself as a solution. The proposed changes are neither necessary nor beneficial. Rather, the provisions laid out in this proposal represent one of the most drastic and unnecessary expansions for the collection of personal data ever by a Department or Agency which, in turn, create substantial due process, Fourth Amendment, and civil liberties concerns. We thus urge DHS to withdraw these proposed rules in their entirety. Although each proposed rule is not addressed within this comment, the comment below addresses key objections to the specific rules and the proposal generally.

MIRC is a legal resource center for Michigan’s immigrant communities, employing nearly twenty attorneys and accredited representatives to represent individuals before ICE, CBP, USCIS, and EOIR. We advise over 2,000 new clients per year, including hundreds with cases before USCIS. Some of these cases are brief advice and service; others include full representation for detained respondents. Our attorneys have decades of collective experience representing non-citizens before USCIS, CBP, ICE, EOIR, and in federal courts.

Further and as described below, we prioritize representation for non-citizen survivors of domestic violence and sexual assault. Over the last ten years, MIRC has helped over 300 hundred non-citizens with VAWA-related claims before administrative agencies.

Because these regulations cover so many topics, we are not able to comment on every proposed change. The fact that we have not discussed a particular proposed change in no way indicates our acquiescence or agreement with it; rather, it simply indicates that we, as a busy nonprofit legal service organization providing free representation to thousands of Michigan non-citizens each year, did not have the time to fully respond, especially within the short 30-day comment period, to every proposed change.

We strongly encourage DHS to withdraw and/or reject the proposed rule for reasons outlined below.

We object to the Department’s 30-day comment period to respond to their comment for this Notice of Proposed Rulemaking (NPRM)

The shortened comment period is all the more egregious given that the U.S. remains in the midst of the COVID-19 pandemic. All MIRC staff continue to work from home to the greatest extent possible, often while caring for children and/or for sick family members. None of the MIRC staff members (and we suspect, attorneys across the country) are able to work at their pre-pandemic capacity. Many of our clients are facing even greater difficulties, as they experience layoffs, lost income, evictions, food insecurity, and of course, infection with COVID-19. As low-income immigrants and, in many cases, as people of color, our clients have felt the disparities of COVID-19 and have suffered disproportionately from infections and complications. The work of providing our clients with effective representation has therefore become exponentially harder. We also must expend additional energy to keep up with EOIR’s and USCIS’s daily operational changes during the pandemic.

Thirty days to comment on such a transformative proposal, under these conditions, is not a fair opportunity. Although we object to this unreasonable 30-day timeframe, we submit this comment nonetheless, because we feel compelled to object to the proposed regulations.

The proposed rules are unnecessary to adjudicate applications, petitions, and otherwise, perform the day-to-day work by immigration officers and agents

One of the primary bases for the expansion of biometric modalities such as iris scans, voice prints, and DNA is that, per the summary, DHS needs this information to determine whether to “approv[e], grant[], or provid[e] immigration benefits to individuals with a record of certain criminal offenses or administrative violations.”¹ Unfortunately, none of those modalities indicate whether someone has a criminal record so as to better inform the adjudicating officer. The FBI does not maintain a database of iris scans for persons convicted of driving under the influence or skipping a tax return. Nor is it possible for a customs officer to quickly, competently, or safely run a genetic examination using DNA at a port of entry or analyze its results. While it is true that certain convictions and other behavior make a non-citizen ineligible for certain immigration benefits,² expanding the types of biometric modalities do not improve the efficiency or

¹ 85 Fed. Reg. 56,339 (Sep. 11, 2020)

² See e.g., INA §§ 101(f), 212(a)(2)

effectiveness of immigration officers and agents making day-to-day determinations as these modalities are not germane for such decisions (with the exception of family-based petitions). And even in the context of family-based petitions, pursuant to INA §§ 201(b)(2) and 203(a), the agency already uses DNA evidence supplied by the petitioner to confirm such relationships. Further, in those settings, it is the petitioner's burden to prove the relationship. Why is the agency taking on this burden (both evidentiary and fiscal)? DHS attempts to justify this new approach by "flip[ping] the current construct from where biometrics may be collected based on past practices ... to a system under which biometrics are required for any immigration benefit."³ In other words, what we have here is a solution in search of a problem.

The background section of the proposed rules describe, at considerable length, how criminal convictions affect a person's ability to secure immigration benefits (either for themselves or petitioning for a third party).⁴ However, there is no justification in that section--or really, anywhere within these 94 Federal Register pages as to why and how these additional biometric modalities will better help officers and agents in identifying immigration fraud or criminal convictions. For that reason alone, the proposed rules must be withdrawn.

The proposed rules at 8 CFR § 103.16 regarding continuous vetting, including the Uniform Screening and Vetting Standards for All Immigration Programs,⁵ creates a dystopian, Minority Report-like DHS that fundamentally violates the privacy interests of U.S. citizens and foreign nationals

The basis for this proposal appears to be Section 5 of Protecting the Nation From Foreign Terrorist Entry Into the United States, Executive Order 13780 of March 6, 2017. In that Executive Order, the President ordered that DHS, in collaboration with other departments and directorates, "identify individuals who seek to enter the United States on a fraudulent basis, who support terrorism, violent extremism, acts of violence toward any group or class of people within the United States, or who present a risk of causing harm subsequent to their entry."⁶ While the goal of preventing terrorism and acts of violence is laudable, it may not be accomplished by unconstitutional means. Currently, 8 CFR §§ 103.16 contains two short subsections (a) and (b). The Department proposes adding multiple subsections and expanding to (c) and (d).⁷ The proposed regulations impose extraordinary burdens and privacy concerns for U.S. citizens and foreign nationals, not to mention, the likelihood of abuse of process.

In its explanatory note for this area, the Department states that

[u]nder continuous vetting, DHS may require aliens to be subjected to continued and subsequent evaluation of eligibility for their immigration benefits to ensure they continue to present no risk of causing harm subsequent to their entry. This rule proposes that any individual alien who is present in the United States following an approved immigration benefit may be required to submit biometrics unless and until they are granted U.S. citizenship. The rule further proposes that a lawful permanent resident or U.S. citizen may be required to submit biometrics if he or she filed an application, petition, or request in the past, and it was either reopened or

³ 85 Fed. Reg 56,350 (Sep. 11, 2020)

⁴ 85 Fed. Reg. 56,347; 56,348 (Sep. 11, 2020)

⁵ 82 Fed. Reg 13,215 (Mar. 9, 2017)

⁶ Id.

⁷ 82 Fed. Reg. 56,415; 56,416 (Sep. 11, 2020)

the previous approval is relevant to an application, petition, or benefit request currently pending with USCIS.⁸

The explanatory section and proposed regulations should pique the concerns for every non-citizen seeking an immigration benefit and those U.S. citizens who have already naturalized. Also, 14th Amendment U.S. citizens, too. For example, in proposed 8 CFR § 103.16(b), when an individual fails to appear for biometric collection without good cause,

- (1) Waiver of rights. DHS will, as appropriate, deem any right to an interview waived, deny, reopen, refer to the Executive Office for Immigration Review, dismiss, and/or take any other administrative action on any associated pending immigration benefit or other request; or
- (2) Revocation. DHS may terminate, rescind, or revoke the individual's immigration status, petition, benefit, or relief, where authorized by law.
- (3) Asylum applicants. For an asylum application or asylum-related benefit, “good cause” requires a showing of exceptional circumstances see 8 CFR 208.10.⁹

(emphasis added). Currently, failure to appear for biometrics often results in a new appointment or, in some circumstances, a denial of that benefit. However, this proposal seeks to extend the punishment to termination of current immigration status, waiving an interview, refer for removal proceedings, or “tak[ing] any other administrative action on any associated pending immigration benefit or other request.” Such severe consequences cannot be tolerated or instituted. They are too extreme.

As a practitioner, we regularly see dozens of notifications be misplaced in the mail on an annual basis, with this occurring more often during the current pandemic. Thus, for our clients to potentially lose their current status, be denied an interview for future relief, or be subject to “other administrative actions” based on something as simple as mail delivered to the wrong address worries us and likely, every other practitioner, client, and person subjected to biometric collection by a DHS agency. Counsel move. Applicants move. Despite timely notifications of changes of address to USCIS, ICE, CBP, and EOIR using the required forms and online portals (where available), we regularly see correspondence sent to previous addresses or lost altogether. Further, we represent survivors of domestic violence and sexual assault, some of who still reside with their abusers. If the abusers knew that withholding mail and/or failing to drive the non-citizen to an ASC would result in the abovementioned penalties, this would create an even greater incentive to demand obeisance in a relationship with an already uneven power dynamic. For these reasons, we urge DHS to withdraw this proposed rule.

As if that were not enough of a reason, 8 CFR § 103.16(c)(2) requires non-citizens to be subject to continuous vetting and biometric collections “unless and until he or she is granted U.S. citizenship.”¹⁰ Given the penalties described above, failure to comply is essentially a *fait accompli*. Moreover, we know that non-citizens, like citizens, make mistakes in judgment and action. One form of assistance we provide at MIRC is advice regarding immigration consequences for criminal behavior. We know that there is insufficient and inadequate criminal defense representation who understand these consequences. Therefore, on a regular basis, we are advising about ineffective assistance of counsel claims under *Padilla v. Kentucky*, 559 U.S. 356 (2010), *Matter of Pickering*, 23 I&N Dec. 621 (2003) *rev’d*, *Pickering v. Gonzales*, 465 F.3d 263 (6th

⁸ 85 Fed. Reg at 56,352 (Sep. 11, 2020)

⁹ 85 Fed. Reg. at 56,415 (Sep. 11, 2020)

¹⁰ *Id.*

Cir. 2006), and *Matter of Thomas and Thompson*, 27 I&N Dec. 674 (AG 2019). Imposing a continuous vetting requirement for non-citizens without pending relief presents significant privacy concerns, not to mention superfluous work for the officers at DHS. Continuous vetting, in reality, generally does not help DHS better or more efficiently adjudicate applications or otherwise implicate removability for the majority of non-citizens on a day-to-day basis. For example, unless a non-citizen commits an act that makes them deportable, becoming inadmissible is irrelevant unless or until that individual is seeking an admission (which is not occurring at the moment the bad act took place). Thus, on a day-to-day basis, being inadmissible just means that they are inadmissible, not deportable. Further, when an arrest occurs or a conviction is entered in a local, state, or federal court database, that information is automatically routed to Immigration and Customs Enforcement to examine whether this arrest or conviction implicates an enforcement response.¹¹ In other words, the critical data is already arriving at DHS through another means. Capturing or utilizing DNA, iris scans, voice prints, or other biometric modalities do not affect or change these removability or inadmissibility determinations.

On top of this, DHS proposes in the same subsection the additional requirement that a “lawful permanent resident or United States citizen may be required to submit biometrics if he or she filed an application, petition, or request in the past and it was either reopened or the previous approval is relevant to an application, petition, or benefit request currently pending with DHS.” (emphasis added). This imposition is too much. Demanding that a U.S. citizen submit biometrics for an application, petition, or request that is somehow tangential to that that citizen cannot be sustained. Failure to comply, as noted above, can harm that citizen in the future should they wish to be a sponsor or petitioner.

This proposal also runs afoul of the privacy rights protected under the Fourth Amendment—the right of the people to be “secure in their persons . . . against unreasonable search.”¹² Unfortunately, this is not the first time that DHS, FBI, or related executive agencies violated the Fourth Amendment.¹³ If DHS has reason to collect the extensive biometric data suggested in this proposed rule from U.S. citizens (or even, permanent residents), largely for future criminal purposes and/or for an ancillary petition or application, then Fourth Amendment jurisprudence posits an easy solution: a warrant. However, warrants take time and attempting to bypass Constitutional jurisprudence through rulemaking is the path DHS proposes. That cannot stand.

The proposed rules fail to describe how the additional biometric data will be stored, shared, utilized, and accessed

Nowhere in these proposed regulations does DHS describe any privacy impacts or assessments regarding what factors would initiate a biometrics check for U.S. citizens, permanent residents, or other lawfully present non-citizens outside of a pending application or petition. This is a real concern given that DHS does

¹¹ See, generally, *Untangling the Immigration Enforcement Web: Basic Information for Advocates About Databases and Information-Sharing Among Federal, State, and Local Agencies*, National Immigrant Law Center (September 2017), available at <https://www.nilc.org/wp-content/uploads/2017/09/Untangling-Immigration-Enforcement-Web-2017-09.pdf> at 3-4

¹² U.S. Const. amend. IV

¹³ See, e.g. *Carpenter v. United States*, 138 S. Ct. 2206, (2018); *Katz v. United States*, 389 U.S. 347, (1967); *United States v. Jones*, 565 U.S. 400 (2012); *Kyllo v. United States*, 533 U.S. 27, (2001).

not necessarily own the data that enters its database(s)¹⁴ nor is there guidance on how and when its staff utilize such data. For context, it is our understanding that currently, DHS biometric data is stored in IDENT, under the auspices of OBIM. Moving forward, data will be stored in a new database, the Homeland Advanced Recognition Technology (HART).¹⁵ The HART is the world's second largest biometric system.¹⁶ Data retention and review is managed by data owners and providers, not OBIM. Thus, the likelihood of incorrect, inaccurate, or incomplete data is real. The proposal states that USCIS "has internal procedural safeguards to ensure technology used to collect, assess, and store the different modalities is accurate, reliable and valid."¹⁷ Unfortunately, these are not sufficient to protect against misidentification. Challenging flawed information in HART is procedurally cumbersome and only possible for U.S. citizens, lawful permanent residents, and other individuals covered under the Judicial Redress Act.¹⁸ Further, such data will remain incorrect, inaccurate, or incomplete unless or until corrected. Therefore, should a DHS official use HART and fail to annotate an inaccuracy for the DHS side of the system, it is conceivable that the same faulty data will be accessed and utilized again in the same way.

Moreover, such an approach to data can result in real privacy concerns. For example, CBP collects information from the internet and social media sources and uses that data for its own operations.¹⁹ CBP also operates as a data provider to HART. CBP has stated that it plans to expand database capabilities to include access to commercially available License Plate Reader (LPR) information.²⁰ This is a Constitutional and privacy problem because this data, from commercial aggregators, includes details about an individual's private life, such as "travel over time ... [including] frequenting a place of worship or participating in protests and meetings."²¹ Though CBP claims its structure can mitigate these civil liberty concerns, the systems still permit a user to query a permanent resident's data for up to five years.²² While CBP may be subject to more scrutiny and oversight (unlikely, but possible), the same does not apply for commercial data providers or foreign databases that feed into HART. Thus, if a malign foreign government wanted to provide

¹⁴ National Immigration Law Center and Just Futures Law, Comments on Privacy Act of 1974; New System of Records Titled "Department of Homeland Security/ALL-043 Enterprise Biometric Administrative Records (EBAR) System of Records (SOR)" and Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security/ALL-043 Enterprise Biometric Administrative Records (EBAR) System of Records, 29 (May 2020), available at <https://www.regulations.gov/document?D=DHS-2019-0047-0004>.

¹⁵ U.S. Department of Homeland Security (DHS), Homeland Advanced Recognition Technology System (HART) Increment 1 Privacy Impact Statement (PIA), 2, DHS/OBIM/PIA-004 (February 24, 2020), available at: https://www.dhs.gov/sites/default/files/publications/privacy-pia-obim004-hartincrement1-february2020_0.pdf

¹⁶ C Burt, "Inside the HART of the DHS Office of Biometric Identity Management", *Biometric Update* (Sep 2018), available: <https://www.biometricupdate.com/201809/inside-the-hart-of-the-dhs-office-of-biometric-identity-management>

¹⁷ 85 Fed. Reg 56,355 (Sep. 11, 2020)

¹⁸ Homeland Advanced Recognition Technology System (HART) Increment 1 Privacy Impact Statement (PIA), *supra*, at 34-35.

¹⁹ U.S. Department of Homeland Security, Privacy Threshold Analysis (PTA) for Homeland Advanced Recognition Technology (HART) Development Testing Environment (DTE) (Apr 2015), produced as part of EPIC-18-06-18-DHS-FOIA-20190422-Production, available at <https://epic.org/foia/dhs/hart/EPIC-2018-06-18-DHS-FOIA-20190422-Production.pdf>, at 6-8

²⁰ U.S. Department of Homeland Security Customs and Border Protection, Privacy Impact Assessment Update for the Automated Targeting System, DHS/CBP/PIA-006(e), 77, (Jan. 13, 2017), at <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp006-ats-may2020.pdf>.

²¹ *Id* at 84.

²² *Id.* at 82.

derogatory information about a particular foreign national and subject that person to biometric capture, as described above, it could do so.

The proposed rules unnecessarily surveil and invade the privacy interests of over-policed, over-surveilled, and otherwise marginalized populations

Many of our clients—human trafficking victims, victims of domestic violence and sexual assault, and those fleeing oppressive governments—have been subject to substantial, cruel, and repeated violations of their privacy, both in the United States and in their countries of birth. This long history of being surveilled, along with regular invasions of privacy, lead to deep, ingrained traumas. For DHS to expand its surveillance to include iris, voice, and DHS modalities is too much and will compound the already existing trauma.

Further, facial recognition technologies have been found to be both biased and inaccurate.²³ The majority of our clients at MIRC as well as those accessing immigration benefits are people of color. In their 2018 research study entitled, “Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification,” Joy Buolamwini, Deb Raji, and Timnit Gebru found that machine learning technologies and facial analysis algorithms failed to correctly classify Black women nearly 35 percent of the time.²⁴ Contrastingly, the technology was almost always correct in identifying white men.²⁵ These results suggest immense bias. In fact, the federal government, just last year, released research suggesting the same findings.²⁶ The report stated,

[o]ur main result is that false positive differentials are much larger than those related to false negatives and exist broadly, across many, but not all, algorithms tested . . . false positive rates are highest in West and East African and East Asian people, and lowest in Eastern European individuals. This effect is generally large . . . With domestic law enforcement images, the highest false positives are in American Indians, with elevated rates in African American and Asian populations; the relative ordering depends on sex and varies with algorithm. We found false positives to be higher in women than men, and this is consistent across algorithms and datasets.²⁷

There are grave implications attached to this kind of bias in systems likely to be used by DHS for the purposes of immigration decisions. While misidentification and algorithm recognition error may have a varied actual impact in other arenas, for immigration purposes, an identification error could very much so mean life or death for our clients at the micro level. On the macro level, the proposed regulations will exacerbate an already unacceptable biased and racist approach to the administration of immigration benefits that unnecessarily collects sensitive biometric data without standards, limits, or oversight.

²³ Crockford, Kade. “How is Facial Recognition Surveillance Technology Racist?” ACLU. (June 16, 2020). <https://www.aclu.org/news/privacy-technology/how-is-face-recognition-surveillance-technology-racist/>

²⁴ Buolamwini, J. & Gebru, T.. (2018). Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification. Proceedings of the 1st Conference on Fairness, Accountability and Transparency, in PMLR81:77-91.

²⁵ Id.

²⁶ “Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects,” (Dec. 2019). National Institute of Standards and Technology, U.S. Department of Commerce.

²⁷ Id.

The proposed rule will create a chilling effect on survivors of domestic violence, sexual assault, and human trafficking from coming forward.

As described above, our office has assisted over 300 applicants seeking protection under VAWA over the last ten years. Until November 19, 2018, we were able to assure the majority of these vulnerable clients that if their VAWA self-petition, U nonimmigrant petition, and/or T nonimmigrant petition were denied, USCIS would not issue a Notice To Appear (NTA) absent egregious conduct. However, that changed following the issuance of PM-602-0050.1 in 2018, and later clarification, that these vulnerable non-immigrants would be issued NTAs upon denial.²⁸ Afterward, we saw the number of prospective clients with approvable cases choose not to proceed with filing. They feared being sent to removal proceedings. We foresee a similar chilling effect here which would require biometrics collection for VAWA self-petitioners and remove the good moral character presumption for children under 14 years old.

DHS fails to consider the real cost of attending biometrics appointments. DHS estimates the financial cost of attending a biometrics appointment using the “prevailing” minimum wage of \$8.25/hour, plus the time and 50-mile round trip distance to an ASC (using a \$0.58/mile reimbursement) to be \$59.13. As a practitioner who has assisted hundreds of VAWA self-petitioners, the actual cost is considerably greater. In fact, it is a life or death proposition.

The vast majority of our VAWA self-petitioners are not working in the United States. They are not eligible to work from a DHS authorization perspective and from the perspective of their U.S. citizen abusive spouses. Moreover, the vast majority of our VAWA self-petitioner clients are not permitted to leave the house without permission from their abusive spouses. And even if they were permitted to leave, being able to drive 50 miles round trip to an ASC in a car they do not own or have access to would be out of the question. Should they attempt to do so, we can all but guarantee the physical abuse and emotional torment they will be subjected to upon returning home.

One client, AT was living with her abusive U.S. citizen spouse when she contacted us for assistance. The spouse did not allow AT to leave the home unless she could provide an exact address for where she would be going, for how long, and why she needed to do so. This made representation difficult as it was unsafe to call or e-mail AT because her husband monitored the phone. We just needed to be prepared to drop everything when AT did call or need to meet. We were only able to proceed based on short meetings at a coffee house near AT’s house. Thankfully, she did not need biometrics to apply for VAWA. After AT’s VAWA was approved, when it came time to applying for permanent residency, we had to reschedule the biometrics and make an excuse that AT needed to accompany a friend to cancer treatment so as to be able to drive the 120 miles roundtrip for biometrics in someone else’s car so the husband would not notice the additional miles on the odometer. And when AT’s green card was ultimately approved, again following an interview requiring careful planning, we delivered the card itself to AT while she was shopping at a grocery store.

²⁸ USCIS Policy Memorandum, Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens available at <https://www.uscis.gov/sites/default/files/document/memos/2018-06-28-PM-602-0050.1-Guidance-for-Referral-of-Cases-and-Issuance-of-NTA.pdf>

These are the types of cases that we regularly take. Expanding the use of biometrics at the self-petition stage is not necessary or appropriate; in fact, it is dangerous and unsafe for our clients. Should our clients be eligible for adjustment of status or want to secure a renewal of work authorization, biometric collection can happen then. However, at this early stage, we urge that this proposal be withdrawn.

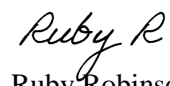
Finally, the expansion of biometrics is deeply concerning for survivors given that it will necessarily increase who has access to this information. Abusers and perpetrators of crime often threaten to report survivors to the police or to the immigration authorities in order to maintain power over their victims and keep them silent.²⁹ Congress created confidentiality protections for survivors codified at 8 USC § 1367, to ensure that abusers and other perpetrators cannot use the immigration system against their victims.³⁰ Despite the numerous policies put in place surrounding survivor information, violations of these provisions occur. We have sat in on interviews at USCIS where derogatory information provided by the client's abusive spouse was used against her (well, the ISO attempted to do so until we demanded to speak with a supervisor). We do not want to imagine a future where such information could be leaked or linked in a purposeful or ancillary manner (e.g. former spouse being called in for biometrics in a sponsorship case).

Conclusion

In summation, DHS has provided no solid bases to expand its biometric collection modalities, nor to implement the uncontrolled, continuous vetting described in the March 2017 executive order. None of the proposals create a system for redress, monitoring, and/or oversight. Further, they create severe civil liberties concerns for all persons who interact with the immigration systems. And in the context of VAWA and T, the proposals create a chilling effect that will preclude eligible non-citizens from seeking available relief. The DHS cannot rulemake a solution to a non-existent problem. Therefore, it must withdraw these proposals.

Thank you for your time and consideration in reviewing this comment.

Sincerely,



Ruby Robinson
Managing Attorney

²⁹ See e.g. Samantha Schmidt. "Deputy accused of sexually assaulting girl, 4, threatening to have mother deported if she spoke up." Washington Post (June 18, 2018) available at <https://www.washingtonpost.com/news/morning-mix/wp/2018/06/18/deputy-accused-of-sexually-assaulting-girl-4-threatening-to-have-mother-deported-if-she-spoke-up/>

³⁰ "Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009: Report of the Committee on the Judiciary, House of Representatives, to accompany H.R. 3402" H.R. Rep. No. 109-233, at 120 (2005). Available at: <https://www.congress.gov/109/crpt/hrpt233/CRPT-109hrpt233.pdf>