COMMUNITY LEGAL ADVOCATES OF NY
Advocating for All Communities

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**Re: USCIS Docket No. USCIS–2019–0007-0001; 85 FR 56338
EOIR Docket No. 19- 0007, CIS No. 2644-19; RIN 1615-AC14
<u>Proposed Rulemaking: Collection and Use of Biometrics by USCIS</u>**

To Whom it May Concern:

Community Legal Advocates of New York, a non-profit organization based on Long Island, NY, writes this letter in response to the above-referenced Proposed Rules, to express the organization's strong opposition to the rules, which would amend regulations by greatly and unnecessarily expanding the collection and use of biometrics data in immigration cases.

CLA represents low and moderate-income clients on a broad range of immigration matters. CLA works with U.S. Citizens, Lawful Permanent Residents (LPRs), and generally clients seeking lawful status and their families as part of its mission to empower immigrants and their families by providing quality, affordable representation. The process of seeking permanent residency or citizenship is already complicated and daunting for many people. The Proposed Rules would make an already difficult situation even more complicated and burdensome without sufficient justification.

The Proposed Rules would unnecessarily burden people applying for most immigration benefits. Among other objectionable provisions, the proposed requirement of continuous submission of biometrics will lead to a backlog of family-based visa petitions, thereby prolonging the reunification of family members in the United States. It will also discourage applicants from even starting the process for fear of being continuously surveilled. The Proposed Rules would unnecessarily infringe upon the privacy rights of immigrants and their families as if they're second-class citizens.

In addition, CLA opposes the Proposed Rules because of their predictable, harmful effect on immigrant families. Many U.S. Citizens or LPRs will hesitate to sponsor their qualifying relatives because, under the Proposed Rules, it's clear that the government sees everyone involved in the immigration process as a potential criminal requiring constant surveillance. Most petitioners and beneficiaries are already required to report any criminal history that could potentially disqualify them. Failure to do so is subject to prosecution for perjury. The

Proposed Rules reflect a serious and unwarranted mistrust of anyone involved in the immigration process, whether as petitioner or beneficiary. By expanding biometrics collection to every U.S. Citizen and LPR involved in the process of petitioning their family members, the rules would greatly discourage people from petitioning for their family members. Petitioners would rightly see the process as a gateway to constant government surveillance and monitoring of them and their families. Simply put, the new rules are set up to serve as one more obstacle in the process of lawful immigration.

It is also unclear where and how the invasive data collected under the Proposed Rules would be stored and shared. This is a major concern for several reasons. First, there is a possibility for inaccurate biometrics data, for example, in the use of facial image matching. Second, there is a potential for the biometrics data of immigrant families to be exposed to third-party or nongovernmental actors. For example, the data would eventually be stored in the DHS's Homeland Advanced Recognition Technology (HART) database, but would be hosted by Amazon Web Services' GovCloud storage system. Moreover, under the Proposed Rules, DHS plans to expand HART to gather and share data with various government agencies and even foreign databases. The proposed rules do not address the possibility of data falling into the wrong hands nor does it provide a way for impacted people to learn about or challenge the misuse of their data. This is especially problematic for the most vulnerable people seeking immigration benefits, including those who have fled their home countries due to persecution and those who have been victims of human trafficking. CLA represents many such people and we therefore strongly oppose the Proposed Rules.

The above-mentioned comments are just some of the many reasons why the Proposed Rules should be scrapped. They seek to hinder petitioners' ability to assist their family members to become lawful immigrants and LPRs' ability to become U.S. Citizens. They also seek to demean people involved in the immigration system by requiring that they submit to continuous vetting of their character. More importantly, the government has not given a valid justification for this change. As such, the prejudicial and discriminatory effects of the Proposed Rules substantially outweigh any value it would have. This is unjust and should be opposed.

Thank you for giving CLA the opportunity to submit our comments on the Proposed Rules. Please do not hesitate to contact me to provide any further information.

Sincerely,

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