



**THE CITY OF NEW YORK
OFFICE OF THE MAYOR**

February 17, 2020

*Department of Homeland Security, U.S. Citizenship and Immigration Services
Regulatory Coordination Division, Office of Policy and Strategy
Via electronic submission*

**Re: New Collection: Sponsor Deeming and Agency Reimbursement
OMB Control Number 1615-NEW; DHS Docket No. USCIS-2019-0026**

The City of New York (“the City”) submits this comment to oppose the proposed New Collection: Sponsor Deeming and Agency Reimbursement, OMB Control Number 1615-NEW (“proposed new collection”). The City strongly opposes the addition of the optional questions for federal, state, or local agencies seeking information through the Systematic Alien Verification for Entitlements (SAVE) program.

The City is broadly recognized as the ultimate city of immigrants. Generations have come here seeking to build a better life for themselves and their families. The City is home to 3.2 million immigrants, the largest number in the City’s history.¹ Immigrants comprise nearly 37.1% of the city population and 44% of its workforce.² The City has strong interests in ensuring that all New Yorkers are able to access critical health, nutrition, and other safety net services and resources for which they are eligible, in accordance with federal, state, and local laws. Throughout our longstanding experience as a city of immigrants, we have seen time and again that inclusive laws and policies are of the utmost importance to the health, safety, and general welfare of the City as a whole.

The Proposed New Collection is Not Necessary for the Proper Performance of the Functions of the Agency and Fails to Properly Account for Administrative Burdens.

USCIS has asked that affected agencies evaluate whether the proposed new collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. The City has reviewed the proposed additional SAVE screens and finds the collection of this additional information is not necessary for proper performance of its agencies’ various functions and will have no practical utility.

¹ New York City Mayor’s Office of Immigrant Affairs, *State of Our Immigrant City* (Mar. 2019), available at https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report%202019_final.pdf (analyzing U.S. Census Bureau American Community Survey 2017 1-year estimates).

² *Id.*



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Although USCIS has asked affected agencies to evaluate the accuracy of its estimate of the burden of the proposed new collection, USCIS has failed to provide any methodology or assumptions used to estimate the burden on impacted agencies. In fact, this proposed new collection will create administrative burdens, as it will require the City to update its policies and procedures and train staff. Specifically, the process outlined in the proposed new collection does not comport with the City's current policies, procedures, and training. Therefore, even if the City's agencies do not use the proposed new SAVE screens, agency policies and procedures would need to be updated to reflect that there will be additional SAVE screens, and staff would need to be trained so that they will know how to proceed if and when they encounter the proposed new screens.

Additionally, the City will have to train staff to understand what is being requested on the new screens, and even to understand the optional nature. This will likely cause confusion and will require additional work on the part of benefits-administering agencies to address additional concerns that may be raised by constituents' regarding how this information will be utilized.

The Proposed New Collection Will Not Enhance the Quality, Utility, and Clarity of the Information to be Collected.

The proposed new collection fails to account for quality assurance of the data being entered into the system. This is particularly concerning as data could potentially be entered from every jurisdiction in the country. USCIS fails to explain how it would account for errors and integrity of the information entered in the system.

The Proposed New Collection is Unlawful Because it Exceeds the Statutory Purpose of The SAVE System.

USCIS states that "the purpose for collecting this information is to support Federal means-tested benefit granting agencies in the administration and oversight of their respective benefit programs as they relate to deeming and reimbursement processes in order to better monitor system and information use and perform actions to ensure compliance regarding SAVE program rules, federal sponsorship requirements, and deeming and reimbursement obligations."

USCIS essentially seeks to obtain SAVE information concerning recipients of federal public benefits from state and local agencies that administer those benefits for sponsor recovery. However, current federal law and an implementing regulation restrict the use of SAVE information by public benefit agencies to income and eligibility verification.

Pursuant to 42 USC § 1320b-7(d)(3), a "State shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's



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immigration status through an automated or other system (designated by the Service for use with States) that (A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and (B) protects the individual's privacy to the maximum degree possible." USDA regulations, 7 CFR § 272.11(c), explicitly mandate that a State agency shall use SAVE information only for the purposes of: (1) verifying the validity of documentation of immigration status presented by an applicant; (2) verifying an individual's eligibility for benefits; (3) investigating whether households received benefits to which they were not entitled based on immigration status; and (4) assisting in or conducting administrative disqualification hearings, or criminal or civil prosecutions based on receipt of SNAP benefits to which households were not entitled.

The use of SAVE for sponsor recovery would clearly violate these statutory and regulatory restrictions on the use of SAVE information. Notably, USCIS has previously recognized these restrictions by noting the following on its' own website:

"The SAVE Program provides a fast, secure and efficient verification service for federal, state and local benefit-granting agencies to verify a benefit applicant's immigration status or naturalized/derived citizenship...SAVE is administered by the U.S. Citizenship and Immigration Services, a component of the Department of Homeland Security, and is dedicated to providing program support to participating agencies."³

The purpose of SAVE has been consistently expressed in law, regulation, and on USCIS' own website as being to assist benefits-administering agencies in verifying immigration status for purposes of determining eligibility for public benefits. SAVE does not exist to collect information from benefits-administering agencies for USCIS. Additionally, given the purpose of SAVE, this proposed new collection raises concerning questions about how the information proposed to be collected would be used by USCIS.

For the above-mentioned reasons, the City opposes the proposed new collection and calls upon USCIS to withdraw it. Thank you for the opportunity to comment.

³ SAVE, United States Citizenship and Immigration Services, available at: <https://www.uscis.gov/save> (last accessed Feb. 3, 2020).