

Exhibit 6

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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5	MARIA M. GONZALEZ, et al., :	
6	Plaintiffs, :	Case Number
7	vs. :	CV-06-1268-PHX-ROS
8	STATE OF ARIZONA, et al., :	CV-06-1362-PCT-ROS
9	Defendants. :	CV-06-1575-PCT-ROS
10	- - - - -	-x

30(b)(6) DEPOSITION OF GERRI RATLIFF

washington, DC
Tuesday, April 22, 2008

REPORTED BY:
CARMEN SMITH

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Deposition of GERRI RATLIFF, called for examination pursuant to notice of deposition, on Tuesday, April 22, 2008, in Washington, DC, at the offices of the Mexican American Legal Defense and Educational Fund, 1016 16th Street Northwest, Suite 100, at 11:26 a.m., before CARMEN SMITH, a Notary Public within and for the District of Columbia, when were present on behalf of the respective parties:

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--continued--

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-- continued --

APPEARANCES (Continued):

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P R O C E E D I N G S

whereupon,

GERRI RATLIFF

was called as a witness and, having first been duly
sworn, was examined and testified as follows:

EXAMINATION

BY MS. PERALES:

Q Good morning.

A Still morning.

Q Good morning. My name is Nina Perales,
and I represent the Gonzalez Plaintiffs in this
lawsuit. With me is Marisol Perez, who is also with
my office, Mr. John Amaya, also with MALDEF, and
Mr. Robert Kengle, who represents plaintiffs in one
of the consolidated cases with this one.

Could you please state for me your name
and title.

A Gerri, G-e-r-r-i, Ratliff, R-a-t-l-i-f-f.
And my title is deputy associate director of the
National Security and Records Verification
Directorate, clearly a government title, of USCIS.
we call is NSRV.

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Q Thank you. Have you ever had your
deposition taken before?

A It's possible. I don't specifically
remember having one, but maybe. I think I have not.
If I have in my past -- I've actually deposed people
before. But I don't think so. But if somehow I
have and I've forgotten, it wouldn't surprise me.

Q Are you an attorney?

A I am an attorney. I have a law degree. I
have an active license. But my current -- I don't

11 practice law right now. My current job is not in
12 the counsel's office; it's a program policy job.

13 Q Thanks. I'm going to go over the rules of
14 the road, although I know that you probably know
15 these rules of the road, because you may have taken
16 depositions before.

17 But in any event, I will ask you to make
18 your answers out loud. I know that sometimes in
19 conversation, we either huh or we nod our heads.
20 Happens to the best of us. So I'll ask you to make
21 your answers out loud. Is that okay?

22 A Yes.

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1 Q And I will try to let you finish your
2 answers before I ask my next question, and I'll ask
3 you to let me finish my question before you start
4 your answer, okay?

5 A Yes.

6 Q Okay. And that's mainly for the benefit
7 of the court reporter, who has a really tough time
8 taking down the overlapping speech.

9 You can take a break at any time. Just
10 ask. If there's a question on the table, I'll ask
11 you to answer the question on the table before we
12 take the break. But other than that, you can take a
13 break at any time.

14 If you don't understand a question, please
15 let me know, and I'll rephrase it. I will assume
16 that if you answer a question, that you have
17 understood it, okay?

18 A Yes.

19 Q Your counsel may object to a question that
20 I ask, and his objection goes on the record. Unless
21 he instructs you not to answer, I will still request
22 that you answer the question.

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1 I'm going to ask the court reporter to
2 hand you what has been marked Deposition Exhibit 1
3 in Mr. Quinn's deposition.

4 A Okay.

5 Q Have you seen the subpoena for this
6 deposition?

7 A Yes.

8 Q Have you seen the attachment A that goes
9 with it that contains the topics of testimony?

10 A Yes. Excuse me, yes. Sorry I
11 interrupted. Yes.

12 Q All right. Do you understand that today
13 you're testifying as a representative of USCIS so
14 that when I ask you questions and I say "you," you
15 will understand that to mean not just you personally
16 but CIS?

17 A I'm sorry, say that again. I was just
18 noticing that I haven't seen this last page, which
19 isn't relevant, but that's what distracted me. I'm
20 sorry.

21 Q And I'll represent to you the last page is
22 the proof of service, so we got it.

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1 A Yeah, yeah.

2 Q And I'll break up my question. Do you
3 understand that today, you're testifying as a
4 representative of USCIS?

5 A Yes.
6 Q And so will you understand when I'm asking
7 questions and I say the word "you" or "yours," that
8 you're answering not just for yourself personally
9 but you're answering for CIS?
10 A Yes, to the extent that I have the
11 information. And if I don't know and it could exist
12 in some other part of USCIS. But I'd be happy to
13 make that distinction.
14 Q And please do. And do you understand that
15 you've been designated under Federal Rule of Civil
16 Procedure 30(b)(6) as a representative of CIS for
17 this deposition?
18 A Yes.
19 Q Have you ever testified in court as a
20 witness?
21 A I don't think so.
22 Q Have you ever tried a case in court?
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1 A Yes.
2 Q Is there any reason that you cannot
3 testify accurately or completely today, such as
4 illness or taking a particular medication that makes
5 you unable to answer completely?
6 A No.
7 Q Can you tell me how you prepared for
8 today's deposition?
9 A I reviewed the schedule A, and I wanted to
10 become familiar with the specific Web method. We
11 have several SAVE Web access methods. So I reviewed
12 screenshots of Web-1, which is the access method
13 that the Arizona counties in question use, so I
14 could specifically remember the details of the
15 process and the data fields.
16 I spoke to my program experts to refresh
17 my memory and make sure I understood as many details
18 as I thought I should know, have a handle on, spoke
19 with counsel, of course.
20 I reviewed specific query information that
21 was asked for in the schedule so that I would have
22 that information to answer.
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1 Q Tell me what that means. What is specific
2 query information?
3 A Regarding the request for frequency of use
4 of the SAVE system by the counties. And that's what
5 I did.
6 Q Thank you. Looking at schedule A, are
7 there any topics that you feel you cannot testify on
8 in schedule A?
9 A No, other than if my counsel has a legal
10 objection to something, you know. But I think in
11 terms of anything that I should properly testify on,
12 I feel that I can testify on or refer you to a
13 public document that might give you more details
14 than I could keep in my head.
15 Q Great. Can you tell me generally, what is
16 the Systematic Alien Verification for Entitlements
17 program?
18 A Yes. The program is -- organizationally,
19 it's within the verification division, which
20 organizationally is under the NSRV directorate. The
21 program is essentially staff and policies and

22 procedures governing and working, overseeing
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 1 government agencies' use of the SAVE system, which
 2 is an electronic system that I can describe, that
 3 allows government agencies and licensing -- for
 4 benefit and licensing purposes to verify the
 5 noncitizen or naturalized status of benefit
 6 applicants, benefits meaning to include a license,
 7 a -- like a driver's license, voting registration as
 8 a benefit or license coming within that definition.
 9 There are staff -- the program includes
 10 staff who work with the agency users who provide
 11 customer support, who process and make
 12 determinations with counsel's help when needed about
 13 agencies who are seeking to use the same program
 14 about the appropriateness of that request or not.
 15 They work on tools such as tutorial
 16 resources, training, to help the users use the
 17 program -- the system correctly. And it includes a
 18 status verification step that is staff who, when a
 19 query cannot be electronically instantly verified,
 20 who perform manual searches to more completely
 21 respond to the query.
 22 It includes monitoring and compliance

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 1 component, which is a baby component, really,
 2 developing itself this year. In another year, it
 3 will be full-blown, but now it's -- a year ago,
 4 there was nothing, and this year we are creating a
 5 component that can monitor the agencies' use of the
 6 system to make sure their use complies with the
 7 guidelines and procedures and then take compliance
 8 steps to follow up on what they might see in a
 9 monitoring sense, calling the user, sending an
 10 e-mail.
 11 Since these are government agencies, it
 12 would be more working with a -- not calling an
 13 individual who might be running the query, but
 14 calling a designated point of contact for that
 15 agency to work through possible compliance concerns.
 16 And then the SAVE program also just
 17 includes some staff that would be mission support,
 18 HR, your jack-of-all-trades people who support
 19 programs. I'm trying to think. There's staff who
 20 would work on the systems side, working on
 21 enhancements, business requirements.
 22 Q Thank you. When we use the term "SAVE" in

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 1 all caps -- and you already have done that -- we
 2 understand that together to mean the Systematic
 3 Aliens Verification for Entitlements program; is
 4 that right?
 5 A Yes.
 6 Q So SAVE is the acronym?
 7 A Yes.
 8 Q What is the database or databases upon
 9 which verification is performed in SAVE?
 10 A The SAVE program -- a SAVE query is
 11 running a database called VIS, Verification
 12 Information System, so we'll use the acronym VIS,
 13 VIS. It is comprised of -- it's not a primary
 14 source database. It is comprised of nightly uploads
 15 of information from primary source databases. Those

16 primary databases are the USCIS Central Index
17 System, which is referred to as CIS, which gets very
18 confusing with USCIS.

19 Also the IBIS system, IBIS, which is a
20 CBP, Customs and Border Protection agency, system.
21 That has information about noncitizen arrivals or
22 class of admission for when they are arriving into

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1 this country for their -- their authorized length of
2 stay.

3 And CLAIMS 3, which is a USCIS system that
4 includes information on nonimmigrants who have
5 extended or changed status.

6 Q What about CLAIMS 4?

7 A We are working to add CLAIMS 4 information
8 directly into VIS. That has not happened yet. It
9 actually is planned to be added for E-verify
10 purposes, which is a sister program in our division,
11 on May 5, so coming right up.

12 I'm not sure if it would be also used for
13 SAVE queries as of May 5 or not. I actually just
14 don't know.

15 We're also adding on May 5 a database, a
16 CBP database that is another part of IBIS called
17 real-time arrival, we call it RTA information, that
18 is the kind of -- the IBIS information we have today
19 has up to a two-week delay in getting -- it's
20 contractor-data-entered. So you come into the port.
21 The inspector doesn't directly enter it into IBIS.
22 It goes off on the I-94 form to Kentucky to a data

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1 contractor, who maybe two weeks later gets around to
2 data-entering it. So we may not get it in VIS until
3 two weeks plus the next day for upload later.

4 But real-time arrival data, the inspector
5 is entering real-time as the person enters. It's a
6 new resource of data. We'll be getting that on May
7 5 so that we'll have that information the next day,
8 not have that lag.

9 And again, I know that will be used for
10 E-verify purposes. I don't in my head actually know
11 if it would be used for SAVE. But that would be
12 very easy to find out.

13 Q Is it correct to say that VIS, although
14 based on, for example, the Central Index System,
15 doesn't necessarily contain all of the information
16 about a particular alien that would be in Central
17 Index system?

18 A I don't believe that we upload the entire
19 Central Index System into VIS. We have a systems of
20 records notice that I actually have, unless you
21 already have it. It's on our Web site, and it's --
22 can I give this to you now?

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1 Q Yes, of course. Let's go ahead and mark
2 this.

3 (Deposition Exhibit 3 identified.)
4 THE WITNESS: The system of records notice
5 is a Privacy Act document that describes to the
6 public how we use the information, public
7 information that we gather, obviously from the
8 public. So the public is aware of what we do with
9 their information.

10 It fully describes what's in VIS. This is
11 the PIA. This is a preliminary document, Privacy
12 Act assessment comes first. Then the -- it's sort
13 of a companion. But yeah, this is in the same realm
14 of -- yes.

15 MS. PERALES: Let's go ahead and mark that
16 as Exhibit 4.

17 (Deposition Exhibit 4 identified.)

18 THE WITNESS: Make sure this is the
19 latest, you know. This last -- I can't see a date
20 on --

21 BY MS. PERALES:

22 Q Let's take a look at the web link. It's a

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1 different --

2 A But definitely, you know, the SORN is what
3 describes exactly the databases that are in VIS and
4 how even to the data field level they are used.
5 There are a few databases in VIS that SAVE doesn't
6 access, so you probably don't want to know about
7 them if they're not relevant for SAVE. But just so
8 you're not like why does this mention ISRS. It's
9 because ISRS is used for E-verify, and I don't think
10 it has anything to do with the SAVE program.

11 Q There was some earlier testimony by
12 Mr. Quinn that the Central Index System might, for
13 example, for a particular person include a history
14 of the benefits sought --

15 A Yes.

16 Q -- by that individual?

17 A Yes.

18 Q Is that in VIS?

19 A No. VIS is only current status
20 information. It does not include a history.

21 Q And so, for example, Mr. Quinn testified
22 that the Central Index System record for a

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1 particular person, if that person naturalized, would
2 include the number of the Certificate of
3 Naturalization. Is that information in VIS?

4 A I don't think so, but that could easily be
5 found out, whether -- whatever that process is of
6 getting back.

7 Q Would that information --

8 A I mean, I just don't know in my head.

9 Q Would that information, or the answer to
10 that question, be contained in the document that's
11 referenced in Exhibit 3?

12 A It should be, because the SORN describes
13 all the data fields that we're using, and so if --
14 if Certificate of Naturalization is not included, it
15 means we're not getting it.

16 And I do know that for at least the web 1
17 access method, the primary query is not by
18 Certificate of Naturalization number; it's by
19 A-number.

20 Q Thank you. You had mentioned that
21 E-verify is a sister program of the SAVE program; is
22 that correct?

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1 A Yes.

2 Q What is the purpose of the E-verify
3 system?

4 A E-verify is a program that employers
5 voluntarily participate in to verify the work
6 authorization status of their new hires. It can
7 include government agencies who are -- for their new
8 hires of, you know, their government staff, and it
9 does.

10 And it verifies -- unlike SAVE, it
11 verifies all new hires, noncitizens, naturalized
12 citizens, U.S.-born citizens, derivative citizens,
13 you know.

14 And it verifies their citizenship or
15 immigration status and it verifies their Social
16 Security number.

17 Q would it be correct to say that the SAVE
18 verification system is used primarily to verify
19 noncitizen eligibility for public benefits?

20 A Yes.

21 Q And is it also used commonly for
22 noncitizen verification for the purpose of issuing

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1 driver's licenses under REAL ID?

2 A Not specifically under REAL ID, because
3 REAL ID isn't quite effective yet. But we have over
4 half of the states are already using the SAVE
5 program to verify noncitizen status for their
6 driver's license issuances, not under the umbrella
7 of REAL ID, but certainly as a footprint towards
8 eventually that.

9 (Deposition Exhibit 5 identified.)

10 BY MS. PERALES:

11 Q Ms. Ratliff, we are handing you what the
12 court reporter has marked Deposition Exhibit 5. Can
13 you identify this document?

14 A This appears to be a printout from our web
15 page, our USCIS web page, about the SAVE program.

16 Q And does this document generally describe
17 the SAVE program and its uses?

18 A Yes, yes, it does.

19 Q And is it correct to say, as described on
20 page 2 of the document, that SAVE was created in
21 response to congressional enactment of Immigration
22 Reform and Control Act and specifically the

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1 requirement that DHS establish a system for
2 verifying immigration status of noncitizen
3 applicants for and recipients of certain types of
4 federally funded benefits?

5 A Yes.

6 Q And then I know the document moves down
7 into describing another statute, PRWORA, Personal
8 Responsibility and Work Opportunity.

9 Is it correct to say, I guess, then, that
10 the SAVE system evolved to then provide government
11 agencies with information to assist them in
12 determining noncitizen eligibility under title 4 of
13 PRWORA, P-R-W-O-R-A?

14 A Yes.

15 Q You had mentioned before that the VIS
16 database relies on a number of other databases as
17 its primary sources. And I wanted to ask if VIS
18 contains or relates to the RNACS database, RNACS?

19 A Today, no. In terms of holding -- today
20 VIS does not hold RNACS information. RNACS is a

21 database that was used for a period and has been
22 replaced by CLAIMS 4 for naturalization case

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1 management, adjudication and status.

2 But one of our May 5 enhancements to
3 E-verify is adding RNACS data to VIS. So in just a
4 few weeks, my answer would have to change, because
5 it's in system testing now.

6 I don't -- again, I don't know to what --
7 I don't know if SAVE queries will access RNACS. I
8 only happen to know today that E-verify will.

9 Q Is E-verify going to this new phase of
10 communicating with CLAIMS 4 for the purpose of
11 reducing the rate of tentative nonconfirmations of
12 naturalized citizens that E-verify has?

13 A Yes.

14 Q So this is a step towards trying to
15 improve the confirmation rate for naturalized
16 citizens in E-verify?

17 A Yes.

18 Q Would it be correct to say that with
19 respect to SAVE, that relatively few verifications
20 are conducted to determine U.S. citizenship?

21 A Yes.

22 Q And is it, in fact, correct that only the

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1 State of Arizona uses SAVE to verify U.S.
2 citizenship for voter registration?

3 A Yes, currently.

4 Q Can you give me examples of other agencies
5 that would go into SAVE to verify United States
6 citizenship?

7 A I don't know. I really don't know. I
8 brought the list of all of our SAVE users to give
9 you, but I really -- I really don't know.

10 Q If we have a list of users, we're still
11 not necessarily sure the purpose for which they are
12 using SAVE; is that right?

13 A Correct. For some of them, you could look
14 at the name of it and it would be self-evident and
15 some it might not be.

16 Q But none of the users are self-evidently
17 using SAVE for U.S. citizenship verification, other
18 than recorders in Arizona right now?

19 A I'm only aware of the voter registration
20 use of SAVE to confirm naturalization status. There
21 could be other purposes, but I don't -- I'm not
22 aware of them.

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1 Q Let's go ahead and mark the document that
2 you brought, if it's okay with you.

3 A Yes.

4 (Deposition Exhibit 6 identified.)

5 BY MS. PERALES:

6 Q Tell me what Exhibit 6 is.

7 A It is -- Exhibit 6 is a list of the
8 current SAVE -- the current government agencies who
9 are authorized to use SAVE, that means they have
10 signed an MOU to use SAVE. And I actually was just
11 thinking that there could be some DMVs who are
12 verifying naturalization status for driver's
13 licenses, but I -- I don't know for sure. That
14 would be a context -- a fact pattern where they

15 might need to do that.
16 Q That would only be in the case of a DMV
17 that confirmed citizenship status, as opposed to
18 lawful presence as part of their driver's
19 license-issuing process?
20 A Not necessarily. If a DMV's current
21 requirements pre-REAL ID are to prove citizenship,
22 someone might do that -- if they were naturalized,

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1 might do that by providing a nat certificate which
2 the DMV could, similar to the way in which the voter
3 registrars are querying to confirm citizenship.

4 Q Are you aware of any states that require a
5 driver's license applicant to prove their
6 citizenship?

7 A Well, I reviewed in preparation for this
8 deposition the Arizona voter registration
9 application form, which talks about if you show a
10 driver's license that's issued after 1996 or '9 or
11 something, that suffices to prove your citizenship.
12 And I inferred from that that the license must show
13 citizenship on it or something else in order for
14 that to follow. And I read that, and I was like --
15 so.

16 Q Putting aside Arizona, are you aware of
17 any other states that require information
18 regarding -- require you to prove your U.S.
19 citizenship for the issuance of a driver's license?

20 A I'm not specifically aware. It could be
21 pinned down through a specific search about that,
22 but in my head today, I'm not specifically aware.

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1 Q And yes, you are correct that the Arizona
2 voter registration form does accept a driver's
3 license as proof of U.S. citizenship, and we'll save
4 for another day what that's about.

(Deposition Exhibit 7 identified.)

BY MS. PERALES:

7 Q Let me just check with you with respect to
8 Exhibit 6. Is the information about SAVE account
9 holders or SAVE participants public information? Is
10 there anything --

11 A Yes.

12 Q -- confidential in this document that we
13 need to protect?

14 A No, no.

15 Q I'm going to hand you what has been marked
16 Deposition Exhibit 7. Can you identify this
17 document?

18 A This appears to be the USCIS -- or
19 Department of Homeland Security PIA, Privacy Impact
20 Assessment, for VIS, which is one of the Privacy Act
21 documents that are published in a Federal Register
22 to let the public know how we're using their

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1 information.

2 Q And does this document contain an
3 introduction to VIS and its use within the SAVE and
4 E-verify program?

5 A I'm sorry, what was the question?

6 Q Does this document contain an introduction
7 or description to the VIS --

8 A Yes.

9 Q -- program and its use within SAVE and
10 E-verify?
11 A Yes, it does.
12 Q Is it correct to say that the SAVE
13 program -- well, after May 5 perhaps, that the SAVE
14 program might be accessing certain data in the VIS
15 database and that E-verify might be accessing a
16 slightly different set of data within VIS, that each
17 program, SAVE and E-verify, might be dipping into
18 VIS for different kinds of data?
19 A That is already true.
20 Q Does VIS contain information from the
21 Social Security Administration?
22 A No, it does not contain SSA information.

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1 For E-verify queries, an E-verify query for -- to
2 confirm U.S. citizen status and everyone's SSN, it
3 is a PING query against the SSA numeric database.
4 But SSA information is not held in VIS.
5 Q Can you give me an example of information
6 that E-verify would retrieve from VIS that SAVE
7 would not currently?
8 A The biggest example I'm aware of is that
9 in E-verify, we have -- it's called the photo tool,
10 and for a new hire, a noncitizen new hire who for
11 their Form I-9 documentation shows a green card or
12 an Employment Authorization Document for their
13 identity document on that Form I-9, the employer
14 will query VIS by card number from the green card or
15 the EAD, Employment Authorization Document, and that
16 balances against a part of VIS that is from the ISRS
17 database, it's integrated system -- I don't know
18 what it is, ISRS. I'm sure it's -- it's spelled out
19 in the SORN.

20 That is essentially a card repository for
21 our USCIS-issued cards which are the green cards and
22 the EADs. So ISRS holds the information about the
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1 cardholders, including their latest photo, well, all
2 their photos.

3 But in VIS, we're holding the latest photo
4 so that for the new hire who shows an EAD or green
5 card for the I-9, we're pulling the photo that we
6 put on the card, by that card number, to confirm
7 there's no document fraud. That does not happen in
8 SAVE.

9 Q In E-verify, this process that you were
10 just talking about, would it also pull, for example,
11 the address listed for the person's EAD?

12 A No, no.

13 Q But definitely the picture?

14 A Yes.

15 Q Let's go ahead and mark this.
16 (Deposition Exhibit 8 identified.)

17 BY MS. PERALES:

18 Q I'm going to hand you what has been marked
19 Deposition Exhibit 8. Is this the SORN that is
20 referenced in Deposition Exhibit Number 3?

21 A Was that my --

22 Q Yes, that was the document you gave me

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1 with the web link.
2 A Yes.