

Exhibit 7

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

4	- - - - -	-X
5	MARIA M. GONZALEZ, et al., :	
6	Plaintiffs, :	Civil Action 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 MICHAEL QUINN

Washington, DC
Tuesday, April 22, 2008

REPORTED BY:
CARMEN SMITH

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Deposition of MICHAEL QUINN, called for examination pursuant to subpoena, 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 9:20 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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On behalf of Gonzalez Plaintiffs

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APPEARANCES (Continued):

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QUINN_MICHAEL_(30)(b)(6)_4-22-08.txt
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APPEARANCES (Continued):

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On behalf of Witness

P R O C E E D I N G S

whereupon,

MICHAEL QUINN
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 Good morning.

Q My name is Nina Perales, and I represent
the Gonzalez Plaintiffs in this case. With me --
somebody has been fixing my outline. It says the
illustrious Marisol Perez. And then I would also
like to introduce to you John Amaya, who is also on
the MALDEF team, as well as Mr. Robert Kengle, who
represents consolidated Plaintiffs in this case.

Can you please state your name and title
for me.

A My name is Michael Quinn, Q-u-i-n-n.

Q And your title?

A I'm currently the chief of record services
here at Washington, D.C.

Q What agency do you work with?

A USCIS.

Q Have you ever had your deposition taken
before?

A Yes, ma'am.

Q About how many times have you had your
deposition taken?

A Just a few, three or four.

Q And can you tell me what kinds of cases
those were?

11 A Oh, one was for an employee who was being
12 removed from a position, internal, within the
13 agency, and then there were a couple for different
14 questions relating to records, the records portion
15 of what we do.

16 Q And do you recall, in the cases where you
17 were deposed regarding records, what was the subject
18 matter of those cases?

19 A People -- most of it was just related to,
20 you know, our practice with records, you know, how
21 we maintain our records, for our portion, what we do
22 when we update records, how we get records from one

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1 office to another, point A to point B, retrieval
2 from the archives once they're retired. Basically,
3 that's about it.

4 Q Do you know what the cases were about
5 otherwise? Were they immigration cases?

6 A I mean, they were in some form or fashion
7 related to immigration, but I've pretty much just
8 focused on my piece and that's it. I've got --

9 Q Even though you are an experienced
10 deposition testifier, I'll go over a few of the
11 rules of the road for you.

12 A Okay.

13 Q I'll ask you to make your answers out loud
14 so that the court reporter can take them down, and I
15 will endeavor to let you finish your answers before
16 I ask the next question.

17 A All right.

18 Q And I'll ask you to let me finish my
19 questions before you answer.

20 A Okay.

21 Q Again, so the court reporter can get each
22 one down cleanly. I want to let you know that you

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1 can take a break at any time, as long as there isn't
2 a question on the table. If there's a question on
3 the table, I'll ask you to answer it before we go to
4 the break.

5 A All right.

6 Q But, again, if you need a break, please
7 let me know.

8 If you don't understand a question, tell
9 me and I'll try to rephrase it or be less confusing.

10 A Okay.

11 Q Because I do want to make sure that if you
12 answer a question here, that it's because you
13 understand it.

14 A Yes, ma'am.

15 Q Your counsel may object to a question that
16 I ask, and that objection is for the record. And
17 unless your counsel instructs you not to answer,
18 I'll still ask you to go ahead and answer the
19 question, even if there is an objection.

20 MS. PERALES: Let's go ahead and mark this
21 as Exhibit 1.

22 (Quinn Exhibit 1 identified.)

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1 BY MS. PERALES:

2 Q Mr. Quinn, I'm going to hand you what has
3 been marked Exhibit 1, which I will represent to you
4 is a copy of the subpoena for this deposition.

5 A All right.
6 Q Do you understand that today you're
7 testifying as a representative of USCIS?
8 A Yes, ma'am.
9 Q All right. And so when I ask you
10 questions and I say "you" or "yours," will you
11 understand that to mean not just you personally, but
12 also CIS?
13 A Yes, ma'am.
14 Q Thank you. Do you understand that you've
15 been designated under Federal Rule of Civil
16 Procedure 30(b)(6) as a representative of USCIS for
17 this deposition?
18 A Yes, ma'am.
19 Q And do you understand that you're not here
20 to testify as an individual but that you're speaking
21 on behalf of USCIS with respect to the topics for
22 which you've been designated?

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1 A Yes, ma'am.
2 Q We talked before about whether you've ever
3 had your deposition taken, and I'll ask now if
4 you've ever testified in court as a representative
5 of CIS.
6 A No. We've -- except for the one where
7 there was the employment -- employee misconduct.
8 But that was about it.
9 Q None of these records-related cases have
10 brought you to a courtroom for testimony?
11 A No, ma'am.
12 Q Is there any reason that you cannot
13 testify accurately or completely today, such as
14 illness or taking any kind of medication?
15 A No, no.
16 Q Thanks. How did you prepare for today's
17 deposition?
18 A They told me I needed to be here, and I'm
19 here. I mean, it's pretty much -- I mean, I saw the
20 copy of the subpoena, obviously, and I read it.
21 And, you know, some of the areas are not my areas of
22 expertise, obviously, or what I do. And I explained

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1 that to Mr. Gregory, the areas that I was not
2 familiar with. But that was about it.
3 Q Okay. So other than reviewing the
4 subpoena, and I'm assuming also you had a chance to
5 look at the attached schedule A; is that right?
6 A This --
7 Q The list of topics?
8 A Yes; yes, ma'am.
9 Q Okay. So other than reviewing the list of
10 topics and the subpoena, did you review any other
11 documents before coming for the deposition?
12 A I don't -- there are no other documents.
13 I mean --
14 Q With respect to, for example, any
15 procedures manuals or anything you have back at the
16 office, did you look at anything to refresh your
17 memory?
18 A Just our record operations handbook, which
19 we actually reference pretty daily for everything we
20 do. That's about it.
21 Q Besides Mr. Gregory, did you speak with

22 anybody else as part of your preparation for today?

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1 A No.

2 Q Now, with respect to the topics in
3 schedule A, can you tell me which ones you are able
4 to testify to?

5 A Let's see. Number 4, number 5 to some
6 extent and number 6, I believe it was, again, within
7 the records realm.

8 Q And 7 also?

9 A And possibly 7, yes, or portions of 7,
10 yes.

11 Q Anything else?

12 A No, ma'am.

13 Q Okay. Do you have any knowledge of the
14 SAVE program?

15 A Very limited. If they send us a file that
16 they have requested from the archives or from one of
17 the offices and something needs to be updated in our
18 systems, you know, based on a petition that was
19 submitted or a document source -- what we call a
20 source document, then we update our mainframe
21 system, or Central Index System, to accurately
22 reflect the data.

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1 Q And when you say -- well, there's just so
2 much to discuss with you. I'm going to try to
3 organize my thoughts.

4 A I'm sorry. Let me back up, if I may.

5 Q Okay.

6 A On number 4, the release of information
7 actually is not me, who gets the information.
8 That's actually not. A portion of number 8 is, as
9 far as some of the length of time, in a broad -- you
10 know, broad spectrum.

11 MS. PERALES: Let's go off the record for
12 a second, please.

13 (Discussion off the record.)

14 MS. PERALES: Let's go back on the record.

15 BY MS. PERALES:

16 Q Mr. Quinn, tell me generally what you
17 understand the SAVE program to be, from your
18 perspective.

19 A As I understand it, SAVE is where some
20 agencies -- Social Security, DMV in some states, I
21 don't know if every state, when someone applies for
22 either a license or Social Security card from them,

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1 they contact the SAVE folks in order to find out if
2 they're eligible for that particular benefit or what
3 their current status is in the immigration system so
4 they can determine whether they can grant the
5 benefit or not.

6 Q Can you tell me what the VIS, Verification
7 Information System, is?

8 A I've never worked with it, honestly, so
9 no.

10 Q Do you work with -- you had mentioned a
11 moment ago about your mainframe, and I'm wondering
12 if, in your position, you work with any databases.

13 A I work with our Central Index System.
14 Central Index system, and then we have a web-based
15 application calls NFTS, or National File Tracking

16 system, which is how we account for our service
17 records.

18 Q And so your office works with NFTS; is
19 that right?

20 A We're one of them. Every office in the
21 country actually has it, and the offices abroad.

22 Q Is NFTS something you log into from your
0015 office?

1 A Yes; yes.

2 Q And does your office put information into
3 NFTS?

4 A What we do is put information in for files
5 that we have here, our file holdings.

6 Each office has -- is accountable for
7 their file holdings, so as they create new files or
8 generate new files, for them to be tracked or sent
9 to another office or within another section within
10 the office for adjudication of the petition, they're
11 supposed to be moved within the transactions allowed
12 in the system. And we do different things for
13 internal and external file movement.

14 And the goal is to accurately account for
15 the files and where they have gone.

16 Q So when your office is putting information
17 into NFTS, is that basically information about the
18 movement of files?

19 A It's just, right, the file number and then
20 where it's going to go, from point A to point B, or
21 if it comes from another office, where it came from

0016 so that we now take, I want to say, ownership or
1 responsibility for the physical file.

2 Q When you say "file," do you mean alien
3 file?

4 A Yes.

5 Q So we could also refer to that as an
6 A-file, would that be all right?

7 A Yes, ma'am, yes.

8 Q Okay. Would it be correct to say, then,
9 that your office is responsible for keeping track of
10 the location of alien files as they move around?

11 A For this area. We do for the D.C. area.

12 Q If a file were to arrive from Phoenix to
13 your office, would you be making entries into NFTS?

14 A We would update the location. We would
15 transfer the file in and then assign it what we call
16 a responsibility party code so that we can retrieve
17 it, if necessary.

18 Q So if a file is moving around the country,
19 even, you might be in a position to enter
20 information into NFTS about that?

21 A No, most people -- most people log in for
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1 their files, you log into your own office. Like our
2 designator here is COW, for Central Office
3 Washington. Each office has a three-letter
4 designator, and then they account for their file
5 holdings.

6 So we account for the ones we have here,
7 inventory, auditing, et cetera. But they can come
8 to us from anywhere, yes.

9 Q Okay. What would be a situation in which

10 you would receive a file from, let's say, Colorado?
11 A If there was a pending action here. Say
12 one of the offices here was reviewing a case or if
13 the adjudication of a petition was going to actually
14 occur here or if there is a pending enforcement
15 action from here for the chief counsel's office, for
16 the ICE attorneys, for pretty much anyone who has a
17 need to review the file or do something with the
18 file.

19 They may contact the office directly and
20 they say, hey, we need the file in Washington, D.C.,
21 the offices know they're supposed to send them
22 through the records group so we can continue to

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1 track them instead of sending them directly to an
2 individual, because then there's risk that they
3 could get lost.

4 So we're kind of like, I guess, the
5 clearinghouse for the files coming into our area.
6 And then we distribute them to the sections or
7 offices based on who the requester is.

8 Q So I'm getting the understanding that
9 these files are transferred around in hard copy?

10 A Yes, ma'am.

11 Q They're physically moved from location to
12 location?

13 A Yes.

14 Q Is there going to be a day where the CIS
15 moves toward an electronic system?

16 A They have already begun. In fact, there's
17 a facility currently in Williamsburg, Kentucky,
18 that's called -- it's a digitization facility, where
19 they're imaging all the alien files.

20 Obviously, it's a slow process. They just
21 hit, I think, about 200,000. It's a pretty new
22 process for our agency.

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1 And that will -- the intent is to preclude
2 any further movement of physical alien files. They
3 would be transmitted or a person would have a secure
4 log-in, and they would be able to view the file
5 online and make their decision, whether it be
6 benefit or -- for whatever purpose.

7 Q What happens in a situation where an
8 A-file is physically in one location and the
9 person -- you know, the individual, the alien's
10 status were to change through some action in another
11 location? Would the A-file have to be transferred
12 over there, or would there be a way of making a
13 change from afar?

14 A Normally -- depends on what it is they
15 have applied for. If it's like an adjustment of
16 status -- and I just use that as an example -- where
17 they go from a conditional resident to permanent
18 resident, they have filed the petition, and it's
19 sent off because it goes through the court
20 production system to give them a new green card.

21 Then that mainframe system updates central
22 index, the main system. But that's relating to

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1 class of admission.

2 The NFTS system that we're speaking of
3 right now is only to track file movement, not status

4 or any of that.
 5 With the way things are currently done, if
 6 the file shows it's here and it was an entitlement
 7 granted to someone in another location, we have a
 8 routing slip that's put on the document, and then
 9 for the hard copy to come to where the file is,
 10 unless they have a specific need to review the file
 11 prior to granting the benefit, then obviously, we
 12 send it to that office.

13 Q So the piece of paper with the routing
 14 slip on it is going to go and meet the A-file,
 15 wherever the A-file is?

16 A Correct.

17 Q And would a change in the Central Index
 18 System happen before or after that document with the
 19 routing slip catches up with the A-file?

20 A If it's for, like, an update to a status
 21 where a card was issued, it normally happens before,
 22 because that happens overnight. There's an

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1 interface of the systems at night for data that was
 2 input that day. So within 24 to 48 hours, depending
 3 on where you're located geographically, it updates
 4 the system to show the new status.

5 And that's -- like I said, for
 6 adjustments, that's pretty standard.

7 Q So if, for example, somebody were to apply
 8 for and receive U visa or something like that, their
 9 A-file might not be in the same location as the
 10 office that's making that determination?

11 A No, the -- depending on the visas
 12 issued -- now, okay, and I've got to try to -- we
 13 have a range of numbers between 30 and 60 million
 14 which we've allocated to the State Department for
 15 the issuance of immigrant visas. Now, the State
 16 Department, from my understanding, can issue the
 17 visa for the individual, and not specific to the
 18 category U, or other immigrant visas.

19 They issue that. From what I understand,
 20 they can issue it for up to two years before the
 21 person enters the country or travels.

22 So what we do is get that information

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1 based on -- they have assigned that number to that
 2 individual for either current or future travel, and
 3 then that data -- the basic data is uploaded into
 4 our Central Index System.

5 The record is completed when the person
 6 actually makes the journey and hits one of our ports
 7 of entry. And then the rest of the record is
 8 created, and it's married up with the physical file
 9 jacket.

10 Q Where is the physical file jacket created?

11 A I'm sorry, where are they created?

12 Q Yes.

13 A We get our empty file jackets from western
 14 form center.

15 Q Who puts -- who figures out what the
 16 A-number is going to be for that particular person?

17 A It's issued by the next available, is what
 18 we do.

19 Q And does that go on the file jacket?

20 A Yes, yeah. There's an alphanumeric

21 code -- I mean it's written on the front. It's just
 22 bar code. And then on the back you have the bar

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1 code label for scanning. And that's made -- the
 2 jackets are prenumbered prior to issuance. We get
 3 empty file jackets that are prenumbered based on
 4 projected usage.

5 So, of course, we ask that they be
 6 manufactured far enough in advance so if there's a
 7 need, we can make sure the people have empty file
 8 jackets.

9 And then they request them, the records
 10 manager or records supervisor normally in the local
 11 office identifies their need, as their inventory of
 12 empty jackets is running low, and they request more.

13 Q So if an empty jacket with an A-number on
 14 it is matched up, for example, with somebody who is
 15 coming into your system, at what point does that
 16 information get into the CIS, the central --

17 A Yeah, that's fine, Central Index System.

18 Q Central Index System.

19 A When they apply for a benefit, they get
 20 assigned an alien number. What the individual is
 21 supposed to do in the records group is if you file a
 22 petition and I see no number on there to identify

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1 that you have a preexisting or assigned alien
 2 number, the requirement is that you search the
 3 system based on available information -- name, date
 4 of birth, country of birth, whatever we have -- to
 5 see if there's a preexisting number for you.

6 If that's the case, we create a temporary
 7 file and request your preassigned or previously
 8 assigned A-file.

9 If it's the first petition for -- first
 10 filing for a benefit or first time you're arrested
 11 and the enforcement folks are going to hold you and
 12 file a case or take you to court, then once we do
 13 the search of the mainframe or central index and we
 14 find that there is no preexisting or preassigned
 15 number, they assign the number at that time.

16 Q Who is "they"?

17 A The local office. Wherever the petition
 18 is filed, if you come into our office and you file a
 19 benefit for the first time and we see you have none,
 20 we get the next available empty file jacket, put
 21 your petition or your papers in there, and then we
 22 have a requirement, you know, and then we create the

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1 file electronically to go along with the physical
 2 part.

3 Q So some data entry happens after you grab
 4 that empty file jacket, figure out what the person's
 5 A-number is going to be --

6 A Right.

7 Q -- put the petition in it. And then
 8 somebody at some point is going to be entering that
 9 into your mainframe?

10 A Yes, ma'am.

11 Q Let me ask you this question. Does your
 12 office have a responsibility for certain kinds of
 13 determinations? Like I know very little about the
 14 system, but I know that, for example, people will

15 say that a VOWA petition will go to Vermont and
 16 there seem to be different locations that take
 17 charge of different things.
 18 Does your office take charge of anything
 19 special?
 20 A No. All we do -- and I say "all we do."
 21 Actually to me it's pretty important, but what we do
 22 is we make sure the file gets to the requester or

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 1 goes to the requester. We don't actually -- we
 2 don't take petitions here or file any here or no one
 3 files any petitions with our group at all, in the
 4 records office.

5 Now, you have adjudicators throughout the
 6 area that do grant benefits. There's a group in
 7 Herndon, Virginia, that does 192s. They grant them.
 8 They also have an inventory of empty file jackets.

9 When the person comes in, they search,
 10 they assign the number, create the file
 11 electronically. And then if it needs to move, say,
 12 or somebody wants it in Seattle or wherever, then
 13 they send it through records for the tracking and
 14 accountability, but no, we don't process any -- we
 15 don't take any fees, we don't process any
 16 applications in our office, no.

17 Q You're like the UPS of CIS?

18 A Pretty much.

19 Q Okay. I got it.

20 I do have a few questions for you about
 21 the relationship between the Central Index System
 22 and the Verification Information System. Do you

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 1 know anything about the relationship between those
 2 databases?

3 A No. I believe the other lady who is here
 4 does.

5 Q She does?

6 A Yeah. From what I understand, and like I
 7 said, my IT capacity is limited, you know, that a
 8 lot of the systems interface. I don't know the
 9 relation from CIS to VIS, though. I know NFTS,
 10 which is ours, and CIS interface with each other
 11 overnight. But --

12 Q Do you have any knowledge of the CARD
 13 interface?

14 A No.

15 Q CLAIMS 3 internal system?

16 A I know that CLAIMS 3 feeds central index.

17 Q And CLAIMS 4?

18 A CLAIMS 4 feeds central index through, I
 19 believe, another system, RNACS is another --

20 Q I was going to get to RNACS.

21 A Yeah.

22 Q How about EADS system?

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 1 A I know that feeds data to CIS, the
 2 employment authorization document system, gives --
 3 we get information uploaded into CIS all the time
 4 from there.

5 Q How about MFAS, Marriage Fraud Act
 6 amendment system?

7 A I'm not sure about MFAS.

8 Q How about RNACS, R-N-A-C-S?