

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.

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. It 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

1 with the Web link.

2 A Yes.

3 Q And on page number 10795, do you see the
4 paragraph in the lower right headed by the phrase
5 "CATEGORIES OF RECORDS IN THE SYSTEM"?

6 A Yes.

7 Q Is this where we would be able to find
8 whether the VIS -- let me back up, try that question
9 again.

10 Is this section of the SORN where we would
11 learn whether SAVE verification includes seeing the
12 person's Certificate of Naturalization number?

13 A Whether SAVE includes the data field of
14 Certificate of Naturalization Number. Let me -- it
15 appears so, yes.

16 Q And do you see in that paragraph A, which
17 starts with the phrase "Data originating from the
18 USCIS Central Index System," do you see there in
19 that paragraph whether it says anything about the
20 Certificate of Naturalization?

21 (Witness reviewed the document.)

22 A Not yet. I'm still reading.

1 (Witness reviewed the document.)

2 I do not see it included.

3 Q If you look a little bit further down in
4 this column and over onto the next page, you will
5 see a paragraph D, which talks about data
6 originating from CLAIMS 4.

7 A Yes, I see that.

8 Q Do you see that there?

9 A Yes.

10 Q Do you see in that section anything
11 related to the number of the Certificate of
12 Naturalization?

13 A No, I do not.

14 Q Is it correct, then, to say that
15 currently, the SAVE system does not allow you to
16 see, or does not pull up information about the
17 number of the Certificate of Naturalization for a
18 naturalized citizen?

19 A Yes.

20 Q Thank you. Here's my question for you.
21 In this exhibit, which is Exhibit 8, talking
22 about -- does Exhibit 8 talk about VIS generally for

1 both SAVE and E-verify?

2 A Yes.

3 Q So when this document, Exhibit 8, refers
4 to CLAIMS 4 information, that would be something
5 that's going to be featured in E-verify after May 5;
6 is that right?

7 (Witness reviewed the document.)

8 A I don't yet see in this document anywhere
9 where that is pieced out. I see a description of
10 what's in the VIS. I don't see, at least in this
11 section, "CATEGORIES OF RECORDS IN THE SYSTEM" that
12 we're talking about, where it goes on to describe
13 whether E-verify and/or SAVE specifically would
14 access a particular data field.

15 Q Do you notice in paragraph A, again in
16 that section where it talks about data originating
17 from the Central Index System, there's lots of
18 information here about employment authorization,
19 such as the date the employment authorization
20 decision issued. Do you see that there?

21 A Yes.

22 Q Is that kind of thing available in SAVE?

1 A There is information in SAVE about work
2 authorization status that is relevant for some, but
3 not all, SAVE users' purposes.

4 Q Is that because it's relevant to the
5 verification of qualified alien under PRWORA for
6 public benefits?

7 A I don't know.

8 (Deposition Exhibit 9 identified.)

9 BY MS. PERALES:

10 Q I'm handing you what has been marked
11 Deposition Exhibit 9. Can you tell me if you can
12 identify that document?

13 A This is entitled "G-845S, Document
14 Verification Request." It's a USCIS form.

15 Q Do you know what its use is?

16 A It is used by agencies to verify
17 information about certain noncitizens and
18 naturalized citizens who are applying for a benefit
19 as defined and applicable in the context of that
20 user. It is not used in every instance.

21 Different users use it at a different
22 stage of the process.

1 Q When you say "users," do you mean SAVE
2 users?

3 A Yes.

4 Q Is this a document used within the SAVE
5 program?

6 A Yes.

7 Q And it says "SAVE" across the top, doesn't
8 it?

9 (Laughter.)

10 THE WITNESS: There's a clue.

11 BY MS. PERALES:

12 Q Yes. Just checking.

13 Can you find the place on this form where
14 CIS responds, confirming that somebody is
15 naturalized?

16 A It's tiny font, but I will try.

17 (Witness reviewed the document.)

18 I don't see any category -- or category is
19 the wrong word, in the response section, section B.
20 I don't see any possible printed response that would
21 say naturalized citizen.

22 Q And is that because the document

1 verification request in SAVE is used for the purpose
2 of figuring out whether noncitizens who present
3 certain kinds of documents are available for these
4 benefits?

5 A Typically, yes.

6 Q Okay. You had mentioned earlier that in
7 order to be a user of SAVE or a participant in SAVE,
8 an agency has to have an MOU.

9 A Yes.

10 Q Can you tell me what MOU stands for?

11 A Memorandum of understanding.

12 Q And is it a legal requirement that a SAVE
13 user have a memorandum of understanding?

14 A It is required by our program before
15 granting access to the system, yes.

16 Q And why do you require an MOU for users?

17 A The MOU spells out our duties, what we
18 will do, and the users' duties and responsibilities,
19 what they will do, so that it is clear how -- you
20 know, as a condition of granting them access to the
21 SAVE system, to have documented the proper use of
22 the system.

1 Q And is it true that the SAVE system
2 contains personal private information?

3 A Yes.

4 Q And does the MOU serve to protect from the
5 misuse or the improper sharing of this private
6 information?

7 A That's a part of it, yes.

8 Q And do you know, with respect to the
9 Arizona county recorders, whether you have MOUs with
10 separate counties or whether you just have one big
11 MOU?

12 A Separate MOUs with each county.

13 Q So if a county wanted to use the SAVE
14 program, that county would have to enter into an MOU
15 with USCIS?

16 A Yes.

17 Q And would it be a violation of your rules
18 if a county used SAVE without an MOU?

19 A Yes.

20 Q Do federal agencies other than USCIS use
21 SAVE?

22 A Yes.

1 Q Give me an example.

2 A Well, one of the biggest is the Social
3 Security Administration. They use SAVE for people,
4 noncitizens, applying for a Social Security number.
5 That's benefit, as they use that word, for their
6 program.

7 Also, if someone is applying for SSI, they
8 would use it. Office of Personnel Management uses
9 it in background investigation processes.

10 Exhibit 6 includes all of them. I'm just
11 looking to see if there's any particularly
12 interesting. But SSA is the largest.

13 Transportation Security Administration,
14 this is a DSA agency, uses it for certain licenses
15 like the TWIC program for hazardous material
16 driver's licenses.

17 Q With respect to Exhibit 8, which is the
18 SORN, is there another document that would set out
19 for me the immigration-related -- the
20 immigration-related information that is just
21 accessed by SAVE?

22 A At the top of my head, I'm not sure. I'm

1 Central Index System. But it's my understanding
2 that SAVE, for its particular purposes, may only be
3 reaching for some information from the Central Index
4 System.

5 A Right.

6 Q Okay. Is it correct to say that in a
7 Web-1 verification request, that a SAVE user would
8 see information showing whether an immigrant is
9 naturalized or not?

10 A I'm sorry, I got lost in the question. In
11 Web-1 --

12 Q Yes. Is a SAVE user able to see
13 information showing whether an immigrant is
14 naturalized or not?

15 A Yes. And I did bring screenshots of the
16 actual Web pages to walk you through, if that's of
17 interest.

18 Q Oh, yes. I'm excited to do that with you,
19 but I want to ask you a couple of questions before
20 that.

21 When SAVE is showing whether an immigrant
22 is naturalized or not, do you know where that

1 pages from the Web-1 SAVE access method.

2 Q Is that method used by Arizona county
3 recorders to verify citizenship?

4 A Yes.

5 Q Okay. Can you walk me through it now?
6 And tell me also, kind of in a narrative way, how a
7 user gets in and does it.

8 A Does it?

9 Q Yes.

10 A The first page of the -- this is
11 essentially a PowerPoint-type presentation. This is
12 what it's -- these Web pages are pasted into.

13 So the first page -- and you'll see
14 there's a number 2, and you will wonder where is
15 number 1. Number 1 was just a cover sheet that my
16 staff put on there, and I was like I don't need a
17 cover sheet. So there's no missing page, just later
18 when you're copying, you don't think we dropped off
19 a page, it was a cover sheet.

20 So page -- first page, which does have a
21 page 2 on it, is called "Initial Log-in Screen."

22 So the user who is ready to perform a

1 query would literally have to put in their user ID
2 and password. This is unique to the person. If
3 someone shares their ID or password with someone
4 else to allow them to use it, that's a violation of
5 the MOU.

6 So they log into the system from this
7 screen. The next screen they will see is just the
8 general user home page. It says welcome to the SAVE
9 program's VIS. And then they would -- they want to
10 do a query, so they're going to go to -- there's a
11 menu on the left, and one choice is "Initial
12 Verification." So they're going to go into that
13 choice.

14 Q Let me stop you there. Are all of those
15 choices available for a Web-1 level user?

16 A Yes.

17 Q So somebody like a county recorder in
18 Arizona would select that first option, "Initial
19 Verification"?

20 A Yes.

21 Q Is that what it's called?

22 A Yes.

1 own choices, if any. So they wouldn't see driver's
2 license, employment.

3 So then they hit "Submit Initial
4 Verification" button. If there is an error that
5 looks like, you know, what we call fat finger, an
6 innocent typo, just to try to avoid going down a
7 mismatch path when it was just a typo, we do a check
8 and come back to the person to say, you know, there
9 seems to be a problem, you know, you didn't put any
10 A-number at all, the field is blank, so it can come
11 back and say you had an error.

12 Q Would that also happen if you entered an
13 insufficient number of digits for the A-number?

14 A It should. It should. I don't know that
15 absolutely.

16 So this wouldn't pop up in every case
17 because it's not going to apply.

18 Then this is actually an example of seeing
19 a system response that someone is a U.S. citizen.

20 Q Does that page have a number on it within
21 this exhibit?

22 A It doesn't, because it was something I