



Catholic
Charities
USA.

Working to Reduce Poverty in America

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Samantha Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, D.C. 20529-2140

Chair of the Board
Michael D. Connelly

President & CEO
Sr. Donna Markham OP, PhD

Episcopal Liaison
The Most Reverend
Frank J. Dewane
Bishop of Venice, FL

Re: Docket ID number USCIS-2019-0007-0001; Collection and Use of Biometrics by U.S. Citizenship and Immigration Services

Dear Ms. Deshommes,

Catholic Charities USA (CCUSA) submits this comment in opposition to the Department of Homeland Security's (DHS) Notice of Proposed Rule Making (NPRM) published in the Federal Register on September 11, 2020. The proposed rule would dramatically expand government surveillance over immigrants and the U.S. citizens sponsoring immigration cases, collecting DNA, voice prints, iris and face scans as well other personal characteristics to be stored in government databases. We respectfully urge DHS to withdraw the proposed rule in its entirety because it would authorize invasive data collection, storage, and sharing far beyond any legitimate justification connected to DHS in our government.

CCUSA is a national membership organization representing more than 167 diocesan Catholic Charities member agencies, which operate more than 2,600 service locations across the country. Their diverse array of social services reached more than 13 million individuals in need last year and included immigration and refugee services. Our Catholic heritage includes a scriptural call to provide hospitality to newcomers as if welcoming Christ Himself. The Catholic Church, like our nation as a whole, finds its identity and roots in various immigrant communities. We affirm the inherent dignity bestowed by God on every human person, including immigrants and refugees, no matter the circumstances that compel a person to begin a new life in our community.

We note that the proposed rule covers a vast and broad array of biometric data collection issues. While not every proposed change is discussed in our comments, we oppose the proposed regulation and call for its withdrawal in its entirety.



I. DHS proposes, with insufficient justification, an expanded list of individuals, including United States citizens, must appear for biometrics collection without regard to age

DHS seeks to expand the list of individuals required to submit biometrics during immigration proceedings. This expanded list includes U.S. citizens who may be sponsoring a family member for a U.S. immigration benefit. The administration's relentless focus on "extreme vetting" has created an insatiable desire for additional, and often unjustifiable, information requests ranging from one's social media information to the proposed fingerprints, iris scans, and other deeply personal biometric data. Additionally, the individuals required to submit this information is expanding to previously vetted immigrants and U.S. citizens. By expanding biometric collections in the proposed manner, DHS is presuming U.S. citizens and lawful permanent residents (LPRs) may be criminals instead of running relevant background searches and requesting any missing information where potential gaps exist. In fact, studies continue to show that the presence of immigrants, regardless of status, do not lead to increased crime rates in the U.S.¹ Scant justification is offered in the proposed rule to explain why previous vetting processes are insufficient. Further, no explanation is provided on how the information will be stored, for how long, and what security measures will be in place to protect it. Without these justifications and detailed explanations, the government's information collection requires an excessively burdensome amount of information. While we acknowledge the right of nations to implement measures to safeguard the security of their borders and protect its citizens, this proposed expansion of the list of individuals required to submit biometrics during immigration proceedings is unjustifiable.

CCUSA finds this portion of the proposed rule to run incongruous to central tenets of our faith tradition and our work in serving others. We commit ourselves to breaking down walls of division that keep sisters and brothers separated from one another, excluded, or rendered disposable by our society. The proposed rule, if implemented, would further heighten the barriers to immigrant family reunification through unwarranted levels of scrutiny. According to the Roman Catholic Compendium of the Social Doctrine of the Church, "Immigrants are to be received as persons and helped, together with their families, to become a part of societal life. In this context, the right of reuniting families should be respected and promoted."² CCUSA supported 393,000 individuals with immigrant services in the U.S. last year. We strive to welcome new immigrants and provide a range of services, including a warm meal, clean clothes, and a safe night's rest where necessary. We recognize each individual's inherent human dignity by providing these services. The proposed rule disregards that dignity. The undue burden of providing this level of personal information will likely have a chilling effect on those seeking our services. The proposed

¹ Flagg, Anna, The Upshot, "Is There a Connection Between Undocumented Immigrants and Crime?," 13 May 2019, available at: <https://www.nytimes.com/2019/05/13/upshot/illegal-immigration-crime-rates-research.html>.

² Compendium of the Social Doctrine of the Church, "Immigration and Work," available at: http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html.

rule should be immediately rescinded due to the lack of compelling justification for the encroachment on both immigrant and immigrant-sponsors' civil liberties and its denial of their human dignity.

II. DHS jeopardizes children's personal information and safety by proposing to expand the collection of "biometrics" to children under 14 years old

Congress historically used the minimum age of 14 as a threshold for a child's biometric data collection in recognizing the sensitivity of such data. The proposed rule ignores this delicate precedent and offers no sound justification for doing so. Children under 14 required to submit biometrics are unlikely to comprehend the gravity and consequences of the decision they are making. This one decision could result in unintended consequences and creates the potential for abuse during the remainder of their youth and into adulthood, depending on their particular immigration case.

CCUSA's leadership and our agencies continue to witness the suffering of migrant children and families on the southern border and throughout the country. Our government's approach to immigrants must improve so that all persons are treated humanely and with dignity. The proposed rule's expansion of biometric data collection for children would only add to their plight. In CCUSA's view, it is unwarranted and unnecessary. DHS should respect Congress's concerns for the lack of consent for children in the U.S. immigration system and withdraw this proposed rule.

III. Conclusion

The proposed rule poses an unjustifiable burden on migrants and their families that CCUSA cannot support. The government's requirement of deeply personal data at an unprecedented level from not only immigrants but also their sponsors is unjustifiable. We also fear the proposed rule's chilling effect would limit our ability to provide services for those in need. Finally, the proposed rule ignores the delicate precedent of avoiding biometric data for children under the age of 14 and offers no sound justification for doing so.

We respectfully urge the Administration to withdraw the proposed rule in its entirety.

Sincerely,



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