

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Sixteenth Congress

June 4, 2020

The Honorable Gene Dodaro  
Comptroller General  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, D.C. 20548

Dear Mr. Dodaro:

I am writing to request that the Government Accountability Office (GAO) undertake an investigation in response to recently disclosed documents showing that various Department of Homeland Security (DHS) components have access to U.S. Citizenship and Immigration Services (USCIS) data relating to the adjudication of applications for immigration benefits. Specifically, I am concerned about the ability of Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) to access personal information related to individuals approved for Deferred Action for Childhood Arrivals (DACA).

When then-DHS Secretary Janet Napolitano established DACA in 2012, the Obama Administration assured DACA requestors that USCIS would not share their personal information with ICE and CBP except under limited circumstances.<sup>1</sup> Hundreds of thousands of young Americans relying on this assurance came forward to apply for deferred action.

However, according to documents obtained by ProPublica in April 2020, it appears ICE has long had the ability to access the personal information of DACA recipients.<sup>2</sup> These recently released documents have created confusion as to what information has already been shared with ICE and CBP as it relates to DACA recipients, and whether such information could be used for enforcement purposes. These disclosures are all the more concerning as ICE repeatedly has

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<sup>1</sup> U.S. Citizenship and Immigration Services, *Policy Memorandum: Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) When Processing a Case Involving Information Submitted by a Deferred Action for Childhood Arrivals (DACA) Requestor in Connection With a DACA Request or a DACA-Related Benefit Request (Past or Pending) or Pursuing Termination of DACA*, DEPARTMENT OF HOMELAND SECURITY (June 28, 2018), pg. 3, <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-06-28-PM-602-0161-DACA-Notice-to-Appear.pdf> (citing November 7, 2011 guidance stating the same policy).

<sup>2</sup> Dara Lind, *ICE has Access to DACA Recipients Personal Information Despite Promises Suggesting Otherwise Internal Emails Show*, PRO-PUBLICA (Apr. 21, 2020), <https://www.propublica.org/article/ice-has-access-to-daca-recipients-personal-information-despite-promises-suggesting-otherwise-internal-emails-show>.

stated that the agency is prepared to remove DACA recipients with final orders of removal if the Supreme Court ends DACA.<sup>3</sup>

For these reasons, I respectfully request GAO conduct an investigation into the following issues:

1. Please identify all DHS databases and information-sharing systems that are maintained or utilized by USCIS in the adjudication of applications, petitions, or other requests for immigration benefits, including for fraud prevention purposes.
2. Of the databases and information-sharing systems identified in Question 1, please identify those systems to which ICE and/or CBP have access, the type and nature of such access, and the date on which ICE and/or CBP were granted such access.
3. Of the databases and information-sharing systems identified in Question 2:
  - a. To the extent that ICE or CBP only have access to a portion of the data or information contained in the database or system, please describe how such access is limited and specify the information fields to which ICE or CBP have access.
  - b. Please specify the ICE or CBP positions (agent, officer, manager, Director, etc.) that are authorized to access this information.
  - c. If ICE or CBP requires permission from USCIS to access all or a portion of information contained in a database or system, please specify the USCIS officials (including position titles) that are authorized to grant such permission.
  - d. Can queries be run in batch format (i.e. seeking information on more than one person through a single search)?
  - e. Please specify the information (name, A number, address, etc.) that is required for ICE or CBP to query the database or system and access information on an individual or, if batch queries can be processed, a group of individuals.
  - f. Describe how each database or system ensures that information is only accessed by authorized users and tracks queries run by individual users.
  - g. For each database or system, how many queries have been run by ICE or CBP officials to access information on DACA requestors or recipients?
4. Please identify each database that contains information provided by DACA requestors or recipients, and the type and nature of the information related to such individuals contained in each database?
5. What internal and external policies or procedures govern ICE or CBP's access to the personal information of DACA requestors or recipients?
6. Which offices or directorates are responsible for developing policies governing ICE or CBP access to USCIS databases or other information, including information related to

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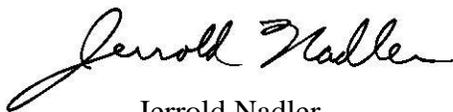
<sup>3</sup> Ian Millhiser, *The Head of ICE Says He Will Deport DREAMers if the Supreme Court Ends DACA*, VOX (Jan. 25, 2020), <https://www.vox.com/2020/1/25/21080610/daca-ice-supreme-court-john-roberts-matthew-albence-deport>.

DACA requestors or recipients? Do such policies require approval from a particular official, or level of official, before access to USCIS databases or other information can be obtained? If so, what official, or level of official may provide such approval?

7. Please describe the changes, if any, to policies or procedures concerning DACA-related information-sharing and access since the inception of the DACA program in 2012.
8. Has DHS instructed USCIS to provide ICE or CBP access to information related to DACA requestors or recipients? If so, when did such instruction occur, and what was the reasoning for the instruction?
9. With respect to any database or information system queries, or other requests for information, on DACA requestors or recipients by ICE or CBP since the commencement of the DACA program in 2012, please provide—
  - a. The information that was requested;
  - b. The individuals (positions) or entities that made the request or initiated the transmission;
  - c. Whether the request was fulfilled by USCIS and if so, the information that was provided to ICE or CBP and the date on which such information was provided.
  - d. To the extent that information was provided to ICE or CBP, whether it was used for enforcement purposes and, if not, the purpose for which it was used.

Thank you for your cooperation and attention to this request.

Sincerely,



Jerrold Nadler  
Chairman  
Committee on the Judiciary



Zoe Lofgren  
Chair  
Subcommittee on Immigration and  
Citizenship

cc: The Honorable Jim Jordan, Ranking Member, Committee on the Judiciary  
The Honorable Ken Buck, Ranking Member, Subcommittee on Immigration and  
Citizenship