



April 16, 2019

Submitted via www.regulations.gov

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

Re: Public Comment Opposing Form G-1530: USCIS Tip Form
OMB Control Number 1615-NEW
Docket ID USCIS-2019-0001

Dear Ms. Deshommès:

The undersigned institutional investors, members of the Interfaith Center on Corporate Responsibility (ICCR), a coalition of faith-based and values-driven institutional investors representing \$400 billion in assets under management, have profound concerns about the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.

The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.

According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.¹ For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years.² Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.³

¹ Federal Bureau of Investigations Uniform Crime Reporting Program 2017 Hate Crimes Statistics, available at <https://ucr.fbi.gov/hate-crime/2017/topic-pages/incidents-and-offenses>.

² John Eligon, Hate Crimes Increase for the Third Consecutive Year, F.B.I. Reports, New York Times (November 13, 2018), available at <https://www.nytimes.com/2018/11/13/us/hate-crimes-fbi-2017.html>.

³ See Arab American Institute, Hate Crimes Continue to Surge in America (November 13, 2018), available at http://www.aaiusa.org/hate_crimes_continue_to_surge_in_america (summarizing FBI 2017 statistics).

Immigrants are essential contributors to American communities and to the American economy. Targeting immigrant communities in this way is a radical change to our immigration system, which will put many families at risk. Government resources are being used to increasingly tear individuals from communities. The implementation of this Tip Form illustrates that a targeting of immigrants and immigrant communities, not a real focus on public safety that is motivating this policy change.

A study by the New American Economy highlights that immigrants are significant contributors to the U.S. economy--“immigration creates an economic opportunity—creating jobs, filling workforce gaps, and helping communities thrive.” Immigrants comprise one in five entrepreneurs in the U.S., according to the study. The 3.2 million immigrants who run their own businesses are also responsible for employing 8 million American workers and generating \$1.3 trillion in total sales in 2017.

Further, such reporting and targeting is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.⁴ Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. The analysis of USCIS statistics shows that case processing delays have reached crisis levels, with harmful consequences for families, vulnerable populations, and U.S. businesses throughout the country. For example, increased delays in the adjudication of employment-based benefits have undermined the ability of US companies to hire and retain essential workers and fill critical workforce gaps.

USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.

Further, the proposed USCIS Tip Form requests does not require that individuals provide their name and contact information to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information on how it will handle and respond to these anonymous tips. Because the information is collected anonymously it will be difficult to assess its credibility. Those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.

USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.⁵ By contrast, the new USCIS Tip Form will provide abusers and perpetrators of

⁴ Jason Boyd and Greg Chen, AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration, American Immigration Lawyers Association (January 30, 2019), available at <https://www.aila.org/advo-media/aila-policy-briefs/aila-policy-brief-uscis-processing-delays>.

⁵ U.S. Citizenship and Immigration Services was created with the Congressional intent of focusing on benefits adjudication, rather than an enforcement-focused agency. On its website it states that it was “formed to enhance the security and improve the efficiency of national immigration services by exclusively focusing on the administration of benefit applications. Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), components within DHS, handle immigration enforcement and border security functions” (emphasis added). USCIS Webpage, “Our History” (May 25, 2011), available at <https://www.uscis.gov/about-us/our-history>.

crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion.

The signatories to this letter strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.

Sincerely,



Josh Zinner, Interfaith Center on Corporate Responsibility

And representing:

Adrian Dominican Sisters, Portfolio Advisory Board
Conference for Corporate Responsibility Indiana and Michigan
Congregation of Holy Cross, Moreau Province
Congregation of Sisters of St. Agnes
Congregation of St. Basil
Congregation of St. Joseph
Dana Investment Advisors
Daughters of Charity, Province of St. Louise
Dominican Sisters of Hope
Dominican Sisters of Sparkill
Franciscan Sisters of Allegany NY
Hansen's Advisory Services, Inc.
Justice, Peace and Reconciliation Commission,
Priests of the Sacred Heart, US Province
Marist Fathers and Brothers
Maryknoll Fathers and Brothers
Mercy Investment Services, Inc.
Midwest Coalition Responsible Investment
Mount St. Scholastica
Natural Investments
Northwest Coalition for Responsible Investment
Providence St. Joseph Health
Racine Committee for Peace and Justice
Region VI Coalition for Responsible Investment
Rochester MN Franciscan
School Sisters of Notre Dame - Central Pacific Province
School Sisters of Notre Dame Cooperative Investment Fund

SharePower Responsible Investing
Sisters of Charity of Leavenworth
Sisters of Charity of New York
Sisters of Charity, Halifax
Sisters of Mary Reparatrix
Sisters of Notre Dame de Namur
Sisters of O.L. of Christian Doctrine
Sisters of Saint Joseph of Chestnut Hill, Philadelphia
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Francis
Sisters of St. Francis Charitable Trust, Dubuque
Sisters of St. Joseph of Boston
Sisters of St. Joseph of Springfield
Sisters of the Humility of Mary
Skye Advisors LLC
Socially Responsible Investment Committee of the Racine Dominicans
St. Mary's Institute
T'ruah: The Rabbinic Call for Human Rights
Tri-State Coalition for Responsible Investment
Ursuline Convent, Toledo, OH
Ursuline Sisters of Louisville
Ursuline Sisters of Tildonk, U.S. Province
Xaverian Brothers