

**Pinkerton, Christopher M (Chris)**

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**From:** [REDACTED]  
**Sent:** Tuesday, September 19, 2017 4:57 PM  
**To:** [REDACTED]  
**Cc:**  
**Subject:** RE: Rescheduled Senate Judiciary Hearing: Draft Q&As - need response and review

Here are OCC edits/comments:

Please explain how and when the personal information provided by DACA applicants is provided to ICE or other law enforcement agencies.

**RESPONSE:**

- Generally speaking, personal information provided by DACA requestors would be provided to ICE when the DACA requestor poses a risk to national security or public safety, or meets the criteria for the issuance of a Notice To Appear or for a referral to ICE. ~~under the criteria.~~
- When an individual meets the criteria for referral to ICE, trained USCIS officers in Background Check Units (BCUs), follow established procedures and refer the case to the ICE Benefit Fraud Unit (BFU) via a Request to Investigate (RTI).
- Request from ICE or other law enforcement: ICE or a requesting law enforcement agency (LEA) may submit an information request form used by the service center BCUs for LEA file requests or alternatively they can utilize the DHS Request for Information Process. Additionally, BCUs utilize direct email correspondence with ICE. **[OCC recommends deleting the following information, as it is not essential to responding to the specific question asked, and is likely to generate considerable anxiety among DACA requestors who are already very concerned, and are making claims in lawsuits, about the sharing of their information with ICE. Instead, we recommend adding the bullet in green below, which is consistent w/ recent representations to the EDNY court in a DACA case: It is worth noting that in many cases, ICE already has the file or it is at the National Record Center (NRC) post adjudication and ICE can order the file from the NRC. Additionally, DHS personnel have mutual access to some of the electronic systems used by USCIS.]**
- DHS continues to adhere to its DACA information-sharing policies as expressed since the inception of DACA and assesses requests for information from ICE and LEAs in light of those expressed policies.

[REDACTED]  
Associate Counsel  
RALD/OCC/USCIS  
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