

December 1, 2025

Roman Jankowski
Chief Privacy Officer, Privacy Office
Department of Homeland Security
Washington, DC 20528-0655

Re: USCIS-2025-0337; Privacy Act of 1974; System of Records

Dear Deputy Administrator Murren:



National Political
Advocacy Department
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Washington, DC 20005-2112
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Deirdre Schifeling
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Advocacy Officer

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Executive Director

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President

The American Civil Liberties Union strongly opposes the proposed Systems of Records Notice (SORN) published by the U.S. Department of Homeland Security (DHS) and U.S. Citizenship and Immigration Services (USCIS).¹ The proposal would expand the Systematic Alien Verification for Entitlements Program (SAVE) to include U.S. citizens, breaking from forty years of practice. SAVE would integrate Social Security numbers, passport numbers, and state motor vehicle records and voter files,² establishing a centralized federal database of U.S. citizens. This expansion of SAVE is unprecedented, dangerous, without statutory authorization, and in violation of the Privacy Act and more. We strongly urge the Department to withdraw the proposal and roll back any changes already made to SAVE.

A Centralized Database of U.S. Citizens Is Unprecedented and Will Be the Foundation for Pervasive Surveillance

What USCIS is proposing — a centralized, comprehensive federal database of U.S. citizens, combining data among multiples state and federal agencies — is unprecedented in the American tradition. And for good reason: such a database would enable systematic, pervasive surveillance by linking digital records. Consolidating identifiers such as Social Security numbers, drivers' license numbers, passport numbers, and financial accounts would be the keystone for unifying records across the government into centralized dossiers.

¹ 90 Fed. Reg. 48948 (Oct. 30, 2025), *available at* <https://www.federalregister.gov/documents/2025/10/31/2025-19735/privacy-act-of-1974-system-of-records>.

² We use the term “voter files” to refer to both the statewide lists of legally registered voters required by the National Voter Registration Act and the Help America Vote Act (HAVA) of 2002, and any other individually identifiable data related to voting and voter registration collected by or maintained in SAVE.



To avoid the threat of federalized surveillance, identity management has long resided with the states,³ and Congress has served as a bulwark against the establishment of centralized databases of U.S. citizens. This tradition was recognized in the House and Senate's compilation of the legislative history of the Privacy Act of 1974,⁴ stating: "Public and Congressional concern over an increasing trend within our government to snoop into virtually every segment of our society is not new."⁵ Consequently, the Privacy Act was meant to address "the Government's voracious appetite for personal information about each of us" and to make it "legally impossible for the Federal Government in the future to put together anything resembling a '1984' personal dossier on a citizen."⁶

Subsequent measures by Congress similarly sought to foreclose the creation of federal databases. The Privacy Act was amended in 1988 to place safeguards around the computerized consolidation of records.⁷ Those amendments disavowed authorizing "the establishment or maintenance by any agency of a national data bank that combines, merges, or links information on individuals maintained in systems of records by other Federal agencies."⁸

Congress has opposed more recent efforts, such as the Total Information Awareness (TIA) program proposed by the Department of Defense in the early 2000s. TIA was designed to mine vast amounts of personal data from a variety of sources, including commercial databases, travel records, and financial transactions. This program was loudly criticized across the political spectrum, and in response to efforts led by Senator Wyden and Senator Grassley, Congress halted funding for TIA. As Senator Grassley observed then: "Like many people, I have been concerned that this program could be used to invade the privacy of Americans by snooping around in our bank accounts, personal Internet computers, phone records and the like."⁹

³ U.S. Const, amend. X.

⁴ 5 U.S.C. § 552a.

⁵ S. Comm. on Gov't Operations and H.R. Comm. on Gov't Operations, 94th Cong., 2d Sess., Legislative History of the Privacy Act of 1974 - S. 3418 (Pub. L. No. 93-579), Source Book on Privacy at 4 (1976), available at https://www.justice.gov/d9/privacy_source_book.pdf.

⁶ *Id.* at 884.

⁷ Computer Matching and Privacy Protection Act of 1988, Pub. L. No. 100-503, 102 Stat. 2507 (1984) (codified at 5 U.S.C. § 552a(o)), available at <https://uscode.house.gov/statutes/pl/100/503.pdf>.

⁸ Pub. L. No. 100-503, sec. 9(1).

⁹ Declan McCullagh, *Republican Senator Slams Database Plan*, CNET (Jan. 22, 2003), <https://www.cnet.com/tech/services-and-software/republican-senator-slams-database-plan/>; accord Sen. Chuck Grassley, *Pentagon Snoops Need Congressional Leash* (Jan. 31, 2003), <https://www.grassley.senate.gov/news/news-releases/pentagon-snoops-need-congressional->



This is the future USCIS envisions: information across DHS, the Social Security Administration (SSA), the State Department, state motor vehicles departments, and state voter files would be consolidated in a single database. Combining these key identifiers would make further linkages with tax records, Medicaid files, and more rather easy for the government to achieve — and DHS is actively building the infrastructure to access that very data.¹⁰ SAVE would permit a future president — of either party — to identify registered Democrats or Republicans (from voter files), who have given to particular advocacy organizations (from tax records), and who receive particular benefits (from state queries to SAVE). Combining that information with biometric information and commercially available location data that DHS components already collect would, again, be simple to effectuate. USCIS’s vision for SAVE is a platform for surveillance, ripe for political abuse.

USCIS’s Surveillance of Citizens Through SAVE Is Not Authorized by Law

USCIS points to a variety of statutes to justify its expansion of SAVE to include U.S. citizens, even those who have never interacted with immigration authorities and did not obtain their citizenship through naturalization or derived or acquired citizenship.¹¹ However, these laws do not provide authority for the expansion of SAVE and in fact expressly bar SAVE from systematically including most U.S. citizens.

As its first authority for its expansion of SAVE, USCIS points to section 121 of the Immigration Reform and Control Act of 1986 (IRCA).¹² Section 121 instructs immigration agencies to “implement a system for the verification of immigration status” available to states no later than October 1, 1987.¹³

[leash](#) (“Without appropriate oversight and accountability standards, Total Information Awareness could infringe on [Constitutional] rights. Snooping around by the feds cannot go unchecked.”).

¹⁰ William Turton, Christopher Bing, & Avi Asher-Schapiro, *The IRS is Building a Vast System to Share Millions of Taxpayers’ Data with ICE*, PROPUBLICA (July 15, 2025), <https://www.propublica.org/article/trump-irs-share-tax-records-ice-dhs-deportations>; Kimberly Kindy & Amanda Seitz, *Trump Administration Gives Personal Data of Immigrant Medicaid Enrollees to Deportation Officials*, ASSOCIATED PRESS (June 14, 2025), <https://apnews.com/article/medicaid-deportation-immigrants-trump-4e0f979e4290a4d10a067da0acca8e22>.

¹¹ See 90 Fed. Reg. at 48952.

¹² 90 Fed. Reg. at 48949, 48952 (citing Immigration Reform and Control Act of 1986, Public Law 99-603, sec. 121(c)(1) (1986)).

¹³ Immigration Reform and Control Act of 1986, Public Law 99-603, sec. 121(c)(1) (1986), available at <https://www.govinfo.gov/content/pkg/COMPS-10559/pdf/COMPS-10559.pdf>.



The plain language of the statute, referring to “immigration status” suggests that SAVE, the “system” referenced in the law, was never meant to include U.S. citizens. In fact, the Immigration and Nationality Act (INA),¹⁴ which IRCA amended,¹⁵ uses the terms “immigration status” and “status” almost exclusively to apply to noncitizens. For example, section 204 of the INA,¹⁶ pertaining to granting “immigration status,” uses the term “status” nearly forty times; in almost every instance, the term refers to a noncitizen. In the limited instances where the section is referring to citizens (or former citizens), it does so explicitly, using the term “citizenship status.”¹⁷ Similarly, INA section 341 addresses both citizens and noncitizens;¹⁸ the term “status” is used only in provisions addressing noncitizens. This pattern persists throughout the text of the INA.¹⁹

The other authorities cited by USCIS are similarly unavailing for its proposed expansion to systematically include U.S. citizens in SAVE:

- The Personal Responsibility and Work Opportunity Reconciliation Act only requires that immigration authorities (then, the Attorney General) verify that a “person applying for a Federal public benefit . . . is a qualified alien and is eligible to receive such benefit.”²⁰ Nothing in the PRWORA authorizes a centralized database of U.S. citizens, and in guidance implementing PRWORA, the Attorney General eschewed use of SAVE for citizens.²¹ As the Attorney General observed in a follow-up notice of proposed rulemaking, “The SAVE system is not suitable for verifying U.S. nationality.”²²

¹⁴ Public Law 82-414, 66 Stat. 163 (June 27, 1952), *available at* <https://www.govinfo.gov/content/pkg/COMPS-1376/pdf/COMPS-1376.pdf>.

¹⁵ *Pulsifer v. United States*, 601 U.S. 124, 149, 144 S. Ct. 718, 735, 218 L. Ed. 2d 77 (2024) (“In a given statute, the same term usually has the same meaning and different terms usually have different meanings.”); *cf.* *Food & Drug Admin. v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 132–33 (2000) (“The meaning—or ambiguity—of certain words or phrases may only become evident when placed in context. A court must therefore interpret the statute as a symmetrical and coherent regulatory scheme, fit, if possible, all parts into an harmonious whole . . .” (internal quotation marks and citations omitted)).

¹⁶ Public Law 82-414, sec. 204 (June 27, 1952) (codified as amended at 8 U.S.C. § 1154).

¹⁷ 8 U.S.C. § 1154(a)(1)(A)(iii)(II)(CC)(bbb), (iv), (vi), (vii)(I).

¹⁸ Pub. L. 82-414, sec. 341 (June 27, 1952) (codified as amended at 8 U.S.C. § 1452).

¹⁹ *E.g.*, Pub. L. 82-414, sec. 245 (June 27, 1952) (codified as amended at 8 U.S.C. § 1255).

²⁰ Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), Pub. L. 104-193, sec. 432, 110 Stat. 2105 (Aug. 22, 1996) (codified as amended at 8 U.S.C. § 1642); *accord* Pub. L. 104-208, secs. 504, 508 (Sept. 30, 1996) (amending PRWORA).

²¹ Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61344, 61348 (Nov. 17, 1997).

²² 63 Fed. Reg. 41662, 41669 (Aug. 4, 1998). Although the Attorney General subsequently issued a proposed rule to implement PRWORA, it was never finalized, and the 1997 Interim



- The Illegal Immigration Reform and Immigrant Responsibility Act of 1996²³ establishes a pilot program for the system now known as E-Verify,²⁴ bifurcating processes between confirmation of U.S. citizenship by SSA and immigration status by immigration agencies.²⁵
- Section 1373 of title 8 of the United States Code, passed as part of the Illegal Immigration Reform and Immigrant Responsibility Act, neither references SAVE nor authorizes a national database of U.S. citizens.²⁶
- The REAL ID Act is explicit in barring the use of SAVE for U.S. citizens. That law requires states to enter into an agreement with DHS to utilize SAVE “to verify the legal presence status of a person, *other than a United States citizen*, applying for a driver’s license or identification card.”²⁷
- The Patient Protection and Affordable Care Act provides procedures for the Commissioner of Social Security to verify information of individuals enrolling in the health insurance exchange with DHS; that provision is limited to lawfully present noncitizens and citizens whose citizenship SSA is unable to confirm.²⁸ The Act does not authorize an expansion of SAVE.
- Finally, the Federal Aviation Administration (FAA) Extension, Safety, and Security Act of 2016, includes provisions permitting the Transportation Security Administration to access DHS-held data in implementing the TSA PreCheck program,²⁹ and for airport operators to access E-Verify and SAVE to confirm personnel identification for

Guidance remains operative. *Housing Authority of San Francisco v. Turner*, No. 25-CV-08859-JST, 2025 WL 3187761, at *11 (N.D. Cal. Nov. 14, 2025).

²³ Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208, 110 Stat. 3009-546 (Sept. 30, 1996), *available at* <https://www.govinfo.gov/content/pkg/PLAW-104publ208/pdf/PLAW-104publ208.pdf>.

²⁴ *About E-Verify*, E-VERIFY, <https://www.e-verify.gov/about-e-verify> (last visited Nov. 19, 2025).

²⁵ *Compare* Pub. L. 104-208, sec. 404(e), *with id.* sec. 404(f).

²⁶ 8 U.S.C. § 1373. The ACLU maintains that § 1373 is unconstitutional, and courts have agreed. *See, e.g., Chicago v. Sessions*, 321 F. Supp. 3d 855, 872-73 (N.D. Ill. 2018), *aff’d*, 961 F.3d 882 (7th Cir. 2020); *Philadelphia v. Sessions*, 309 F. Supp. 3d 289, 328-31 (E.D. Pa. 2018); *Oregon v. Trump*, 406 F. Supp. 3d 940, 971-73 (D. Or. 2019), *vacated as moot*, 42 F.4th 1078 (9th Cir. 2022); *see also Colorado v. DOJ*, 455 F. Supp. 3d 1034, 1059-60 (D. Colo. 2020).

²⁷ REAL ID Act of 2005, Public Law 109-13, div. B, sec. 202(b), 119 Stat. 231, 302 (May 11, 2005) (emphasis added), *available at* <https://www.govinfo.gov/content/pkg/PLAW-109publ13/pdf/PLAW-109publ13.pdf>.

²⁸ Patient Protection and Affordable Care Act, Pub. L. 111-148, sec. 1141(b), 124 Stat. 119 (Mar. 23, 2010) (codified as amended 42 U.S.C. § 18081).

²⁹ Federal Aviation Administration (FAA) Extension, Safety, and Security Act of 2016, Public Law 114-190, sec. 3102(d)(1), 130 Stat. 615 (July 15, 2016), *available at* <https://www.govinfo.gov/content/pkg/PLAW-114publ190/pdf/PLAW-114publ190.pdf>.



access to airports' Security Identification Display Area (SIDA).³⁰ Again, nothing in the text either authorizes or even addresses the expansion of SAVE.

Although these statutes establish requirements for public benefits, nowhere do they authorize a comprehensive, systematic database of U.S. citizens or the inclusion of U.S. citizens in SAVE. And of course, "Congress . . . does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions — *it does not, one might say, hide elephants in mouseholes.*"³¹ The establishment of a national database of U.S. citizens is a politically significant question, and Congress has repeatedly declined to create such a database.³² If Congress had intended for these statutes to provide the authority that USCIS now claims, it would have done so, and it would have done so *clearly*.

Moreover, USCIS's proposal breaks with its own long-standing interpretation of its authority regarding SAVE. For nearly forty years, USCIS and its predecessor agencies have interpreted their statutory authority to permit SAVE to cover primarily noncitizens, adhering to the plain language of the statute to cover only "immigration status."

In its first Privacy Impact Assessment dedicated to SAVE, USCIS underscored this historic understanding of the database, explaining: "SAVE verifies noncitizens and naturalized citizens. Native-born U.S. citizens are not subject to SAVE verification In the vast majority of cases these are immigrants or non-immigrants, but they may also include naturalized or derived U.S. citizens."³³ Likewise, an earlier multi-purpose database that included SAVE, the Verification Information System (VIS), covered only "[i]mmigrants and naturalized U.S. citizens applying for federal, state, and local public benefits," excluding most U.S. citizens.³⁴ And the SORN for the predecessor to VIS similarly limited its coverage to non-U.S. citizens.³⁵

³⁰ *Id.* sec. 3405(d). See 49 C.F.R. § 1542.205 for SIDA identification requirements.

³¹ *Whitman v. Am. Trucking Associations*, 531 U.S. 457, 468 (2001) (emphasis added).

³² *Cf. Food & Drug Admin. v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 156 (2000).

³³ USCIS, Privacy Impact Assessment for the Systematic Alien Verification for Entitlements (SAVE) Program DHS/USCIS/PIA-006 at 3 (Aug. 2011), available at <https://www.dhs.gov/publication/systematic-alien-verification-entitlements-save-program>.

³⁴ 67 Fed. Reg. 64134 (Oct. 17, 2002), available at <https://www.federalregister.gov/documents/2002/10/17/02-26261/privacy-act-of-1974-system-of-records>.

³⁵ 60 Fed. Reg. 52690, 52699–700 (Oct. 10, 1995), available at <https://www.federalregister.gov/documents/1995/10/10/95-24755/privacy-act-of-1974-privacy-act-systems-of-records#page-52699>.



USCIS's sudden departure from the plain text of the statutes it relies on and its long-standing practice cannot be upheld. Such departures require "clear authorization" from Congress where the agency claims "to discover in a long-extant statute an unheralded power . . . in the vague language of an 'ancillary provision'" of the statute, "one that was designed to function as a gap filler and had rarely been used in the preceding decades."³⁶ Conversely, respect to agency interpretation is "especially warranted when an Executive Branch interpretation was issued roughly contemporaneously with enactment of the statute and remained consistent over time."³⁷ USCIS's sudden, dramatic departure from long-standing interpretation of the INA, IRCA and other statutes lacks such clear authorization and cannot be maintained.

The Proposed SORN Fails to Account for USCIS's Collection of Voter Files and Violates the Privacy Act's Bar on First Amendment Surveillance

USCIS's SORN is incomplete; although it acknowledges that it will be integrating full and truncated Social Security numbers, U.S. passport numbers, driver's license numbers, and additional information from SSA,³⁸ it fails to expressly address that it will likely be collecting state voter files — and has been doing so already.

The collection of state voter files is heavily implied by the SORN; the changes proposed by USCIS include authorizing "verification of registrants and registered voters in voter registration and voter list maintenance processes," including "by uploading a file with a list of multiple cases" — that is, bulk uploads.³⁹ Records provided by the "user agency" are integrated into SAVE,⁴⁰ and — now — made available to other users "with appropriate legal authority."⁴¹ Prior reporting disclosed that USCIS has integrated state voter files into its "data lake,"⁴² and at least one state — Virginia — has expressly begun using the "bulk upload" feature.⁴³

³⁶ *W. Virginia v. Env't Prot. Agency*, 597 U.S. 697, 724 (2022) (internal citations omitted).

³⁷ *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 386 (2024)

³⁸ 90 Fed. Reg. 48948, 48949 (Oct. 30, 2025).

³⁹ *Id.* at 48949, 48951.

⁴⁰ *Id.* at 48952 (describing retention of "[i]nformation collected from the benefit applicant by the user agency").

⁴¹ *Id.* at 48951 ("Additionally, user agencies with appropriate legal authority may now view, within SAVE, other user agencies' case data through a linking mechanism based on either benefit type granted (e.g., Medicare) or by state.").

⁴² Makena Kelly & Vittoria Elliott, *DOGE Is Building a Master Database to Surveil and Track Immigrants*, WIRED (Apr. 18, 2025), <https://www.wired.com/story/doge-collecting-immigrant-data-surveil-track/>.

⁴³ Gov. Glenn Youngkin, Va. Exec. Order No. 53, *Enhancing Security for Election Preparedness* (Sept. 12, 2025), <https://perma.cc/VY8P-UZGY>. Executive Order No. 53 predates the SORN



The collection of voter files and other voter data runs afoul of the Privacy Act. The Act prohibits agencies from maintaining any “record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.”⁴⁴

The SORN does not detail the nature of voter files that will be provided to SAVE, but the majority of states include party affiliation in their voter files.⁴⁵ Party affiliation has long been recognized by courts as an exercise of the First Amendment right of association, and it is consequently protected by (e)(7).⁴⁶

In addition, voter files often included voting history, early voting information, absentee voting information, and other information about individual voters’ exercise of voting rights. Courts have found that the right to vote stems from the First Amendment in addition to the Fourteenth;⁴⁷ because the right to vote is in itself an exercise of First Amendment rights, agencies are precluded by the Privacy Act from collecting voting records without statutory authorization.

Moreover, the exceptions outlined in clause (e)(7) do not apply to SAVE. As detailed above, neither the INA nor IRCA contemplate the creation of a database of U.S. citizens; consequently, SAVE’s collection of citizens’ voting activities is neither “authorized by statute” nor “pertinent to and within the scope of an authorized law enforcement activity.”⁴⁸ Similarly, it is beggars belief that USCIS has collected “express” authorization from the millions of individuals whose voter files are likely to be retained in SAVE. USCIS’s expansion of SAVE to include voter files is consequently prohibited by the Privacy Act.

by nearly six weeks because USCIS issues the SORN months after it began implementing the changes the SORN describes.

⁴⁴ 5 U.S.C. § 552a(e)(7).

⁴⁵ *Access to and Use of Voter Registration Lists*, NAT’L CONF. STATE LEGISLATURES (July 17, 2025), <https://www.ncsl.org/elections-and-campaigns/access-to-and-use-of-voter-registration-lists>.

⁴⁶ *Maydak v. United States*, 363 F.3d 512, 516 (D.C. Cir. 2004) (familial association First Amendment right protected by (e)(7)); *Gerlich v. DOJ*, 659 F. Supp. 2d 1, 13-15 (D.D.C. 2009) (“political and ideological affiliations” protected by (e)(7)).

⁴⁷ *Wright v. Mahan*, 478 F. Supp. 468, 473 (E.D. Va. 1979) (citing cases), *aff’d*, 620 F.2d 296 (4th Cir. 1980).

⁴⁸ 5 U.S.C. § 552a(e)(7).



The Proposed Repurposing of SORN Would Also Violate the Social Security Act

The Social Security Act prohibits any person acting under a law passed after October 1, 1990, from disclosing Social Security Numbers.⁴⁹ As described above, nearly all of the authority relied on by USCIS was passed after that date;⁵⁰ despite that prohibition, USCIS's expansion of SAVE would readily disclose Social Security numbers for nearly every query.

Federal agencies have long recognized that merely confirming an individual's Social Security number is tantamount to a disclosure of that information. For example, the Department of Education has forbidden schools from using a "student's SSN . . . supplied by the requester to identify the student or locate the student's records."⁵¹ This is because confirming the match between the Social Security number provided by the requester and the student's records implicitly confirms that the Social Security number is accurate and complete.⁵² For this same reason, SSA declines to verify the accuracy of Social Security numbers, except in limited instances,⁵³ and other agencies have followed suit.⁵⁴ USCIS's proposal deviates from this established practice and runs afoul of the Privacy Act.

The Database Will Likely Be Prone to Errors and Cybersecurity Threats

The Privacy Act requires agencies to maintain records "with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual" and ensure that records "are accurate, complete, timely, and relevant for agency purpose" prior to dissemination outside the federal government.⁵⁵ USCIS's consolidation and use of Social Security Numbers, passport numbers, motor vehicle data, and voter files will be prone to inaccuracies, which will harm citizens merely seeking benefits or to exercise their fundamental rights, for two reasons.

First, as USCIS consolidates this data, it will need to ensure that the data from disparate state and federal records are for the same individual — that the

⁴⁹ 42 U.S.C. § 405(c)(2)(C)(viii) (section 205(c)(2)(C)(viii) of the Social Security Act).

⁵⁰ See *supra* notes 20–30 and accompanying text.

⁵¹ 73 Fed. Reg. 74806 (Dec. 9, 2008), available at

<https://www.federalregister.gov/documents/2008/12/09/E8-28864/family-educational-rights-and-privacy>.

⁵² *Id.*

⁵³ Social Security Administration, Program Operations Manual System (POMS), GN 03325.002 (2023), available at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0203325002>.

⁵⁴ *Social Security Number Reduction (SSNR)*, Veterans' Administration, <https://department.va.gov/privacy/ssnreduction> (last visited Nov. 20, 2025).

⁵⁵ 5 U.S.C. § 552a(e)(5)–(6).



John Henry Doe in a State Department record is the same as John H. Doe in a potentially matching SSA record, and that both are the same as “John Doe” in state voter files. Consolidating those records is much harder and messier than one might expect, as databases may be in different formats, have been created using different coding languages, have incorrect, incomplete, or outdated information, or simply be too vague to be definitively connected. Errors in matching individuals — a process known as entity resolution⁵⁶ — has beset much small data matching efforts and may present a serious obstacle to USCIS.⁵⁷

Second, none of this data — Social Security data in particular — was ever meant to track citizenship status. Although SSA may maintain citizenship data, it “merely represents a snapshot of the individual’s citizenship status at the time of their interaction with SSA” and does not “provide definitive information about an individual’s citizenship status.”⁵⁸ Consequently, SSA has disclaimed relying on its records as measures of citizenship, stating “SSA is not the agency responsible for making citizenship determinations” and “SSA is not the custodian of U.S. citizenship records.”⁵⁹

Likewise, consolidating data at the federal level also increases the risks of cybersecurity incidents. A single, consolidated database would be attractive to foreign adversaries, who have previously targeted data held by the Office of Personnel Management,⁶⁰ large school districts,⁶¹ and communications networks,⁶² affecting tens of thousands of businesses and millions of Americans.

⁵⁶ Sonal Goyal, *An Introduction to Entity Resolution – Needs and Challenges*, Towards Data Science (Sept. 15, 2021), <https://towardsdatascience.com/an-introduction-to-entity-resolution-needs-and-challenges-97fba052dde5/>.

⁵⁷ Maria Carrasco, *FSA Releases Details on Three Additional Issues with FAFSA Applicant Records*, National Association of Student Financial Aid Administrators (Apr. 2, 2024), <https://www.nasfaa.org/news-item/33264/FSA-Releases-Details-on-Three-Additional-Issues-With-FAFSA-Applicant-Records>; Government Accountability Office, *Supplemental Nutrition Program: More Information on Promising Practices Could Enhance States’ Use of Data Matching for Eligibility* (2016), available at <https://www.gao.gov/assets/gao-17-111.pdf>.

⁵⁸ Letter from SSA Off. of Gen. Counsel to Fair Elections Ctr. 2 (July 13, 2023), [SSA-Touhy-Decision-letter.July-13-2023-signed.pdf](#)

⁵⁹ *Id.*

⁶⁰ Government Accountability Office, *Information Security: OPM Has Improved Controls, but Further Efforts Are Needed* (GAO-17-614) (2017), <https://www.gao.gov/products/gao-17-614>.

⁶¹ Lily Hay Newman, *How Vice Society Got Away With a Global Ransomware Spree*, Wired (Oct. 20, 2022), <https://www.wired.com/story/vice-society-ransomware-gang/>.

⁶² Chris Jaikaran, Cong. Research Serv., *Salt Typhoon Hacks of Telecommunications Companies and Federal Response Implications* (2025), <https://www.congress.gov/crs-product/IF12798>.



Rapid consolidation may make it difficult to establish robust cybersecurity protections. Federal law mandates that information systems meet minimum security controls,⁶³ but agencies have long faced obstacles in meeting those requirements. The Government Accountability Office recently stated that agencies have “varied in their efforts to implement key security practices for cloud services, which provide on-demand access to shared resources such as networks, servers, and data storage.”⁶⁴ Cloud services would be essential for consolidation of federal records, but the necessary cybersecurity measures are lagging behind.⁶⁵ Rapid consolidation could lead to cybersecurity missteps, with potentially disastrous results, and falling further out of compliance with federal law on minimum security controls.

Conclusion

USCIS’s proposed expansion of SAVE to enable surveillance of U.S. citizens is unprecedented, unauthorized, and in violation of long-standing law. USCIS should withdraw the proposed SORN and roll back changes already made to SAVE.

Thank you for your consideration, and please do not hesitate to contact cvenzke@aclu.org with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Anders".

Christopher Anders
Director, Democracy & Technology

A handwritten signature in black ink, appearing to read "Cody Venzke".

Cody Venzke
Senior Policy Counsel

⁶³ Federal Information Security Modernization Act, Cybersecurity & Infrastructure Sec. Agency, <https://www.cisa.gov/topics/cyber-threats-and-advisories/federal-information-security-modernization-act> (last visited Sept. 24, 2025).

⁶⁴ Government Accountability Office, High-Risk Series: Urgent Actions Are Needed to Address Cybersecurity Challenges Facing the Nation (GAO-18-622) (2018), <https://www.gao.gov/products/gao-18-622>.

⁶⁵ Government Accountability Office, High-Risk Series: Urgent Actions Are Needed to Address Cybersecurity Challenges Facing the Nation (GAO-24-107231) (2024), <https://www.gao.gov/products/gao-24-107231>.