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ANNUAL REPORT

TO: Members of the Joint Standing Committee on Transportation

FROM: Charles E. Summers, Jr., Secretary of State

SUBJECT: Systematic Alien Verification for Entitlements (SAVE) Annual Status Report

DATE: January 30, 2011

Background Information:

Maine Public Law 2007, Chapter 648, “An Act to Enhance the Security of State Credentials,” (unallocated language in Section 6) requires the Secretary of State by December 1, 2009 to participate in the federal Systematic Alien Verification for Entitlements (SAVE) Program for the exclusive purpose of verifying the lawful presence of non-citizen applicants for driver licenses and non-driver identification cards. Additionally the Secretary of State must provide a status report to the Joint Standing Committee on Transportation no later than January 30 of each year regarding the operation and effectiveness of the Systematic Alien Verification for Entitlements (SAVE) Program. This submission is pursuant to that obligation. (*Attachment 1*)

In early fall of 2009, the Bureau of Motor Vehicles, Division of Driver License Services submitted a registration request to the Department of Homeland Security’s U.S. Citizenship and Immigration Services (USCIS) Verification Division for participation into the SAVE program. As a part of this request, the Division needed to cite the statutory authority that authorizes BMV to verify an applicant’s immigration status with the use of SAVE as well as the list of benefits (e.g. driver license and non-driver identification cards) the agency is authorized to administer. Upon receipt of this request, USCIS is able to determine the proper access level for the agency and costs associated for using SAVE program. The agency received approval and entered into a Memorandum of Agreement with USCIS for participation via a web-based access method in October 2009.

To give you a better understanding of the how the SAVE program works, staff access the program by clicking on the SAVE icon on their desktop. Once in the system, staff selects *Initial Verification* for the needed action. Staff then selects the immigration document from a pre-populated list and enters additional information about the customer such as alien or I-94 number, name, date of birth and the benefit they need. Upon entering the additional information, staff submits the request. These initial submittals cost the agency 50 cents each. Within 2 to 3 seconds, the SAVE program provides a response. Possible responses include actual status results such as “lawful permanent resident” or “institute additional verification.” Depending upon the result, staff may issue a driver license or non-driver identification card according to legal presence credential processing procedures.

There may be additional verification steps that require branch staff to send copies of the immigration paperwork along with the SAVE case detail informational results sheet to the license information supervisor at the BMV main office for follow through. These steps are identified as Level 2, Level 3, and manual verification procedures. The Level 2 verification process costs the agency an additional 50 cents for each submittal and results of this verification are not returned until 3 to 5 days later through the SAVE program. There is no additional charge to the agency to perform the Level 3 verification; however, the main office supervisor must print the G-845 Document Verification Form from the SAVE program and is required to send copies of the immigration documentation to USCIS. The result of the verification is not returned until 10 to 20 days later in paper form and/or through the SAVE program. The final or alternate SAVE verification process that the agency can employ to verify a non-citizen's status is known as the "manual verification." This verification process is used when the non-citizen provides immigration documents that are unfamiliar and do not fall within the primary or secondary list of documents acceptable to prove legal presence. This process does not use the electronic SAVE program, a main office staff person working in the license information unit, sends the paper copies of the immigration documents along with the G-845 form via mail to USCIS. The cost to the agency for this process is \$2 for each request submitted in this format. The response time for this process is approximately 30 days and notification is received via mail.

Status Update:

For calendar year 2010, the agency submitted 6,843 requests through the system. Of those submittals, 300 had to be resubmitted due to possible employee data entry error. Out of the 6,843 initial verification submittals, 1194 records needed to go through Step 2 verification and out of these, 348 needed to go to Step 3 verification. This equates to a cost of approximately \$4,168.50 to the agency. There were 428 cases rejected thus requiring the main office to send a letter to the customer informing him or her to contact the local USCIS office to discuss their case further. Finally, out of the 6,843 original requests, 4 cases were forwarded to the Office of Investigations due to fraudulent immigration documents. The credentials issued to these 4 individuals were revoked. (*Attachment 2*)

The secondary and additional verification processes are requiring the time of one permanent full-time employee. She spends at least 4 to 5 hours of her working day initiating and resolving these cases. She states receiving varying responses from SAVE such as additional 20 days is needed to verify or verification still in process. One of the most common Level 3 verification requested by DHS is for naturalized citizens. This workload is managed appropriately because the Bureau is in the low period of the license renewal cycle; only sending out approximately 7,300 renewals each month. Ultimately time and human resources will be called upon more heavily when the license renewals increase to normal levels of approximately 14,000 to 15,000 each month.

Based on the collected statistical measurements of average transaction times for a license transaction, it would appear there has been minimal impact on the transaction times in the branch offices.

In summary, the most significant impact to the Bureau of Motor Vehicles is the increased workload to the license information unit in the main office. An additional position may be needed to assist with this workload as we move forward. The anticipated cost of SAVE is estimated to be between \$3,000 and \$5,000 annually which is based on the approximate number of non-citizens currently captured in the BMV licensing database.

cc: Barbara Redmond, Chief Deputy Secretary of State
Catherine Curtis, Deputy Secretary of State, BMV
Patty Morneault, Director, Division of Driver Licensing, BMV

Attachments: 2

Attachment 1

Public Law, Chapter 648, 123rd Legislature, Second Regular Session

H.P. 1669 - L.D. 2309
An Act To Enhance the Security of State Credentials

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §1301, sub-§2-A is enacted to read:

2-A. Legal presence requirement. The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States.

Sec. 2. 29-A MRSA §1406, sub-§9 is enacted to read:

9. Expiration of license; lawfully present noncitizens. Notwithstanding any law to the contrary, a license issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or the otherwise applicable expiration date of the license under this section, whichever occurs first. A license issued under this subsection must be valid for a period of at least 120 days.

Sec. 3. 29-A MRSA §1410, sub-§8 is enacted to read:

8. Legal presence requirement. The Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States.

Sec. 4. 29-A MRSA §1410, sub-§9 is enacted to read:

9. Expiration of nondriver identification card; lawfully present noncitizens. Notwithstanding any law to the contrary, a nondriver identification card issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or 6 years, whichever is the shorter period of time. A nondriver identification card issued under this subsection must be valid for a period of at least 120 days.

Sec. 5. Rulemaking; legal presence for license and identification cards; draft rules. No later than November 15, 2008, the Secretary of State shall adopt rules governing what documents constitute valid documentary evidence to establish legal presence pursuant to the Maine Public Law, Chapter 648, 123rd Legislature, Second Regular Session Revised Statutes, Title 29-A, section 1301, subsection 2-A and Title 29-A, section 1410, subsection 8. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. Participation in verification program; report. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall by December 1, 2009 participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services for the exclusive purpose of verifying the lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards. No later than January 30th of each year, beginning in 2010, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the Systematic Alien Verification for Entitlements Program.

Sec. 7. Development of method to avoid duplication. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall study the most cost-effective way, such as facial recognition or fingerprint technology, to ensure that an applicant does not have more than one driver's

license or nondriver identification card issued by the State. The Secretary of State shall make a written report of findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

Sec. 8. Photographs. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1411, the Secretary of State shall study the most cost-effective way to develop and implement policies and procedures in order to take and maintain photographs of applicants at the time an application for a driver's license or nondriver identification card is submitted. The Secretary of State shall make a written report of findings and recommendations to the Governor and to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

Sec. 9. Federal REAL ID Act of 2005; repeal. If the United States Congress repeals the federal REAL ID Act of 2005, the Secretary of State shall submit proposed legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters that returns Maine law regarding the issuance of driver's licenses and nondriver identification cards to what it was prior to the effective date of this Act. Upon receipt and review of that proposed legislation, the joint standing committee may submit a bill to the session of the Legislature in which the Secretary of State submits that proposed legislation.

Attachment 2

SAVE 2010											
Month	Initial Verifications		Initial Verification Resubmittals		Additional Verifications		Third Step Verifications		Manual G-845 W/O Ver. Case #		Total Cost
January	445	\$ 222.50	16	\$ 8.00	57	\$ 28.50	16	\$ -	0	\$ -	\$ 259.00
February	550	\$ 275.00	32	\$ 16.00	88	\$ 44.00	9	\$ -	0	\$ -	\$ 335.00
March	643	\$ 321.50	39	\$ 19.50	123	\$ 61.50	42	\$ -	0	\$ -	\$ 402.50
April	577	\$ 288.50	19	\$ 9.50	108	\$ 54.00	30	\$ -	0	\$ -	\$ 352.00
May	526	\$ 263.00	14	\$ 7.00	89	\$ 44.50	42	\$ -	0	\$ -	\$ 314.50
June	675	\$ 337.50	36	\$ 18.00	111	\$ 55.50	29	\$ -	0	\$ -	\$ 411.00
July	607	\$ 303.50	27	\$ 13.50	103	\$ 51.50	36	\$ -	0	\$ -	\$ 368.50
August	667	\$ 333.50	30	\$ 15.00	122	\$ 61.00	16	\$ -	0	\$ -	\$ 409.50
September	619	\$ 309.50	26	\$ 13.00	115	\$ 57.50	48	\$ -	0	\$ -	\$ 380.00
October	551	\$ 275.50	30	\$ 15.00	89	\$ 44.50	33	\$ -	0	\$ -	\$ 335.00
November	518	\$ 259.00	13	\$ 6.50	98	\$ 49.00	25	\$ -	0	\$ -	\$ 314.50
December	465	\$ 232.50	18	\$ 9.00	91	\$ 45.50	22	\$ -	0	\$ -	\$ 287.00
TOTAL	6843	\$3,421.50	300	\$ 150.00	1,194	\$ 597.00	348	\$ -	0	\$ -	\$4,168.50