

MAINE STATE LEGISLATURE

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MEMORANDUM

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, 2012

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. (*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.

Status Update:

For calendar year 2011, the agency submitted 6,763 requests through the system. Of those submittals, 297 needed to be resubmitted due to possible employee data entry error. Out of the 6,763 initial verification submittals, 917 records needed to go through Step 2 verification and out

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of the prior 917 records, 320 needed to go to Step 3 verification. This entire process equates to a cost of approximately \$3,994.50 to the agency. Out of the 6,763 transaction, 130 cases have been rejected thus requiring the Bureau to send a letter to the customer informing them of the issue and the point of contact for resolution. Finally, out of the 6,763 original requests, 3 cases were sent to the Office of Investigations due to messages coming back from SAVE indicating possible counterfeit documents. One case, the credential was revoked and the two other cases are still open investigations. (*Attachment 2*)

The secondary and additional verification processes are quite time consuming. One permanent full-time employee spends approximately an hour a day initiating, verifying and resolving cases. Additionally, about 4 hours of a given day each week (for a total of 9 hours a week) is spent reconciling the various SAVE responses in order to complete and close open cases when possible in order to process credentials as appropriate or advise customers of additional requirements. This task is managed in addition to the daily tasks of the License Information unit which has seen an increase in phone calls which is in direct connection with the license renewal spike we are currently experiencing.

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 anticipated cost of SAVE will be between \$3,000 to \$5,000 annually which is based on the increase of licenses being renewed as well as the approximate number of non-citizens currently captured in the BMV licensing database.

Attachments

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 2011

Month	Initial Verifications		Initial Verification Resubmittals		Additional Verifications		Third Step Verifications		Manual G-845 W/O Ver. Case #		Total Cost
January	454	\$ 227.00	17	\$ 8.50	85	\$ 42.50	20	\$ -	1	\$ 2.00	\$ 280.00
February	404	\$ 202.00	19	\$ 9.50	55	\$ 27.50	18	\$ -	0	\$ -	\$ 239.00
March	601	\$ 300.50	24	\$ 12.00	99	\$ 49.50	9	\$ -	0	\$ -	\$ 362.00
April	494	\$ 247.00	15	\$ 7.50	78	\$ 39.00	16	\$ -	0	\$ -	\$ 293.50
May	507	\$ 253.50	35	\$ 17.50	74	\$ 37.00	41	\$ -	0	\$ -	\$ 308.00
June	701	\$ 350.50	32	\$ 16.00	89	\$ 44.50	27	\$ -	0	\$ -	\$ 411.00
July	627	\$ 313.50	31	\$ 15.50	89	\$ 44.50	31	\$ -	1	\$ 2.00	\$ 375.50
August	644	\$ 322.00	33	\$ 16.50	69	\$ 34.50	27	\$ -	0	\$ -	\$ 373.00
September	640	\$ 320.00	26	\$ 13.00	77	\$ 38.50	38	\$ -	1	\$ 2.00	\$ 373.50
October	561	\$ 280.50	18	\$ 9.00	67	\$ 33.50	37	\$ -	0	\$ -	\$ 323.00
November	579	\$ 289.50	25	\$ 12.50	76	\$ 38.00	29	\$ -	0	\$ -	\$ 340.00
December	551	\$ 275.50	22	\$ 11.00	59	\$ 29.50	27	\$ -	0	\$ -	\$ 316.00
TOTAL	6763	\$3,381.50	297	\$ 148.50	917	\$ 458.50	320	\$ -	3	\$ 6.00	\$3,994.50