

Systems of Records Notices for USCIS Form G-28/G-28I

DHS/USCIS 001 – Alien File, Index, and National File Tracking System of Record

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[Notices]
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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2013-0069]

Privacy Act of 1974; Department of Homeland Security U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection--001 Alien File, Index, and National File Tracking System of Records

AGENCY: Department of Homeland Security, Privacy Office.

ACTION: Notice of update and reissuance of privacy act system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records notice titled, ``Department of Homeland Security U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection--001 Alien File, Index, and National File Tracking System of Records,' ' 76 FR 34233 (June 13, 2011). This system of records contains information regarding transactions involving an individual as he/she passes through the U.S. immigration and inspection process, some of which may also be covered by separate systems of records notices. This system of records contains personally identifiable information such as the individual's name, Alien Registration Number, receipt file number, date and place of birth, date and port of entry, as well as the location of each official Alien File. It may also contain other personal identifiers such as an individual's Social Security Number. The Department of Homeland Security is updating the Department of Homeland Security U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection--001 Alien File, Index, and National File Tracking System of Records with the following substantive changes: (1) The addition of five routine uses and the modification of eight routine uses to allow

the Department of Homeland Security to share information from this system; (2) Updated notification and access procedures; and (3) Language acknowledging the concurrent publication of a Final Rule exempting this system from certain provisions of the Privacy Act, including an exemption for records that are classified. This updated system will be included in the

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Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before December 23, 2013. This updated system will be effective December 23, 2013.

ADDRESSES: You may submit comments, identified by docket number DHS-2013-0069 by one of the following methods:

Federal e-Rulemaking Portal: <http://www.regulations.gov>.

Follow the instructions for submitting comments.

Fax: 202-343-4010.

Mail: Jonathan R. Cantor, Deputy Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, please visit <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions regarding this system of records please contact: Donald K. Hawkins (202) 272-8000, Privacy Officer, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529. For privacy questions please contact: Jonathan R. Cantor (202) 343-1717, Deputy Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP) proposes to update and reissue a current DHS system of records titled, ``DHS/USCIS-ICE-CBP-001 Alien File, Index, and National File Tracking System of Records.''

DHS implements U.S. immigration law and policy through USCIS's processing and adjudication of applications and petitions submitted for citizenship, asylum, and other immigration benefits. USCIS also supports national security by preventing individuals from fraudulently obtaining immigration benefits and by denying applications from individuals who pose national security or public safety threats. U.S. immigration policy and law is also implemented through ICE's law enforcement activities and CBP's inspection and border security processes.

The Alien File (A-File), Index, and National File Tracking System of Records is the official record system that contains information

regarding the transactions of an individual as he/she passes through the U.S. immigration and inspection process. The DHS/USCIS-ICE-CBP-001 Alien File, Index, and National File Tracking System of Records contains personally identifiable information (PII) such as the individual's name, Alien Registration Number, receipt file number, date and place of birth, date and port of entry, as well as the location of each official A-File. It may also contain other personal identifiers such as an individual's Social Security Number (SSN), if the individual has one and it is in the A-File. Some records contained in the DHS/USCIS-ICE-CBP-001 A-Files are derived from separate systems of record, in which case the system of records notice (SORN) pertaining to the originating system would govern the treatment of those records. Previously, the legacy agency Immigration and Naturalization Services (INS) collected and maintained information concerning all of these immigration and inspection interactions. Since the formation of DHS, however, immigration responsibilities have been divided among USCIS, ICE, and CBP. While USCIS is the custodian of the A-File, all three components create, contribute information to, and use A-Files, hence this joint System of Records Notice.

A notice detailing this system of records was last published in the Federal Register on June 13, 2011, as the DHS/USCIS-ICE-CBP-001 Alien File, Index, and National File Tracking System of Records, 76 FR 34233.

DHS is updating the DHS/USCIS-ICE-CBP-001 Alien File, Index, and National File Tracking System of Records to include the following substantive changes: (1) The addition of three routine uses and the modification of eight routine uses to clarify DHS's sharing of information from this system; (2) Updated notification and access procedures; and (3) Language acknowledging the concurrent publication of a Final Rule exempting this system from certain provisions of the Privacy Act, including an exemption for records that are classified.

DHS added five routine uses with the letter in parentheses corresponding to the new routine use:

(H) Allows DHS to share information with other federal, state, tribal, local or government agencies when these other agencies are investigating or prosecuting violations of statute rules, regulations, orders, and/or licenses.

(I) Allows DHS to share information with third parties during the course of a law enforcement investigation in order to obtain pertinent information.

(J) Allows DHS to share information with organizations or persons when there is reason to believe that the recipient is or could be the target of a particular terrorist activity.

(LL) Allows DHS to share information with family members when, under 8 CFR Sec. 103.8, DHS or an Executive Office for Immigration Review immigration judge makes a decision that an alien is mentally incompetent.

(OO) Allows DHS to share information with domestic government agencies when those agencies are seeking to determine the immigration status of individuals who have applied to purchase or obtain a firearm in the United States.

Below is a summary of the eight routine use modifications with the letter in parentheses corresponding to the routine use updated:

(A) Updated to clarify that records will be provided to "the United States or any agency thereof," without any further modifiers to the section.

(C) Updated to note that records will be provided specifically to General Services Administration rather than other federal government

agencies.

(D) Updated to clarify language that records will not be given to individuals, but to agencies or organizations performing the audit.

(E) Updated to clarify language regarding a suspected or confirmed compromise of personally identifiable information in the system.

(F) Updated to clarify language that the contractors are subject to the requirements laid out in this system of records notice and the Privacy Act.

(K) Updated to clarify the language to reflect the practice associated with naturalization process.

(L) Updated to clarify that records will be provided to ``the United States or any agency thereof,`` without any further modifiers to the section.

(M) Update language to refer to correct Code of Federal Regulations citation for the definition of an attorney or representative, and clarified that it is at the Department's discretion to use this routine use, as with any routine use published in this system of records.

Consistent with DHS's information sharing mission, information stored in the DHS/USCIS-ICE-CBP-001 may be shared with other DHS components that have a need to know the information to carry out their national security, law

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enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS may share with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies after DHS determines that the receiving component or agency has a need to know the information to carry out national security, law enforcement, immigration, intelligence, or other functions consistent with the routine uses set forth in the A-File SORN, or other applicable exemptions under the Privacy Act.

Additionally, DHS is issuing a Final Rule elsewhere in the Federal Register, to exempt this system of records from certain provisions of the Privacy Act. This updated system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ``system of records.'' A ``system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy (Privacy Policy Guidance Memorandum 2007-01, most recently updated January 7, 2009), DHS extends administrative Privacy Act protections to all individuals, regardless of citizenship, when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

The Privacy Act requires each agency to publish in the Federal Register a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping

practices transparent, to notify individuals regarding the uses to which their records are put, and to assist individuals with more easily finding such files within the agency. Below is the description of the DHS/USCIS-ICE-CBP-001 Alien File, Index, and National File Tracking System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM OF RECORDS

DHS/USCIS-ICE-CBP-001

System name:

Department of Homeland Security U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection--001 Alien File, Index, and National File Tracking System of Records.

Security classification:

Unclassified, sensitive, for official use only, and classified.

System location:

Alien Files (A-Files) are maintained in electronic and paper format throughout DHS. Digitized A-Files are located in the Enterprise Document Management System (EDMS). The Central Index System (CIS) maintains an index of the key personally identifiable information (PII) in the A-File, which can be used to retrieve additional information through such applications as Enterprise Citizenship and Immigrations Services Centralized Operational Repository (eCISCOR), the Person Centric Query Service (PCQS) and the Microfilm Digitization Application System (MiDAS). The National File Tracking System (NFTS) provides a tracking system of where the A-Files are physically located, including whether the file has been digitized.

The databases maintaining the above information are located within the DHS data center in the Washington, DC metropolitan area as well as throughout the country. Computer terminals providing electronic access are located at U.S. Citizenship and Immigration Services (USCIS) sites at Headquarters and in the Field throughout the United States and at appropriate facilities under the jurisdiction of the U.S. Department of Homeland Security (DHS) and other locations at which officers of DHS component agencies may be posted or operate to facilitate DHS's mission of homeland security. Hard copies of the A-Files are primarily located at the records centers in Lee Summit, Missouri; Suitland, Maryland; San Bruno, California; Seattle, Washington; and Dayton, Ohio. Hard copies may also be located at Headquarters, Regional, District, and other USCIS file control offices in the United States and foreign countries as detailed on the agency's Web site, <http://www.USCIS.gov>. Hard copies may also be located at the offices and facilities of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP).

Categories of individuals covered by the system:

- Lawful permanent residents;
- Naturalized U.S. citizens;
- U.S. citizens when petitioning for benefits under the Immigration and Nationality Act (INA) on behalf of another individual;

Individuals who receive or petition for benefits under the INA, and;

Individuals who are subject to the enforcement provisions of the INA;

Individuals who are subject to the INA and:

[cir] Are under investigation by DHS for possible national security threats or threats to the public safety,

[cir] were investigated by DHS in the past,

[cir] are suspected of violating immigration-related criminal or civil provisions of treaties, statutes, regulations, Executive Orders, and Presidential proclamations administered by DHS, or

[cir] are witnesses and informants having knowledge of such violations;

Relatives and associates of any of the individuals listed above who are subject to the INA;

Individuals who have renounced their U.S. Citizenship; or

Preparers, attorneys, and representatives who assist individuals during benefit and enforcement proceedings under the INA.

Note: Individuals may fall within one or more of these categories.

Categories of records in this system include:

A. The hardcopy paper A-File, which contains the official record material about each individual for whom DHS has created a record under the INA such as: naturalization certificates; various documents and attachments (e.g., birth and marriage certificates); applications and petitions for benefits under the immigration and nationality laws; reports of arrests and investigations; statements; other reports; records of proceedings before or filings made with the U.S. immigration courts and any administrative or federal district court or court of appeal; correspondence; and memoranda. Specific data elements may include:

Alien Registration Number(s) (A-Numbers);

Receipt file number(s);

Full name and any aliases used;

Physical and mailing addresses;

Phone numbers and email addresses;

Social Security Number (SSN);

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Date of birth;

Place of birth (city, state, and country);

Countries of citizenship;

Gender;

Physical characteristics (height, weight, race, eye and hair color, photographs, fingerprints);

Government-issued identification information (i.e., passport, driver's license):

[cir] Document type,

[cir] issuing organization,

[cir] document number, and

[cir] expiration date;

Military membership;

Arrival/Departure information (record number, expiration date, class of admission, etc.);

Federal Bureau of Investigation (FBI) Identification Number;

Fingerprint Identification Number;
Immigration enforcement history, including arrests and charges, immigration proceedings and appeals, and dispositions including removals or voluntary departures;
Immigration status;
Family history;
Travel history;
Education history;
Employment history;
Criminal history;
Professional accreditation information;
Medical information relevant to an individual's application for benefits under the INA before DHS or the immigration court, an individual's removability from and/or admissibility to the United States, or an individual's competency before the immigration court;
Specific benefit eligibility information as required by the benefit being sought; and
Video or transcript of immigration interview.

B. EDMS maintains the electronic copy of the A-File (same information as above with the exception of material that cannot be scanned such as cassette tapes, CDs, or DVDs) if it was scanned from the paper file.

C. CIS contains information on those individuals who during their interactions with DHS have been assigned an A-Number. The system contains biographic information on those individuals, allowing DHS employees to quickly review the individual's immigration status. The information in the system can then be used to retrieve additional information on the individual from other systems. The information in the system can be used to request the hard copy A-File from the DHS File Control Office that has custody of the file. Specific data elements may include:

A-Number(s);
Full name and any aliases used;
SSN;
Date of birth;
Place of birth (city, state, and country);
Country of citizenship;
Gender;
Government issued identification information (i.e., passport, driver's license):
[cir] Document type,
[cir] issuing organization,
[cir] document number, and
[cir] expiration date;
Arrival/Departure information (record number, expiration date, class of admission etc.);
Immigration status;
Father and Mother's first name;
FBI Identification Number;
Fingerprint Identification Number;
Immigration enforcement history, including arrests and charges, immigration proceedings and appeals, and dispositions including removals or voluntary departures; and
File Control Office location of the paper or electronic A-File.

D. NFTS contains the location of the A-File to a more detailed

level within the DHS File Control Office. Specific data elements include:

- A-Number(s);
- Receipt File Number; and
- Location of the paper or electronic A-File and Receipt File at and within the DHS File Control Office, as well as the history of who has maintained the A-File, including the component, section, and employee.

Authority for maintenance of the system:

Authority for maintaining this system is in Sections 103 and 290 of the INA, as amended (8 U.S.C. 1103 and 1360), and the regulations issued pursuant thereto; and Section 451 of the Homeland Security Act of 2002 (Pub. L. 107-296), codified at 6 U.S.C. 271.

Purpose(s):

The purpose of the A-File is to facilitate the enforcement and provision of benefits under the INA and related statutes. A-Files, EDMS, CIS, and NFTS are used primarily by DHS employees for immigration benefits processing, protection of national security, and administering and enforcing immigration and nationality laws and related statutes.

The purpose of the A-File is to document an individual's benefits and enforcement transactions as he/she passes through the U.S. immigration and inspection process.

The purpose of CIS is to provide a searchable central index of A-Files and to support the location and transfer of A-Files among DHS personnel and offices as needed in support of immigration benefits and enforcement actions.

The purpose of NFTS is to accurately account for the specific physical location of A-Files and Receipt Files within a DHS File Control Office, and to track the request and transfer of all A-Files and Receipt Files.

These records assist DHS with processing applications for benefits under applicable immigration laws; detecting violations of these laws; supporting the referral of such violations for prosecution or other appropriate enforcement action; supporting law enforcement efforts and the inspection process; and supporting protection of the United States borders.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Note: Even when a valid routine use permits disclosure of information from this system of records to a third party, in some cases such disclosure may not be permissible because of confidentiality laws and policies that limit the sharing of information about the application for, or award of certain immigration benefits. For example, information in this system of records contained in or pertaining to applications for asylum or refugee protection, information relating to persons who have pending or approved petitions for protection under the Violence Against Women Act (VAWA), Seasonal Agricultural Worker or Legalization claims, the Temporary Protected Status of an individual, and information relating to S, T, or U visas should not be disclosed pursuant to a routine use unless disclosure is otherwise permissible under the confidentiality statutes, regulations, or policies applicable to that information. However, these confidentiality provisions do not prevent DHS from disclosing information to the U.S. Department of Justice and Offices of the United States Attorneys as part of an

ongoing criminal or civil investigation.

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including U. S. Attorneys' Offices, or other federal agency conducting litigation or in proceedings before any court, adjudicative or administrative

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body, when it is necessary or relevant to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee of DHS in his/her official capacity;
3. Any employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization, for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individuals that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, territorial, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations.

H. To appropriate federal, state, tribal, local, or foreign governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when DHS believes the information would assist in enforcing applicable civil or criminal laws.

I. To third parties during the course of a law enforcement investigation to the extent necessary to obtain information pertinent to the investigation.

J. To an organization or person in either the public or private sector, either foreign or domestic, when there is a reason to believe that the recipient is or could become the target of a particular terrorist activity or conspiracy, or when the information is relevant to the protection of life, property, or other vital interests of a person.

K. To clerks and judges of courts exercising naturalization jurisdiction for the purpose of granting or revoking naturalization.

L. To courts, magistrates, administrative tribunals, opposing counsel, parties, and witnesses, in the course of immigration, civil, or criminal proceedings before a court or adjudicative body when it is necessary or relevant to the litigation or proceeding and the following is a party to the proceeding or has an interest in the proceeding:

1. DHS or any component thereof; or
2. Any employee of DHS in his or her official capacity; or
3. Any employee of DHS in his or her individual capacity when the DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

M. To an attorney or representative (as defined in 8 CFR 1.2) who is acting on behalf of an individual covered by this system of records in connection with any proceeding before USCIS, ICE, or CBP or the Executive Office for Immigration Review, as required by law or as deemed necessary in the discretion of the Department.

N. To DOJ (including Offices of the United States Attorneys) or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when necessary to assist in the development of such agency's legal and/or policy position.

O. To the Department of State in the processing of petitions or applications for benefits under the INA, and all other immigration and nationality laws including treaties and reciprocal agreements; or when the Department of State requires information to consider and/or provide an informed response to a request for information from a foreign, international, or intergovernmental agency, authority, or organization about an alien or an enforcement operation with transnational implications.

P. To appropriate federal, state, local, tribal, territorial, or foreign governments, as well as to other individuals and organizations during the course of an investigation by DHS or the processing of a matter under DHS's jurisdiction, or during a proceeding within the purview of the immigration and nationality laws, when DHS deems that such disclosure is necessary to carry out its functions and statutory mandates.

Q. To an appropriate federal, state, tribal, territorial, local, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence, whether civil or criminal, or charged with investigating, prosecuting, enforcing, or implementing civil or criminal laws, related rules, regulations, or orders, to enable these entities to carry out

their law enforcement responsibilities, including the collection of law enforcement intelligence and the disclosure is appropriate to the proper performance of the official duties of the person receiving the information.

R. To an appropriate federal, state, local, tribal, territorial, foreign, or international agency, if the information is relevant to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit, or if the information is relevant to a DHS decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

S. To an appropriate federal, state, local, tribal, territorial, foreign, or international agency, if DHS determines: (1) The information is relevant and necessary to that agency's decision concerning the hiring or retention of an individual, or issuance of a security

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clearance, license, contract, grant, or other benefit; and (2) Failure to disclose the information is likely to create a substantial risk to government facilities, equipment, or personnel; sensitive information; critical infrastructure; or public safety.

T. To appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations for the purpose of protecting the vital interests of a data subject or other persons, including to assist such agencies or organizations in preventing exposure to, or transmission of a communicable or quarantinable disease or to combat other significant public health threats; appropriate notice will be provided of any identified health threat or risk.

U. To an individual's current employer to the extent necessary to determine employment eligibility or to a prospective employer or government agency to verify whether an individual is eligible for a government-issued credential that is a condition of employment.

V. To a former employee of DHS, in accordance with applicable regulations, for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes when DHS requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

W. To the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

X. To the U.S. Senate Committee on the Judiciary or the U.S. House of Representatives Committee on the Judiciary when necessary to inform members of Congress about an alien who is being considered for private immigration relief.

Y. To a federal, state, tribal, or local government agency and/or to domestic courts to assist such agencies in collecting the repayment of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to them or to the United States Government, or to

obtain information that may assist DHS in collecting debts owed to the United States Government.

Z. To an individual or entity seeking to post or arrange, or who has already posted or arranged, an immigration bond for an alien, to aid the individual or entity in (1) identifying the location of the alien; (2) posting the bond; (3) obtaining payments related to the bond; or (4) conducting other administrative or financial management activities related to the bond.

AA. To a coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

BB. Consistent with the requirements of the INA, to the Department of Health and Human Services (HHS), the Centers for Disease Control and Prevention (CDC), or to any state or local health authorities, to:

1. Provide proper medical oversight of DHS-designated civil surgeons who perform medical examinations of both arriving aliens and of those requesting status as lawful permanent residents; and

2. Ensure that all health issues potentially affecting public health and safety in the United States are being or have been, adequately addressed.

CC. To a federal, state, local, tribal, or territorial government agency seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.

DD. To the Social Security Administration (SSA) for the purpose of issuing a SSN and card to an alien who has made a request for a SSN as part of the immigration process and in accordance with any related agreements in effect between the SSA, DHS, and the Department of State entered into pursuant to 20 CFR 422.103(b)(3), 422.103(c)(3), and 422.106(a), or other relevant laws and regulations.

EE. To federal and foreign government intelligence or counterterrorism agencies or components when DHS becomes aware of an indication of a threat or potential threat to national or international security, or when such use is to conduct national intelligence and security investigations or assist in anti-terrorism efforts.

FF. To third parties to facilitate placement or release of an individual (e.g., at a group home, homeless shelter) who has been or is about to be released from DHS custody, but only such information that is relevant and necessary to arrange housing or continuing medical care for the individual.

GG. To an appropriate domestic government agency or other appropriate authority for the purpose of providing information about an individual who has been or is about to be released from DHS custody who, due to a condition such as mental illness, may pose a health or safety risk to himself/herself or to the community. DHS will only disclose information about the individual that is relevant to the health or safety risk they may pose and/or the means to mitigate that risk (e.g., the individual's need to remain on certain medication for a serious mental health condition).

HH. To foreign governments for the purpose of coordinating and conducting the removal of individuals to other nations under the INA; and to international, foreign, and intergovernmental agencies, authorities, and organizations in accordance with law and formal or informal international arrangements.

II. To a federal, state, local, territorial, tribal, international, or foreign criminal, civil, or regulatory law enforcement authority when the information is necessary for collaboration, coordination, and

de-confliction of investigative matters, prosecutions, and/or other law enforcement actions to avoid duplicative or disruptive efforts and to ensure the safety of law enforcement officers who may be working on related law enforcement matters.

JJ. To the DOJ Federal Bureau of Prisons and other federal, state, local, territorial, tribal, and foreign law enforcement or custodial agencies for the purpose of placing an immigration detainer on an individual in that agency's custody, or to facilitate the transfer of custody of an individual from DHS to the other agency. This will include the transfer of information about unaccompanied minor children to HHS to facilitate the custodial transfer of such children from DHS to HHS.

KK. To federal, state, local, tribal, territorial, or foreign governmental or quasi-governmental agencies or courts to confirm the location, custodial status, removal, or voluntary departure of an alien from the United States, in order to facilitate the recipients' exercise of responsibilities pertaining to the custody, care, or legal rights (including issuance of a U.S. passport) of the removed individual's minor children, or the adjudication or collection of child support payments or other debts owed by the removed individual.

LL. To a federal, state, tribal, territorial, local, international, or foreign government agency or multilateral governmental organization for the purpose of consulting with that agency or entity: (1) To assist in making a determination regarding redress for an individual in connection with the operations of a DHS component or program; (2) for the purpose of verifying

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the identity of an individual seeking redress in connection with the operations of a DHS component or program; or (3) for the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

MM. To family members, guardians, committees, friends, or other agents identified by law or regulation to receive notification, decisions, and other papers as provided in 8 CFR 103.8 from the Department of Homeland Security or Executive Office for Immigration Review following verification of a familial or agency relationship with an alien when DHS is aware of indicia of incompetency or when an immigration judge determines an alien is mentally incompetent.

NN. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

OO. To domestic governmental agencies seeking to determine the immigration status of persons who have applied to purchase/obtain a firearm in the United States, pursuant to checks conducted on such persons under the Brady Handgun Violence Prevention Act or other applicable laws.

Disclosure to consumer reporting agencies:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, digital media, and CD-ROM.

Retrievability:

Digitized A-Files maintained in EDMS can be searched and retrieved by any of the following fields alone or in any combination:

- A-Number;
- Last name;
- First name;
- Middle name;
- Aliases;
- Date of birth;
- Country of birth;
- Gender; and

Through a full text-based search of records contained in the digitized A-File (based on optical character recognition of the scanned images).

The location of the paper record from which the digitized A-File was produced can be searched in CIS using the following data:

- A-Number;
- Full name;
- Alias;
- Sounds-like name with or without date of birth;
- Certificate of Citizenship or Naturalization Certificate number;
- Driver's License Number;
- FBI Identification Number;
- Fingerprint Identification Number;
- I-94 admission number;
- Passport number;
- SSN; or
- Travel document number.

The location of the paper or digitized record A-Files and Receipt Files can be searched in NFTS using the following data:

- A-Number; or
- Receipt File Number.

Safeguards:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

Retention and disposal:

The A-File records are permanent whether hard copy or electronic. A-Files are transferred to the custody of the National Archives 100 years after the individual's date of birth. Newly-eligible files are transferred to the National Archives every five years. When a paper A-File is digitized, the digitized A-File maintained in EDMS becomes the official record and maintains the same retention schedule as the original paper A-File. The hard copy files are sent to the records center once the records have been digitized.

CIS records are permanently retained on-site because they are the index of where the physical A-File is and whether it has been transferred to the National Archives.

NFTS records are temporary and deleted when they are no longer needed for agency business. The records exist only as a reference to a physical or digital file, and exist for as long as the referenced file exists. NFTS records associated with an A-File will be retained on a permanent basis even after the A-File has been retired to NARA to retain accurate recordkeeping. Receipt Files with a shorter retention period will have the associated NFTS record destroyed or deleted once the file has been destroyed.

System Manager and address:

The DHS system manager is the Chief, Records Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529.

Notification procedure:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act because it contains classified and sensitive unclassified information related to intelligence, counterterrorism, homeland security, and law enforcement programs. These exemptions apply only to the extent that records in the system are subject to exemption. However, USCIS will consider individual requests to determine whether or not information may be released. Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the USCIS FOIA Officer, whose contact information can be found at <http://www.dhs.gov/foia> under ``Contacts.''

When seeking records about yourself from this system of records or any other DHS system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. Sec. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, <http://www.dhs.gov/foia> or 1-866-431-0486. In addition, you should:

Explain why you believe DHS would have information on you;

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Identify which component(s) of DHS you believe may have the information about you;

Specify when you believe the records would have been created; and

Provide any other information that will help the FOIA

staff determine which DHS component agency may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

Record access procedures:

See ``Notification procedure'' above.

Contesting record procedures:

See ``Notification procedure'' above.

Record source categories:

Basic information contained in DHS records is supplied by individuals on Department of State and DHS applications and forms. Other information comes from inquiries or complaints from members of the general public and members of Congress; referrals of inquiries or complaints directed to the President or Secretary of Homeland Security; reports of investigations, sworn statements, correspondence, official reports, memoranda, and written referrals from other entities, including federal, state, and local governments, various courts and regulatory agencies, foreign government agencies, and international organizations.

Exemptions claimed for the system:

The Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2): 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (e)(12), (f), (g)(1), and (h). Additionally, the Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (k)(2); 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

Dated: October 28, 2013.

Jonathan R. Cantor,

Deputy Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2013-27895 Filed 11-20-13; 8:45 am]

BILLING CODE 9111-97-P

DHS-USCIS-007 – Benefits Information System

[Federal Register Volume 73, Number 189 (Monday, September 29, 2008)]

[Notices]

[Pages 56596-56600]

From the Federal Register Online via the Government Printing Office

[www.gpo.gov]

[FR Doc No: E8-22802]

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2008-0091]

Privacy Act of 1974; United States Citizenship and Immigration Services Benefits Information System

AGENCY: Privacy Office; DHS.

ACTION: Notice of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to consolidate three legacy record systems: Justice/INS-013 INS Computer Linked Application Information Management System (CLAIMS) (67 FR 64132 October 17, 2002), Justice/INS-031 Redesigned Naturalization Application Casework System (RNACS) (67 FR 20996 April 29, 2002), and Justice/INS-033 I-551 Renewal Program Temporary Sticker Issuance I-90 Manifest System (SIIMS) (66 FR 6673 January 22, 2001) into one Department of Homeland Security/United States Citizenship and Immigration Services system of records notice titled, United States Citizenship and Immigration Services Benefits Information System. Categories of individuals, categories of records, and the routine uses of these legacy system of records notices have been

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consolidated and updated to better reflect the Department's immigration petition and application information record systems. This system will be included in the Department's inventory of record systems.

DATES: Written comments must be submitted on or before October 29, 2008. This new system will be effective October 29, 2008.

ADDRESSES: You may submit comments, identified by docket number DHS-2008-0091 by one of the following methods:

Federal e-Rulemaking Portal: <http://www.regulations.gov>.

Follow the instructions for submitting comments.

Fax: 1-866-466-5370.

Mail: Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Donald Hawkins (202-272-8000), USCIS Privacy Officer, 20 Massachusetts Avenue, NW., Washington, DC 20529. For privacy issues, please contact:

Hugo Teufel III (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to the savings clause in the Homeland Security Act of 2002, Public Law 107-296, Section 1512, 116 Stat. 2310 (November 25, 2002), the Department of Homeland Security (DHS) and its components and offices have relied on preexisting Privacy Act system of records notices for the maintenance of records that concern DHS/United States Citizenship and Immigration Services (USCIS) immigration application information record systems. As part of its mission, DHS implements United States immigration law and policy through the USCIS processing and adjudication of applications and petitions submitted for naturalization, request for lawful permanent residence, asylum, refugee status, and other immigrant and non immigrant benefits. USCIS also supports national security by preventing individuals from fraudulently obtaining immigration benefits and by denying applications submitted by individuals who pose national security or public safety threats.

USCIS receives and adjudicates petitions and applications for all United States immigrant and non immigrant benefits. This SORN covers the USCIS computer systems associated with processing all immigrant and non immigrant benefits applications and petitions except asylum, and refugee status. The following major computer systems maintain information covered by this SORN: CLAIMS 3, CLAIMS 4, the Redesigned Naturalization Application Casework System (RNACS); the Citizenship and Immigration Services Centralized Oracle Repository (CISCOR), the Interim Case Management System (ICMS), Integrated Voice Response System (IVRS), and the Integrated Card Production System (ICPS). These systems are referred to as the "Benefits Information Systems" throughout the remainder of this document.

System Information Use and Collection

Information in Benefits Information Systems includes information provided by the individual on the application and/or petition for an immigration benefits and non-immigrant benefits, and varies depending on the benefit. Additionally, these systems collect DHS transactional data that indicates which steps of the adjudication process have been completed such as an appointment to submit biometrics for a background check, other pending benefits, and/or whether the applicant is suspected of fraudulent activity that could bear on fitness or eligibility for the requested benefits.

Benefits Information Systems share information with many government systems internal and external to DHS. All information sharing is conducted within the parameters of existing Privacy Act of 1974 routine sharing requirements. All sharing is related to the purposes for which the information was originally collected.

In accordance with the Privacy Act of 1974, DHS is giving notice that it proposes to consolidate three legacy record systems: Justice/INS-013 INS Computer Linked Application Information Management System (CLAIMS) (67 FR 64132 October 17, 2002), Justice/INS-031 Redesigned Naturalization Application Casework System (RNACS) (67 FR 20996 April 29, 2002), and Justice/INS-033 I-551 Renewal Program Temporary Sticker Issuance I-90 Manifest System (SIIMS) (66 FR 6673 January 22, 2001)

into one DHS/USCIS system of records notice titled, United States Citizenship and Immigration Services Benefits Information System. Categories of individuals, categories of records, and the routine uses of these legacy system of records notices have been consolidated and updated to better reflect DHS/USCIS's immigration application information record systems. This system will be included in the DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses, and disseminates personally identifiable information. The Privacy Act applies to information that is maintained in a ``system of records.'' A ``system of records'' is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and legal permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where the systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR part 5.

The Privacy Act requires each agency, to publish in the Federal Register, a description denoting the type and character of each system of records that the agency maintains, and the routine uses of information contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which personally identifiable information is put, and to assist individuals to more easily find such files within the agency. Below is the description of the Benefits Information Systems System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

System of Records:
DHS/USCIS-007

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System Name:
United States Citizenship and Immigration Services Benefits Information System

Security Classification:
Unclassified.

System Location:
Records are maintained at the United States Citizenship and Immigration Services Headquarters in Washington, DC and in field offices.

Categories of Individuals Covered by the System:
Categories of individuals covered by this system include persons who have filed (for themselves or on the behalf of others) applications

or petitions for immigration benefits (other than asylum and refugee) under the Immigration and Nationality Act, as amended, and/or who have submitted fee payments or received refunds from such applications or petitions; current, former and potential (e.g., fianc[acute]) family members of applicants/petitioners; persons who complete immigration forms for applicants and petitioners (e.g., attorneys, form preparers); name of applicant's employer; and individuals who seek access to records retained in the Benefits Information System under the Freedom of Information/Privacy Acts (FOIA/PA).

Categories of Records in the System:

Categories of records in this system include:

- Individual's name;
- Social Security Number (if applicable);
- A-Number (if applicable);
- Addresses;
- Telephone numbers;
- Birth and death information;
- Citizenship or nationality;
- Immigration status;
- Marital and family status;
- Personal characteristics (e.g., height and weight);
- Records regarding tax payment and financial matters;
- Records regarding employment;
- Medical records;
- Military and Selective Service records;
- Records regarding organization membership or affiliation;
- Biometric and other information collected to conduct background checks;
- DHS issued card serial numbers;
- Records regarding criminal history and other background check information; and
- Case processing information such as date applications were filed or received by USCIS; application/petition status, location of record, FOIA/PA or other control number when applicable, and fee receipt data.

Authority for Maintenance of the System:

8 U.S.C. 1103; 8 U.S.C. 1363; and 31 U.S.C. 3512.

Purpose(s):

The purpose of this system is to assist in the automated processing of immigrant and nonimmigrant benefit petitions and applications. Both investigative and administrative records are maintained in this system to permit DHS/USCIS to function efficiently. Reports are also generated from the data within the system of records. This system of records notice enables DHS/USCIS to provide automated support to process applications and/or petitions for benefits; determine the status of pending applications and/or petitions for benefits; account for and control the receipt and disposition of any fees and refunds collected; conduct searches pursuant to FOIA and Privacy Act requests; and locate related physical and automated files to support DHS/USCIS responses to inquiries about these records.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

In addition to those disclosures generally permitted under 5 U.S.C.

552a(b) of the Privacy Act, all or a portion of the records contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when:

1. DHS or any component thereof;
2. Any employee of DHS in his/her official capacity;
3. Any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To clerks and judges of courts exercising naturalization jurisdiction for the purpose of filing petitions for naturalization and

to enable such courts to determine eligibility for naturalization or grounds for revocation of naturalization.

I. To the Department of State for the purpose of assisting in the processing of petitions or applications for benefits

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under the Immigration and Nationality Act, and all other immigration and nationality laws including treaties and reciprocal agreements.

J. To appropriate Federal, State, tribal, and local government law enforcement and regulatory agencies, foreign governments, and international organizations, for example: The Department of Defense; the Department of State; the Department of the Treasury; the Central Intelligence Agency; the Selective Service System; the United Nations; and the International Criminal Police Organization (INTERPOL); as well as to other individuals and organizations during the course of an investigation by DHS or the processing of a matter under DHS's jurisdiction, or during a proceeding within the purview of the immigration and nationality laws, when DHS deems that such disclosure is necessary to carry out its functions and statutory mandates to elicit information required by DHS to carry out its functions and statutory mandates.

K. To an appropriate Federal, State, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit, or if the information is relevant and necessary to a DHS decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

L. To the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

M. To an attorney or representative (as defined in 8 CFR 1.1(j)) who is acting on behalf of an individual covered by this system of records in connection with any proceeding before DHS/USCIS or the Executive Office for Immigration Review.

N. To a Federal, State, tribal, or local government agency to assist such agencies in collecting the repayment of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to them or to the United States Government, or to obtain information that may assist USCIS in collecting debts owed to the United States Government; to a foreign government to assist such government in collecting the repayment of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to it provided that the foreign government in question:

1. Provides sufficient documentation to establish the validity of the stated purpose of its request; and
2. Provides similar information to the United States upon request.

O. To a coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

P. Consistent with the requirements of the Immigration and

Nationality Act, to the Department of Health and Human Services (HHS), the Centers for Disease Control and Prevention (CDC), or to any State or local health authorities, to:

1. Provide proper medical oversight of DHS-designated civil surgeons who perform medical examinations of both arriving aliens and of those requesting status as a lawful permanent resident; and

2. To ensure that all health issues potentially affecting public health and safety in the United States are being or have been, adequately addressed.

Q. To a Federal, State or local government agency seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.

R. To the Social Security Administration (SSA) for the purpose of issuing a Social Security number and card to an alien who has made a request for a Social Security number as part of the immigration process and in accordance with any related agreements in effect between the SSA, DHS and the Department of State entered into pursuant to 20 CFR 422.103(b)(3); 422.103(c); and 422.106(a), or other relevant laws and regulations.

S. To a former employee of DHS, in accordance with applicable regulations, for purposes of responding to an official inquiry by a Federal, State, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

T. To an individual's prospective or current employer to the extent necessary to determine employment eligibility.

U. To a Federal, State, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to provide intelligence, counterintelligence, or other information for the purposes of intelligence, counterintelligence, or antiterrorism activities authorized by U.S. law, or Executive Order.

V. To a Federal agency, where appropriate, to enable such agency to make determinations regarding the payment of Federal benefits to the record subject in accordance with that agency's statutory responsibilities.

W. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Disclosure to Consumer Reporting Agencies:

Through the Debt Management Center (DMC) at DHS, Benefits Information Systems information may be shared with credit reporting agencies. The primary mission of the DMC is to collect debts resulting from an individual's participation in DHS benefits programs. Benefits Information Systems share information with the DMC regarding fees charged during various application processes to ensure collection of

debts.

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD-ROM.

Retrievability:

Records may be retrieved by individual's name and address, telephone numbers, birth and death information, A-Number, Social Security Number (SSN), records regarding citizenship, records regarding immigration status, marital and family status, personal characteristics (e.g., height and weight), records regarding tax payment and financial matters, records regarding employment, medical records, military and Selective Service records, records regarding organization

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membership or affiliation, biometric and other information collected to issue immigration cards evidencing receipt of immigration benefits and to conduct background checks and necessary to determine the existence of criminal history or other history necessary to make immigration decisions. Records in the system may also include case processing information such as date applications were filed or received by USCIS, application/petition status, location of record, FOIA/PA or other control number when applicable, and fee receipt data, and by application/petition receipt number.

Safeguards:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated system security access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. The system maintains a real-time auditing function of individuals who access the system. Additional safeguards may vary by component and program.

Retention and Disposal:

Electronic benefits information is archived and disposed of in accordance with the criteria approved by NARA. Electronic data pertaining to applications for naturalization will be deleted 15 years after the processing of the benefit being sought is completed. Information in the master file is destroyed 15 years after the last completed action with respect to the application. System documentation (e.g., manuals) are destroyed when the system is superseded, obsolete, or no longer needed for agency business.

Electronic records extracted from immigrant and nonimmigrant benefits applications and petitions other than naturalization, asylum, or refugee status completed by applicants or petitioners is destroyed after the data is transferred to the electronic master file and verified. Information in the master file is destroyed 15 years after the last completed action with respect to the application. Daily

reports generated by associated information technology systems are maintained for 15 years by the service center that generated the reports and then destroyed.

System Manager(s) and Address:

The system manager is the Director, Office of Records Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., Second Floor, Washington, DC 20529.

Notification Procedures:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010. Specific FOIA contact information can be found at <http://www.dhs.gov/foia> under ``Contacts.''

When seeking records about yourself from this system of records or any other USCIS system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty or perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

An explanation of why you believe the Department would have information on you,

Specify when you believe the records would have been created,

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information, USCIS will not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

Record Access Procedures:

See ``Notification procedure'' above.

Contesting Record Procedures:

See ``Notification procedure'' above.

Record Source Categories:

Information contained in this system of records is obtained from the individuals covered by the system.

Exemptions Claimed for the System:

None.

Hugo Teufel III,
Chief Privacy Officer, Department of Homeland Security.
[FR Doc. E8-22802 Filed 9-26-08; 8:45 am]
BILLING CODE 4410-10-P

DHS/USCIS-010 - Asylum Information and Pre-Screening

[Federal Register Volume 75, Number 2 (Tuesday, January 5, 2010)]
[Notices]
[Pages 409-412]
From the Federal Register Online via the Government Printing Office
[\[www.gpo.gov\]](http://www.gpo.gov)
[FR Doc No: E9-31267]

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2009-0123]

Privacy Act of 1974; United States Citizenship and Immigration
Services--010 Asylum Information and Pre-Screening System of Records

AGENCY: Privacy Office; DHS.

ACTION: Notice of Privacy Act systems of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to add a new system of records to the Department of Homeland Security's inventory, entitled United States Citizenship and Immigration Services-010 Asylum Information and Pre-Screening System of Records. This new system of records is composed of two existing legacy IT systems: The Refugees, Asylum, and Parole System and the Asylum Pre-Screening System. Refugees, Asylum, and Parole System and Asylum Pre-Screening System have been in operation prior to the publication of this system of records notice as both systems were deemed to contain active records for only non-United States citizens and non-legal permanent residents. Refugees, Asylum, and Parole System and Asylum Pre-Screening System are used to capture information pertaining to asylum applications, credible fear and reasonable fear screening processes, and applications for benefits provided by Section 203 of the Nicaraguan Adjustment and Central American Relief Act. This newly established system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before February 4, 2010. This new system will be effective February 4, 2010.

ADDRESSES: You may submit comments, identified by Docket Number DHS-2009-0123, by one of the following methods:

Federal e-Rulemaking Portal: <http://www.regulations.gov>.

Follow the instructions for submitting comments.

Fax: 703-483-2999.

Mail: Mary Ellen Callahan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: United States Citizenship and Immigration Services (202-272-1663), 20 Massachusetts Avenue, NW., 3rd Floor, Washington, DC 20529. For privacy issues please contact: Mary Ellen Callahan (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

As set forth in section 451(b) of the Homeland Security Act of 2002, Congress charged United States Citizenship and Immigration Services (USCIS) with the administration of the asylum program, which provides protection to qualified individuals in the United States who have suffered past persecution or have a well-founded fear of future persecution in their country of origin as outlined under 8 CFR part 208. USCIS is also responsible for the adjudication of the benefit program established by section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA 203), in

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accordance with 8 CFR part 241, and the maintenance and administration of the credible fear and reasonable fear screening processes, in accordance with 8 CFR 208.30 and 208.31.

In order to carry out its statutory obligations in administering these benefit programs, USCIS has established the Asylum Information and Pre-Screening System of Records to facilitate every aspect of intake, adjudication, and review of the specified programs.

The Asylum Information and Pre-Screening System tracks case status and facilitate the scheduling of appointments and interviews as well as to issue notices at several stages of the adjudication process and to generate decision documents. This system also initiates, facilitates and tracks security and background check screening, and prevents the approval of any benefit prior to the review and completion of all security checks. Finally, the system provides a fully developed and flexible means for analyzing and managing program workflows and provides the Asylum Program with statistical reports to assist with oversight of production and processing goals.

The Asylum Information and Pre-Screening System is composed of two IT systems: Refugees, Asylum and Parole System (RAPS) and Asylum Pre-Screening System (APSS). RAPS is a comprehensive case management tool that enables USCIS to handle and process applications for asylum pursuant to section 208 of the Immigration and Nationality Act (Act) and applications for adjustment pursuant to section 203 of NACARA. DHS offices worldwide can access RAPS as a resource of current and historic immigration status information on more than one million applicants. DHS

officials can use RAPS to verify the status of asylum applicants, asylees, and their dependents to assist with the verification of an individual's immigration history in the course of a review of visa petitions and other benefit applications as well.

APSS is a program-focused case management system that supports USCIS in the screening of individuals in the expedited removal process and of individuals subject to reinstatement of a final order of removal or an administrative removal order based on a conviction of an aggravated felony to determine whether they have credible fear or reasonable fear, thus providing the individual with an opportunity for a hearing before an immigration judge. Case tracking, application processing, and workflow management are carried out for all credible fear and reasonable fear screenings using APSS.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses and disseminates personally identifiable information. The Privacy Act applies to information that is maintained in a ``system of records. A ``system of records'' is a group of any records under the control of an agency for which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals where systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR part 5.

The Privacy Act requires each agency to publish in the Federal Register a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system in order to make agency record keeping practices transparent, to notify individuals regarding the uses to which personally identifiable information is put, and to assist the individual to more easily find such files within the agency. Below is a description of DHS/USCIS-010 system of records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of these new systems of records to the Office of Management and Budget and to the Congress.

System of Records
DHS/USCIS-010

System name:

United States Citizenship and Immigration Services Asylum Information and Pre-Screening System.

Security classification:

Unclassified.

System location:

The system is currently located at the Department of Justice (DOJ) Data Processing Center, Dallas, Texas, with data access by Department of Homeland Security (DHS) users including, but not limited to, U.S.

Citizenship and Immigration Services (USCIS) users from Headquarters, Regional, and District Offices, Service Centers, the National Benefit Center and Asylum Offices.

Categories of individuals covered by this system:

Categories of individuals covered by Asylum Information and Pre-Screening System include:

Individuals covered by provisions of section 208 of the Immigration and Nationality Act (Act), as amended, who have applied with USCIS for asylum on Form I-589 (Application for Asylum and for Withholding of Removal) and/or for suspension of deportation/special rule cancellation of removal under section 203 of NACARA on Form I-881 (Application for Suspension of Deportation or Special Rule Cancellation of Removal);

Individuals who were referred to a USCIS Asylum Officer for a credible fear or reasonable fear screening determination under 8 CFR part 208, subpart B, after having expressed a fear of return to the intended country of removal because of fear of persecution or torture, during the expedited removal process under 8 U.S.C. 1225(b), the administrative removal processes under 8 U.S.C. 1228(b) (removal of certain aliens convicted of aggravated felonies), or 8 U.S.C. 1231(a)(5) (reinstatement of certain prior removal orders);

The spouse and children of a principal asylum applicant properly included in an asylum application; and

Persons who complete asylum applications on behalf of the asylum applicant (e.g., attorneys, form preparers, representatives).

Categories of records in the system:

Categories of records in Asylum Information and Pre-Screening System include:

Name,
Alias,
Alien number (A-number),
Address,
Sex,
Marital status,
Date of birth,
Country of birth,
Country of nationality,
Ethnic origin,
Religion,
Port and date of entry,
Social Security number (if available),
Status at entry, filing date of asylum application,
Results of security checks,
Languages spoken.
Claimed basis of eligibility for benefit(s) sought,

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Case status,
Case history,
Employment authorization eligibility and application history.

Information from other systems of records (or their successor systems) such as Removable Alien Records System (DHS/ICE-011, published May 5, 2009, 74 FR 20719), TECS (DHS/CBP-011, published

December 1, 2008, 73 FR 77778), the Records and Management Information System (JUSTICE/EOIR-001, published May 11, 2004, 69 FR 26179), and the USCIS Benefits Information System (BIS) (DHS/USCIS-003, published September 29, 2008, 73 FR 56596).

Authority for maintenance of the system:

8 U.S.C. 1101, 1103, 1158, 1225, 1228, and 1522.

Purpose(s):

The purpose of Asylum Information and Pre-Screening System is to manage, control, and track the following types of adjudications:

- A. Affirmative asylum applications and
- B. Applications filed with USCIS for suspension of deportation/special rule cancellation of removal pursuant to section 203 of NACARA.
- C. Credible fear screening cases under 8 U.S.C. 1225(b)(1)(B) and
- D. Reasonable fear screening cases under 8 CFR 208.31.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when:

1. DHS or any component thereof;
2. Any employee of DHS in his/her official capacity;
3. Any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to

respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm as limited by the terms and conditions of 8 CFR 208.6.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations and the limitations of Title 8, Code of Federal Regulations (8 CFR) Sec. 208.6 on disclosure as are applicable to DHS officers and employees. 8 CFR 208.6 prohibits the disclosure to third parties of information contained in or pertaining to asylum applications, credible fear determinations, and reasonable fear determinations except under certain limited circumstances.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To any element of the U.S. Intelligence Community, or any other Federal or state agency having a counterterrorism function, provided that the need to examine the information or the request is made in connection with its authorized intelligence or counterterrorism function or functions and the information received will be used for the authorized purpose for which it is requested.

I. To other Federal, State, tribal, and local government agencies, foreign governments, intergovernmental organizations and other individuals and organizations as necessary and proper during the course of an investigation, processing of a matter, or during a proceeding within the purview of U.S. or foreign immigration and nationality laws, to elicit or provide information to enable DHS to carry out its lawful functions and mandates, or to enable the lawful functions and mandates of other federal, state, tribal, and local government agencies, foreign governments, or intergovernmental organizations as limited by the terms and conditions of 8 CFR 208.6 and any waivers issued by the Secretary.

J. To a Federal, State, tribal, or local government agency or foreign government seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.

K. To appropriate agencies, entities, and persons when:

1. It is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised;

2. It is determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and

3. The disclosure is made to such agencies, entities, and persons when reasonably necessary to assist in connection with efforts to respond to the suspected or confirmed compromise and prevent, minimize,

or remedy such harm.

Disclosure to consumer reporting agencies:
None.

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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The records are stored in a database on magnetic disk and tape. A record, or any part thereof, may be printed and stored in the applicant's A-file.

Retrievability:

Records are indexed and retrievable by name and/or A-file number.

Safeguards:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. The system maintains a real-time auditing function of individuals who access the system. Additional safeguards may vary by component and program.

Retention and disposal:

The following USCIS proposal for retention and disposal is pending approval by NARA:

Master File automated records will be maintained for 25 years after the case is closed, and then archived at the DOJ Data Processing Center or its designated successor, for 75 years and then destroyed. Copies of system data may be stored in the individual's Alien File (NCI-85-80-5/1).

Reports used to facilitate case processing that contains personally identifiable information will be maintained at Headquarters and Asylum Field Offices and destroyed when no longer needed.

System Manager and address:

The Chief of the Asylum Division, Refugee, Asylum and International Operations Directorate, U.S. Citizenship and Immigration Services, Suite 3300, 20 Massachusetts Avenue, NW., Washington, DC 20529.

Notification procedure:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act because of criminal, civil, and administrative enforcement requirements. However, USCIS will consider individual requests to determine whether or not information may be released. Thus, individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Headquarters or component's FOIA Officer, whose contact information can be found at <http://www.dhs.gov/foia> under ``contacts.''

If an individual believes more than one component

maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive, SW., Building 410, STOP-0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,

- Identify which component(s) of the Department you believe may have the information about you,

- Specify when you believe the records would have been created,

- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records,

- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

Record access procedures:

See ``Notification procedure'' above.

Contesting record procedures:

See ``Notification procedure'' above.

Record source categories:

Records are obtained from the individuals who are the subject of these records. Information contained in this system may also be supplied by DHS, other U.S. Federal, State, tribal, or local government agencies, foreign government agencies, and international organizations.

Exemptions claimed for the system:

None.

Dated: December 29, 2009.

Mary Ellen Callahan,
Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E9-31267 Filed 1-4-10; 8:45 am]

BILLING CODE 9111-97-P

DHS/USCIS-015 - Electronic Immigration System-2 Account and Case Management System of Records

[Federal Register Volume 78, Number 66 (Friday, April 5, 2013)]

[Notices]
[Pages 20673-20680]
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[FR Doc No: 2013-07725]

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS-2013-0026]

Privacy Act of 1974; Department of Homeland Security/U.S.
Citizenship and Immigration Services-015 Electronic Immigration System-
2 Account and Case Management System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled, ``Department of Homeland Security/U.S. Citizenship and Immigration Services-015 Electronic Immigration System-2 Account and Case Management System of Records.'' This system of records allows the Department of Homeland Security/U.S. Citizenship and Immigration Services to: collect and maintain records on an individual after that individual submits a benefit request and/or creates or updates a U.S. Citizenship and Immigration Services Electronic Immigration System account; gather any missing information; manage workflow; assist U.S. Citizenship and Immigration Services in making a benefit determination; and provide a repository of data to assist with the efficient processing of future benefit requests. U.S. Citizenship and Immigration Services Electronic Immigration System-2 Account and Case Management will also be used to process and track all actions related to a particular case, including scheduling of biometrics appointments and interviews, requests for evidence or additional information, and issuing decision notices and/or proofs of benefit. This notice updates this system of records to (1) include additions to the categories of individuals and categories of records, (2) clarify routine uses ``A,'' ``H,'' ``L,'' and ``M,'' (3) delete routine use ``S,'' and (4) reflect a reduced retention period for attorney and accredited representative accounts. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notices. The exemptions for the existing system of records notice will continue to be applicable for this system of records notice. Additionally, this system will continue to be included in the Department of Homeland Security's inventory of record systems.

Dates and Comments: Submit comments on or before May 6, 2013. In particular, DHS requests comments concerning the application of the exemptions to the newly added categories of individuals and category of records. This updated system will be effective May 6, 2013.

ADDRESSES: You may submit comments, identified by docket number DHS-2013-0026 by one of the following methods:

Federal e-Rulemaking Portal: <http://www.regulations.gov>.

Follow the instructions for submitting comments.

Fax: 202-343-4010.

Mail: Jonathan R. Cantor, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, please visit <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact:

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Donald K. Hawkins, (202) 272-8000, Privacy Officer, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529. For privacy questions, please contact: Jonathan R. Cantor, (202) 343-1717, Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS) proposes to update and reissue a current DHS system of records titled, ``DHS/USCIS-015 Electronic Immigration System-2 Account and Case Management System of Records'' (November 15, 2011, 76 FR 70739).

USCIS is the component of DHS that oversees immigration benefit requests from foreign nationals seeking to enter, be admitted to, or currently residing in the United States. USCIS transformed its operations and created a new electronic environment known as USCIS Electronic Immigration System (USCIS ELIS), which allows individuals requesting USCIS benefits to create immigration accounts online and submit certain benefit requests.

Applicants and petitioners (Applicants); co-applicants, beneficiaries, derivatives, dependents, or other persons on whose behalf a benefit request is made or whose immigration status may be derived because of a relationship to an Applicant (Co-Applicants); and/or their attorneys and representatives recognized by USCIS and/or accredited by the Board of Immigration Appeals (Representatives) may create individualized online accounts. These online accounts help Applicants and their Representatives file for benefits, track the status of open benefit requests, schedule appointments, change their addresses and contact information, and receive notices and notifications regarding their cases. Through USCIS ELIS, individuals

also may submit evidence electronically.

USCIS ELIS uses information provided on initial and subsequent benefit requests and subsequent information collections through the USCIS ELIS Account and Case Management process to create or update USCIS ELIS accounts; collect any missing information; manage workflow; assist USCIS adjudicators as they make benefit determinations; and provide a repository of data to assist with future benefit requests. In addition, USCIS ELIS processes and tracks all actions related to the case, including scheduling biometrics appointments and interviews, requesting evidence or additional information, and issuing decision notices and/or proofs of benefit.

This system of records is being updated and reissued to (1) include additions to the categories of individuals and categories of records, (2) clarify routine uses ``A,'' ``H,'' ``L,'' and ``M,'' (3) delete routine use ``S,'' and (4) reflect a reduced retention period for attorney and accredited representative accounts.

Categories of individuals are being updated to include Interpreters and Sponsors to better reflect the ways USCIS ELIS captures data and to include data to be collected as additional benefit types are incorporated into USCIS ELIS. Categories of records for Applicants and Co-Applicants are being updated to include:

- U.S. County;
- Fax Numbers;
- Notices and Communications;
- Other Immigration-Related Identification Numbers

including:

- [cir] Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Number; and
- [cir] USCIS E-Verify Company Identification Number;
- Tax Records;
- Travel History;
- Professional Accreditation Information; and
- Relationships to Sponsors, Representatives, Preparers, Co-Applicants, and other Applicants.

Categories of records for Representatives are being updated to include Signature.

Categories of Records for Interpreters are being added and include:

- Name;
- Organization;
- Physical and Mailing Addresses;
- Email Address;
- Phone and Fax Numbers;
- Relationship to Applicant;
- Whether Interpreters are Paid/Not Paid;
- Business State ID Number; and
- Signature.

Categories of records for Preparers are being updated to include:

- Whether Preparers or Interpreters are Paid/Not Paid;
- Business State ID Number; and
- Signature.

Categories of records about Sponsors are being added and include:

- Full Name;
- Gender;
- Physical and Mailing Addresses;
- Phone and Fax Numbers;
- Country of Domicile;
- Date of Birth;

Place of Birth;
Citizenship Information;
Social Security Number (SSN);
Alien Registration Number (A-Number);
Employment Information;
Financial Information;
Position and Relationship to an Organization;
Family Relationships and Relationship Practices; and
Signature.

This updated notice clarifies the following routine uses. Routine use ``A'' has been updated to correct a grammatical error. Routine use ``H'' has been updated to clarify under which circumstances USCIS would release records to clerks and judges of courts exercising naturalization jurisdiction. Routine use ``L'' has been updated to read ``requests'' instead of ``petitions or applications.'' Routine use ``M'' has been updated to correct a typographical error. One routine use listed in the previous notice is omitted in this update. Previous routine use ``S,'' which provided disclosure to certain members of Congress, was deleted because it was duplicative to existing authorization to disclose records under 5 U.S.C. 552a(b)(9). Finally, this updated notice includes a note explaining that confidentiality laws and policies may limit the sharing of some information that may otherwise be shared under a valid routine use.

This updated notice also presents a different retention period for information about attorneys and accredited representatives. USCIS will propose to the National Archive and Records Administration that USCIS ELIS accounts for attorneys and accredited representatives be retained for 7 years, 6 months.

Information in this system comes from the USCIS Electronic Immigration System-1 (USCIS ELIS Temporary Accounts and Draft Benefit Requests), which stores draft account and case information from Applicants and their Representatives. Once that draft information is signed and formally submitted with payment to USCIS, it becomes part of this USCIS Electronic Immigration System-2 (USCIS ELIS Account and Case Management). Results from USCIS Electronic Immigration System-3 Automated Background Functions (USCIS ELIS Automated Background Functions) will also be stored in the individual's USCIS ELIS account and/or case. This includes information from other USCIS, DHS, and federal government systems to confirm identity, determine eligibility,

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and perform background checks. This USCIS ELIS Account and Case Management system may store information from other DHS systems including: DHS/USCIS/ICE/CBP (U.S. Customs and Border Patrol)-001 Alien File, Index, and National File Tracking System of Records; DHS/USCIS-006 Fraud Detection and National Security Data System (FDNS-DS); DHS/USCIS-007 Benefits Information System (BIS); DHS/USCIS-010 Asylum Information and Pre-Screening; DHS/USCIS-014 Electronic Immigration System-1 Temporary Accounts and Draft Benefit Requests System of Records (USCIS ELIS-1); DHS/USCIS-016 Electronic Immigration System-3 Automated Background Functions System of Records (USCIS ELIS-3); DHS/CBP-011--U.S. Customs and Border Protection TECS; DHS/ICE-001 Student and Exchange Visitor Information System (SEVIS); DHS/ICE-011 Immigration Enforcement Operational Records System (ENFORCE); DHS/USVISIT (United States Visitor and Immigrant Status Indicator Technology)-001 Arrival and Departure Information System (ADIS); and

DHS/USVISIT-004 DHS Automated Biometric Identification System (IDENT).

Furthermore, USCIS ELIS Account and Case Management may store information from systems outside of DHS, including: Overseas Citizens Services Records, STATE-05; Passport Records, STATE-26; Visa Records, STATE-39; JUSTICE/EOIR (Department of Justice, Executive Office for Immigration Review)-001 Records and Management Information System; JUSTICE/FBI (Department of Justice, Federal Bureau of Investigations)-002 FBI Central Records System; JUSTICE/FBI-009 Fingerprint Identification Records System (FIRS); and TREASURY/FMS (Department of Treasury, Financial Management Service)-017 Collections Records.

USCIS ensures that all USCIS ELIS employees receive training and agree to USCIS-wide system rules of behavior before being granted access. USCIS provides security awareness training to all information system users (including managers, senior executives, and contractors) as part of initial training for new users, when required by system changes, and annually thereafter. DHS personnel and contractors with significant security responsibilities (e.g., adjudicators and system administrators) initially receive specialized training on USCIS ELIS functionality that is specific to their security responsibilities prior to being granted access to DHS systems. Thereafter, DHS personnel and contractors must complete annual refresher training.

USCIS collects, uses, and maintains account and case management information pursuant to Sections 103 and 290 of the INA (8 U.S.C. 1103 and 1360), and the regulations issued pursuant thereto; and Section 451 of the Homeland Security Act of 2002 (Pub. L. 107-296).

Consistent with DHS's information sharing mission, information stored in the DHS/USCIS-015 Electronic Immigration Services-2 Account and Case Management, may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, information may be shared with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

Additionally, DHS has issued a Final Rule, 76 FR 70638, to exempt this system of records from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The exemptions for the existing system of records notice will continue to be applicable for this system of records notice. DHS is requesting comments concerning the application of the exemptions to the newly added categories of individuals and category of records.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/USCIS-015 Electronic Immigration System-2 Account and Case Management System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

System of Records

DHS/USCIS-015

System name:

DHS/USCIS-015 Electronic Immigration System-2 Account and Case Management System of Records

Security classification:

Unclassified, sensitive, for official use only, and/or law enforcement sensitive.

System location:

Records are maintained in USCIS ELIS and associated electronic and paper files located at USCIS Headquarters in Washington, DC and in USCIS service centers and field offices.

Categories of individuals covered by the system:

USCIS ELIS Account and Case Management stores and/or uses information about individuals who request and/or receive immigration benefits under the INA. These individuals include: applicants and petitioners (Applicants); co-applicants, beneficiaries, derivatives, dependents, or other persons on whose behalf a benefit request is made or whose immigration status may be derived because of a relationship to an Applicant (Co-Applicants); members of organizations petitioning for benefits under the INA on behalf of, or contributing to, the financial support of an Applicant or Co-Applicant (Sponsors); attorneys and representatives recognized by USCIS and/or accredited by the Board of Immigration Appeals (Representatives); Interpreters; and individuals who assist in the preparation of the benefit request (Preparers).

Categories of records in the system:

Account information about Applicants and Co-Applicants may include:

USCIS ELIS Account Number;
A-Number(s);
Family Name;
Given Name;
Middle Name;
Alias(es);
Physical and Mailing Address(es):
[cir] Address
[cir] Unit Number
[cir] City
[cir] State
[cir] ZIP Code
[cir] Postal Code
[cir] U.S. County
[cir] Province
[cir] Country

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Date of Birth;

Deceased Date;
Nationality;
Country of Citizenship;
City of Birth;
State of Birth;
Province of Birth;
Country of Birth;
Gender;
Marital Status;
Military Status;
Preferred Contact Method;
Phone and Fax Numbers;
Phone Extension;
Email Address;
Password;
Challenge Questions and Answers;
Immigration Status;
Government-issued Identification (e.g., passport, driver's license):
[cir] Document Type
[cir] Issuing Organization
[cir] Document Number
[cir] Expiration Date
Benefit Requested;
Notices and Communications, including:
[cir] Receipt Notices
[cir] Requests for Evidence
[cir] Notices of Intent to Deny
[cir] Account Update Notifications
[cir] Proofs of Benefit
o Statements of Findings
Signature (electronic or scanned physical signature);
[Pay.gov](https://pay.gov) Payment Tracking Number;
IP Address and Browser Information as part of the E-Signature;
USCIS ELIS Case Submission Confirmation Number.
Benefit-specific eligibility information about Applicants and Co-Applicants may include:
Other Immigration-Related Identification Numbers (e.g., DOS-Issued Personal Identification Number, ICE Student and Exchange Visitor Number, USCIS E-Verify Company Identification Number);
Arrival/Departure Information;
Immigration History (e.g., citizenship/naturalization certificate number, removals, explanations);
Family Relationships (e.g., parent, spouse, sibling, child, other dependents) and Relationship Practices (e.g., polygamy, custody, guardianship);
USCIS Receipt/Case Number;
Personal Background Information (e.g., involvement with national security threats, criminal offenses, Communist party, torture, genocide, killing, injuring, forced sexual contact, limiting or denying others religious beliefs, service in military or other armed groups, work in penal or detention systems, weapons distribution, combat training);
Health Information (e.g., vaccinations, referrals, communicable diseases, physical or mental disorders, prostitution, drug or alcohol abuse);

Travel History;
Education History;
Work History;
Professional Accreditation Information;
Financial Information (e.g., income, expenses,
scholarships, savings, assets, property, financial support, supporter
information, life insurance, debts, encumbrances, tax records);
SSN, if applicable;
Supporting documentation as necessary (e.g., birth,
marriage, and/or divorce certificates, appeals or motions to reopen or
reconsider decisions, explanatory statements, and unsolicited
information submitted voluntarily by the Applicants or Co-Applicants in
support of a benefit request);
Physical Description (e.g., height, weight, eye color,
hair color, identifying marks like tattoos or birthmarks);
Fingerprint(s);
Photographs;
FBI Identification Number;
Fingerprint Identification Number;
Criminal Records;
Criminal and National Security Background Check
Information;
Relationships to Sponsors, Representatives, Preparers, Co-
Applicants, and other Applicants.
Information about Sponsors may include:
Full Name;
Gender;
Physical and Mailing Addresses:
[cir] Address
[cir] Unit Number
[cir] City
[cir] State
[cir] ZIP Code
[cir] Postal Code
[cir] U.S. County
[cir] Province
[cir] Country
Phone and Fax Numbers;
Country of Domicile;
Date of Birth;
City of Birth;
State of Birth;
Province of Birth;
Country of Birth;
Citizenship Information;
SSN;
A-Number;
Employment Information;
Financial Information (e.g., income, expenses,
scholarships, savings, assets, property, financial support, supporter
information, life insurance, debts, encumbrances, tax records);
Position and Relationship to an Organization (e.g.,
manager of a company seeking formal recognition by USCIS);
Family Relationships (e.g., parent, spouse, sibling,
child, other dependents) and Relationship Practices (e.g., polygamy,
custody, guardianship);
Signature (electronic or scanned physical signature).

Information about Representatives may include:

Name;

Law Firm/Recognized Organization;

Physical and Mailing Addresses:

[cir] Address

[cir] Unit Number

[cir] City

[cir] State

[cir] ZIP Code

[cir] Postal Code

[cir] U.S. County

[cir] Province

[cir] Country

Phone and Fax Numbers;

Email Address;

Attorney Bar Card Number or Equivalent;

Bar Membership;

Accreditation Date;

Board of Immigration Appeals Representative Accreditation;

Expiration Date;

Law Practice Restriction Explanation;

Signature (electronic or scanned physical signature);

Information about Preparers and Interpreters may include:

Full Name;

Organization;

Business State ID Number;

Physical and Mailing Addresses:

[cir] Address

[cir] Unit Number

[cir] City

[cir] State

[cir] ZIP Code

[cir] Postal Code

[cir] U.S. County

[cir] Province

[cir] Country

Email Address;

Phone and Fax Numbers;

Paid/Not Paid (i.e., whether the Preparer or Interpreter was paid for assisting the Applicant or Sponsor in completing or submitting the benefit request);

Relationship to Applicant;

Signature (electronic or scanned physical signature).

Authority for maintenance of the system:

Authority for maintaining this system is in Sections 103 and 290 of the INA, as amended (8 U.S.C. 1103 and 1360), and the regulations issued pursuant thereto; and Section 451 of the Homeland Security Act of 2002 (Pub. L. 107-296).

Purpose(s):

The purpose of this system is to manage USCIS ELIS on-line applicant,

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representative, and organizational accounts; gather information related

to a benefit request; manage workflow; generate reports; assist USCIS adjudicators in making a benefit determination; and provide a repository of data to assist with future benefit requests. In addition, the USCIS ELIS Account and Case Management process will be used to process and track all actions related to the case, including scheduling of biometrics appointments and interviews, requesting evidence or additional information, and issuing decision notices and/or proofs of benefit.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Note: Even when a valid routine use permits disclosure of information from this system of records to a third party, in some cases such disclosure may not be permissible because of confidentiality laws and policies that limit the sharing of information about the application for or award of certain immigration benefits. For example, information in this system of records contained in or pertaining to applications for asylum or refugee protection, information relating to persons who have pending or approved petitions for protection under the Violence Against Women Act, Seasonal Agricultural Worker or Legalization claims, the Temporary Protected Status of an individual, and information relating to S, T, or U nonimmigrant visas should not be disclosed pursuant to a routine use unless disclosure is otherwise permissible under the confidentiality statutes, regulations, or policies applicable to that information. These confidentiality provisions do not prevent DHS from disclosing information to the U.S. Department of Justice (DOJ) and U.S. Attorneys' Offices as part of an ongoing criminal or civil investigation.

In addition to those disclosures generally permitted under 5 U.S.C. Sec. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. Sec. 552a(b)(3) as follows:

A. To DOJ, including U.S. Attorneys' Offices, or other federal agencies conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To clerks and judges of courts exercising naturalization jurisdiction to review naturalization decisions, entertain requests for hearings, or consider the revocation of naturalization, and to enable those courts to determine whether a naturalization case should be remanded to DHS, whether an individual is eligible for naturalization, or if an individual previously granted naturalization should have naturalization revoked.

I. To courts, magistrates, administrative tribunals, opposing counsel, parties, and witnesses, in the course of immigration, civil, or criminal proceedings before a court or adjudicative body when:

1. DHS or any component thereof; or
2. Any employee of DHS in his or her official capacity; or
3. Any employee of DHS in his or her individual capacity when the agency has agreed to represent the employee; or

4. The United States, when DHS determines that litigation is likely to affect DHS or any of its components; is a party to litigation or has an interest in such litigation, and DHS determines that use of such records is relevant and necessary to the litigation, and that in each case, DHS determines that disclosure of the information to the recipient is compatible with the purpose for which it was collected.

J. To an attorney or representative (as defined in 8 CFR 1.1(j)) who is acting on behalf of an individual covered by this system of records in connection with any proceeding before USCIS, ICE, CBP, or DOJ EOIR.

K. To DOJ (including United States Attorneys' Offices) or other federal agencies conducting litigation or in proceedings before any court, adjudicative, or administrative body, when necessary to assist in the development of such agency's legal and/or policy position.

L. To DOS in the processing of requests for benefits under the INA, and all other immigration and nationality laws including treaties and reciprocal agreements; or when DOS requires information to consider and/or provide an informed response to a request for information from a foreign, international, or intergovernmental agency, authority, or organization about an alien or an enforcement operation with transnational implications.

M. To an appropriate federal, state, local, tribal, territorial, or foreign government agency or organization, as well as to other individuals and organizations during the course of an

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investigation by DHS or the processing of a matter under DHS's jurisdiction, or during a proceeding within the purview of the immigration and nationality laws, when DHS deems that such disclosure is necessary to carry out its functions and statutory mandates or to elicit information required by DHS to carry out its functions and statutory mandates.

N. To an appropriate federal, state, local, tribal, territorial, or foreign government agency or organization, or international organization, lawfully engaged in collecting law enforcement intelligence, whether civil or criminal, or charged with investigating, prosecuting, enforcing or implementing civil or criminal laws, related rules, regulations or orders, to enable these entities to carry out their law enforcement responsibilities, including the collection of law enforcement intelligence, and the disclosure is appropriate to the proper performance of the official duties of the person receiving the information.

O. To an appropriate federal, state, local, tribal, territorial, or foreign government agency or organization, or international organization, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit, or if the information is relevant and necessary to a DHS decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit.

P. To an individual's current employer to the extent necessary to determine employment eligibility or to a prospective employer or government agency to verify an individual is eligible for a government-issued credential that is a condition of employment.

Q. To a former employee of DHS, in accordance with applicable regulations, for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes when the Department requires information or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

R. To OMB in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

S. To a federal, state, tribal, or local government agency and/or to domestic courts to assist such agencies in collecting the repayment

of loans, or fraudulently or erroneously secured benefits, grants, or other debts owed to them or to the U.S. Government, or to obtain information that may assist DHS in collecting debts owed to the U.S. Government.

T. To an individual or entity seeking to post or arrange, or who has already posted or arranged, an immigration bond for an alien to aid the individual or entity in (1) identifying the location of the alien, or (2) posting the bond, obtaining payments related to the bond, or conducting other administrative or financial management activities related to the bond.

U. To a coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

V. Consistent with the requirements of the INA, to the Department of Health and Human Services (HHS), the Centers for Disease Control and Prevention, or to any state or local health authorities, to:

1. Provide proper medical oversight of DHS-designated civil surgeons who perform medical examinations of both arriving aliens and of those requesting status as lawful permanent residents; and

2. Ensure that all health issues potentially affecting public health and safety in the United States are being or have been adequately addressed.

W. To a federal, state, local, tribal, or territorial government agency seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.

X. To the Social Security Administration (SSA) for the purpose of issuing a SSN and Social Security card to an alien who has made a request for a SSN as part of the immigration process and in accordance with any related agreements in effect between the SSA, DHS, and DOS entered into pursuant to 20 CFR Sec. Sec. 422.103(b)(3); 422.103(c); and 422.106(a), or other relevant laws and regulations.

Y. To federal and foreign government intelligence or counterterrorism agencies or components where DHS becomes aware of an indication of a threat or potential threat to national or international security, or where such use is to conduct national intelligence and security investigations or assist in anti-terrorism efforts.

Z. To third parties to facilitate placement or release of an individual (e.g., at a group home, homeless shelter) who has been or is about to be released from DHS custody but only such information that is relevant and necessary to arrange housing or continuing medical care for the individual.

AA. To foreign governments for the purpose of coordinating and conducting the removal of individuals to other nations under the INA; and to international, foreign, and intergovernmental agencies, authorities, and organizations in accordance with law and formal or informal international arrangements.

BB. To a federal, state, local, territorial, tribal, international, or foreign criminal, civil, or regulatory law enforcement authority when the information is necessary for collaboration, coordination, and de-confliction of investigative matters, prosecutions, and/or other law enforcement actions to avoid duplicative or disruptive efforts and to ensure the safety of law enforcement officers who may be working on related law enforcement matters.

CC. To the DOJ Federal Bureau of Prisons and other federal, state, local, territorial, tribal, and foreign law enforcement or custodial agencies for the purpose of placing an immigration detainer on an

individual in that agency's custody, or to facilitate the transfer of custody of an individual from DHS to the other agency. This will include the transfer of information about unaccompanied minor children to HHS to facilitate the custodial transfer of such children from DHS to HHS.

DD. To federal, state, local, tribal, territorial, or foreign governmental or quasi-governmental agencies or courts to confirm the location, custodial status, removal, or voluntary departure of an alien from the United States, in order to facilitate the recipients' exercise of responsibilities pertaining to the custody, care, or legal rights (including issuance of a U.S. passport) of the removed individual's minor children, or the adjudication or collection of child support payments or other debts owed by the removed individual.

EE. To federal, state, tribal, territorial, local, international, or foreign government agency or entity for the purpose of consulting with that agency or entity:

1. To assist in making a determination regarding redress for an individual in connection with the operations of a DHS component or program;

2. For the purpose of verifying the identity of an individual seeking redress

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in connection with the operations of a DHS component or program; or

3. For the purpose of verifying the accuracy of information submitted by an individual who has requested such redress on behalf of another individual.

FF. To the Department of Treasury to process and resolve payment issues.

GG. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Disclosure to consumer reporting agencies:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and/or digital media.

Retrievability:

Records may be retrieved by any of the data elements listed above or a combination thereof.

Safeguards:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated

systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

Retention and disposal:

USCIS is currently working with NARA to establish and publish the proposed USCIS ELIS records retention schedules. USCIS currently plans to retain all account holder's date of birth, or 15 years from last action, whichever is later. Permanent accounts (e.g., for applicants who currently have A-files) and related case snapshots and supporting evidence are permanent and will be transferred to the custody of NARA 100 years after the individual's date of birth. Non-immigrant case information and supporting evidence will be stored for 15 years from last action. Representative accounts will be stored for 7 years, 6 months from last action. U.S. citizen accounts and cases will be archived internally after five years. All accounts and cases will be put in an inactive status 15 years after last action.

Records that are linked to national security, law enforcement, or fraud investigations or cases, will remain accessible for the life of the related activity, to the extent retention for such purposes exceeds the normal retention period for such data in USCIS ELIS. USCIS is reviewing its needs for the information as it transitions to a fully electronic environment and may amend its retention plans and schedules as needed.

USCIS proposes that, in compliance with NARA General Records Schedule 24, section 6, "User Identification, Profiles, Authorizations, and Password Files," internal USCIS personnel accounts will be destroyed or deleted six years after the account is terminated, or when no longer needed for investigative or security purposes, whichever is later.

System Manager and address:

The DHS system manager is the Chief, Office of Transformation Coordination, U.S. Citizenship and Immigration Services, Department of Homeland Security, 633 3rd Street NW., Washington, DC 20529.

Notification procedure:

Applicants may access and amend this information by logging into their USCIS ELIS account. Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the National Records Center (NRC) FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010. NRC's contact information can be found at <http://www.dhs.gov/foia> under "Contacts." If an individual believes that more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP-0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning you must provide your full name,

current address, and date and place of birth. You must sign your request, and your signature must be either notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, <http://www.dhs.gov/foia> or 1-866-431-0486. In addition, you should:

Explain why you believe the Department would have information on you;

Identify which component(s) of the Department you believe may have the information about you;

Specify when you believe the records would have been created; and

Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and the request may be denied due to lack of specificity or lack of compliance with applicable regulations.

Record access procedures:

See ``Notification procedure'' above.

Contesting record procedures:

See ``Notification procedure'' above.

Record source categories:

Records are obtained from the Applicant, the primary Applicant for a Co-Applicant, Sponsor, his or her Representative, Preparer, or Interpreter. USCIS personnel may input information as they process a case, including information from commercial sources to verify whether an Applicant or Co-Applicant is eligible for the benefit requested. USCIS ELIS Account and Case Management will also store and use information from the following USCIS, DHS, and other federal agency systems of records:

DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking

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System of Records, 76 FR 34233 (June 13, 2011);

DHS/USCIS-007 Benefits Information System, 73 FR 56596 (September 29, 2008);

DHS/USCIS-010 Asylum Information and Pre-Screening, 75 FR 409 (January 5, 2010);

DHS/USCIS-006 Fraud Detection and National Security Records (FDNS) 77 FR 47411 (August 8, 2012);

DHS/USCIS-014 Electronic Immigration System-1 Temporary Accounts and Draft Benefit Requests System of Records, 76 FR 70730 (November 15, 2011);

DHS/USCIS-016 Electronic Immigration System-3 Automated Background Functions System of Records, 76 FR 70735 (November 15, 2011);

DHS/CBP-011 U.S. Customs and Border Protection TECS, 73 FR 77778 (December 19, 2008);

DHS/ICE-001 Student and Exchange Visitor Information System, 75 FR 412 (January 5, 2010);
DHS/ICE-011 Immigration and Enforcement Operational Records System (ENFORCE), 75 FR 23274 (May 3, 2010);
DHS/USVISIT-001 Arrival and Departure Information System (ADIS), 72 FR 47057 (August 22, 2007);
DHS/USVISIT-004 DHS Automated Biometric Identification System (IDENT), 72 FR 31080 (June 5, 2007);
Overseas Citizens Services Records, STATE-05, 73 FR 24343 (May 2, 2008);
Passport Records, STATE-26, 76 FR 34966 (July 6, 2011);
Visa Records, STATE-39, 77 FR 65245 (October 25, 2012);
JUSTICE/EOIR-001 Records and Management Information System, 72 FR 3410 (January 25, 2007);
JUSTICE/FBI-002 The FBI Central Records System, 72 FR 3410 (January 25, 2007);
JUSTICE/FBI-009 Fingerprint Identification Records System (FIRS), 72 FR 3410 (January 25, 2007); and
TREASURY/FMS-017 Collections Records, 74 FR 23006 (May 15, 2009).

Exemptions claimed for the system:

The Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2): 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). Additionally, many of the functions in this system require retrieving records from law enforcement systems. When a record received from another system has been exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.

Dated: March 22, 2013.
Jonathan R. Cantor,
Acting Chief Privacy Officer, Department of Homeland Security.
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