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

[Notices]

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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.

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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://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=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://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&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://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&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[eacute]) 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://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=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://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=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]