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

[Notices]

[Pages 20673-20680]

From the Federal Register Online via the Government Publishing Office [[www.gpo.gov](http://www.gpo.gov)]

[FR Doc No: 2013-07725]

=======================================================================

-----------------------------------------------------------------------

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:

[[Page 20674]]

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,

[[Page 20675]]

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

[[Page 20676]]

 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](http://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,

[[Page 20677]]

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

[[Page 20678]]

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

[[Page 20679]]

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 information and supporting evidence for 100 years

after the 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

[[Page 20680]]

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.

[FR Doc. 2013-07725 Filed 4-4-13; 8:45 am]

BILLING CODE 9111-97-P