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

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

[Federal Register Volume 78, Number 225 (Thursday, November 21, 2013)]

[Notices]

[Pages 69864-69871]

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[FR Doc No: 2013-27895]

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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.

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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](http://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.

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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://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[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

[[Page 56600]]

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 Unites 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,

[[Page 411]]

 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.

Retrievablity:

 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]

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

[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](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,

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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 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

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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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