



**Privacy Impact Assessment Update
for the**

E-Verify Program

DHS/USCIS/PIA-030(d)

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Abstract

The Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) Verification Division is publishing this update to the DHS/USCIS-030 E-Verify Program PIA and its updates.¹ USCIS administers the E-Verify program, which allows participating employers the ability to verify the employment eligibility of all newly hired employees. The purpose of this update is to: (1) describe collection and verification of the foreign passport country of issuance (COI) through the U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program's Arrival and Departure Information System (ADIS); and (2) discuss the decommissioning of the Image Storage and Retrieval System (ISRS) and the Reengineered Naturalization Applications Casework System (RNACS) subsystems. The functionality previously provided by ISRS and RNACS will be replaced by the Customer Profile Management System (CPMS) and Claims Linked Application Information Management System 4 (CLAIMS 4),² respectively.

Introduction

E-Verify is a free, and in most cases voluntary, Department of Homeland Security (DHS) program implemented by the United States Citizenship and Immigration Services (USCIS) and operated in collaboration with the Social Security Administration (SSA). It allows employers to compare information provided by employees on the Form I-9, *Employment Eligibility Verification*, against information in federal and state government databases³ in one location. E-Verify validates that an employee has authorization to work in the U.S., either because he or she is a U.S. citizen or because he or she is a non-U.S. Citizen whom the United States has granted work authorization. E-Verify was mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

The E-Verify system determines employment eligibility by verifying an applicant's immigration status based on a primary identifier that employees provide on Form I-9.⁴ At least one primary identifier is required for DHS verification of employment eligibility. For U.S.

¹ See the E-Verify Program PIA (DHS/USCIS/PIA-030), the E-Verify Use of Commercial Data PIA (DHS/USCIS/PIA-030(a)) and the E-Verify RIDE PIA ((DHS/USCIS/PIA-030(c)) available at www.dhs.gov/privacy

² See PIA at DHS/USCIS/PIA-015 Computer Linked Application Information Management System (CLAIMS4) and updates and SORN at DHS/USCIS-007 Benefits Information System 73 Fed. Reg. 56596 (September 29, 2008).

³ See the E-Verify Program PIA (DHS/USCIS/PIA-030) available at www.dhs.gov/privacy for the full list of immigration record systems

⁴ See the Form I-9 PIA (DHS/USCIS/PIA-036) and its updates available at www.dhs.gov/privacy for a full explanation of the Form I-9.



citizens, the primary identifier is a Social Security Number (SSN). For non-U.S. Citizens, a primary identifier is currently an Alien Registration number (A-Number) or an I-94 number.⁵

USCIS is updating the E-Verify Program PIA and its previous to: (1) describe collection of the foreign passport COI from employers using E-Verify and subsequent verification through the US-VISIT ADIS; and (2) discuss the decommissioning of the ISRS and the RNACS subsystems. The functionality previously provided by ISRS and RNACS will be replaced by CPMS and CLAIMS 4, respectively. RNACS was decommissioned in 2011 and ISRS was decommissioned in 2012.

Country of Issuance

E-Verify currently uses the I-94 number as the primary identifier for nonimmigrants when querying federal databases to make an employment authorization determination. U.S. Customs and Border Protection (CBP) is in the process of automating the I-94 system to increase efficiency and streamline the admission process for travelers to the United States. However, since E-Verify depends on the integrity of this number and the process is still under development, USCIS has developed a new primary identifier that may be used independent from the I-94 process. E-Verify will now have the capability to verify employment authorization using a combination of foreign passport number and COI. Combining these two data elements makes them a primary identifier.⁶ This enhancement requires the new collection of COI from E-Verify users. E-Verify will send this information through an existing interface and compare it to COI from DHS/US-VISIT/ADIS.⁷ The collection of COI improves the efficiency of the verification process and addresses the changes in the admission process for travelers.

The specific changes required to accommodate this initiative are as followed:

- USCIS will update the E-Verify interface to enable employers to enter the Foreign Passport Number and COI if the employee selects “Alien Authorized to Work” and provides this information on the Form I-9;⁸
- E-Verify will receive one additional data element (Foreign Passport COI) from the existing DHS/US-VISIT ADIS connection; and
- USCIS updated the Form I-9 to include a Foreign Passport COI data field.⁹

⁵ Form I-94 is a DHS form generally issued to aliens at the time they lawfully enter the United States. Form I-94 is used to document status in the United States, the length of stay, and departure.

⁶ A primary identifier is a value that relates to a single person for the purpose of searching a database. A standalone passport number does not result in a primary identifier because there is a possibility that multiple countries could issue the same passport number. However, because a country would only issue a passport number once, when combining the passport number with the COI, this information becomes a primary identifier for employment authorization verification.

⁷ For a full description of ADIS, please refer to the ADIS PIA (DHS/NPPD/USVISIT/PIA-005) at www.dhs.gov/privacy

⁸ On Form I-9, employees who select “Alien Authorized to Work” are required to provide either an A-Number, I-94 Number, or foreign passport and COI. The employer then enters the data provided by the employee into E-Verify.



Decommissioning of Subsystems

Image Storage and Retrieval System (ISRS)

USCIS decommissioned the ISRS subsystem, which provided access to biometric and related biographic information used to verify the identity of registered aliens and monitor illegal entry into and residence in the United States. It was a centralized repository of USCIS biometric data including the photo, pressprint, and signature of applicants who have been issued a Permanent Resident Card or an Employment Authorization Document (EAD). E-Verify used ISRS as a means to provide the individual's photograph on file to the employer so that the employer could verify the photograph the individual provides against the photograph DHS has on file. With the decommissioning of ISRS, E-Verify will now use the CPMS for the E-Verify Photo Screening Tool.

E-Verify employers will continue to use the Photo Screening Tool when an employee presents a Permanent Resident Card or EAD. However, the Photo Screening Tool will now provide relevant information for verification from CPMS. If the employer indicates the picture from CPMS does not match the picture on the document, then the query will result in a DHS Tentative Non-confirmation (TNC)¹⁰ and the employee has the right to contest the finding. If the employee chooses to exercise that right, USCIS Status verifiers will request a photocopy of the document and use CPMS to validate the photograph, signature, receipt number, name (Last, First, Middle), DOB, country of birth, form number, and expiration date of the provided document.

Reengineered Naturalization Applications Casework System (RNACS)

USCIS decommissioned the RNACS subsystem, which provided case tracking and management capability for naturalization casework. E-Verify previously used RNACS for primary verification of employment verification based on an individual becoming a naturalized U.S. Citizen. This function is now accomplished using CLAIMS 4, an existing E-Verify system interface. Prior to the decommissioning of RNACS, USCIS migrated all open Application for Citizenship cases to CLAIMS 4.

By using CLAIMS 4, USCIS will continue to electronically track applicants through the naturalization process (N-400, Application for Naturalization), citizenship process (N-600, Application for Citizenship), and the Applications for Replacement Naturalization/Citizenship Documents process (N-565). E-Verify status verifiers will now use CLAIMS 4 to manually verify an applicant's Naturalization Certificate if E-Verify cannot automatically determine employment eligibility. In this situation, the employee would call DHS to contest a DHS TNC and submit a photocopy of the naturalization certificate used for Form I-9. E-Verify status verifiers will use CLAIMS 4 to validate the following information and make a final determination on employment eligibility: alien number; name (Last, First, Middle); DOB; birth country; gender;

⁹ The addition of this data field, and all other updates to the Form I-9, is in the Form I-9 PIA Update, found at www.dhs.gov/privacy.

¹⁰ For a detailed description a DHS TNC, please refer to the E-Verify PIA (DHS/USCIS/PIA-030) at www.dhs.gov/privacy.



nationality; citizenship naturalization date/time; citizenship certificate identification ID; immigration status; and address.

Reason for the PIA Update

USCIS is updating the DHS/USCIS/PIA-030 E-Verify Program PIA and subsequent updates: (1) describe collection and verification of the foreign passport COI through US-VISIT ADIS; and (2) discuss the decommissioning of the ISRS and RNACS subsystems. The functionality previously provided by these subsystems will be replaced by CPMS and CLAIMS 4, respectively. As a result of this update, the E-Verify program will be able to query DHS/US-VISIT ADIS for foreign passport and country of issuance as a new means of identifying an individual.

Privacy Impact Analysis

In each of the below sections consider how the system has changed and what impact it has on the below fair information principles. In some cases there may be no changes and indicate as such.

The System and the Information Collected and Stored within the System

E-Verify will receive one new data element, foreign passport COI, from the employer and it will be verified using ADIS, an existing system interface. The collection of both foreign passport and country of issuance creates a primary identifier by which USCIS is able to determine employment eligibility for an individual.

The use of COI remains in line with the original purpose of the program and does not create any new privacy risks for affected individuals. The privacy impact for the individual providing the foreign passport COI is minimal as he or she is already sharing the COI with the employer by presenting a foreign passport as part of the Form I-9 process. By entering this information into E-Verify, it will increase the accuracy of matching an individual passport number with the correct individual and returning an accurate employment eligibility determination.

The collection and transmission process for information into the system has not changed as Form I-9 continues to act as the initial data collection for information to be verified by E-Verify. Employees and employers provide the information on Form I-9 upon hire or within three days of starting work for pay.¹¹ Employers will continue to manually validate the information on Form I-9 against the information in E-Verify.

ADIS is not the original source of COI. As a result, receiving COI from ADIS poses the risk that the data is not accurate. This risk was previously identified in the ADIS PIA (DHS/NPPD/USVISIT/PIA-005(a)). ADIS mitigates this risk by receiving some duplicative PII as an intentional mechanism to ensure the accuracy of the information. This data integrity mechanism makes ADIS a reliable source of information for determining immigration status.

¹¹ Comprehensive instructions for completing Form I-9 is available at: <http://www.uscis.gov/files/form/m-274.pdf>



Changing the use of RNACS to CLAIMS 4 does not result in an additional privacy risk, as E-Verify already connects to CLAIMS 4 for naturalization information. USCIS previously used both RNACS and CLAIMS 4 to verify naturalization case information. However, prior to the decommissioning of RNACS, USCIS migrated all open Application for Citizenship cases from RNACS to CLAIMS 4. USCIS identified CLAIMS 4 as a source in previous PIAs and USCIS is not receiving any additional information as a result of this change.

There is no additional privacy risk as a result of switching data sources from ISRS to CPMS. CPMS fully replaced all functionality of ISRS and USCIS will not receive any additional information as a result of this change.

There is no change in storage as a result of this update. DHS/USCIS will continue storing and maintaining all transactional data in the Verification Information System (VIS), which is the underlying technology for E-Verify. Since there is no change to the storage, the privacy impact has not changed.

Uses of the System and the Information

E-Verify uses the information it receives to determine employment authorization. Since there is no change to the uses of the system and the information, there is also no change to the privacy impact. E-Verify will now use the combination of foreign passport number and COI as a primary identifier to query the immigration status of an individual. The determination of immigration status is a key component of determining employment authorization of non-citizens.

Retention

The National Archives Retention Act (NARA) schedule [N1-566-08-7], approved on June 5, 2008, has not changed. E-Verify retains information for ten (10) years from the date of the completion of the verification, unless the records are part of an on-going investigation, in which case they may be retained until completion of the investigation. This period is based on the statute of limitations for most types of misuse or fraud possible using E-Verify (under 18 U.S.C. § 3291, the statute of limitations for false statements or misuse regarding passports, citizenship or naturalization documents). Since retention remains the same, there is no further privacy impact as a result of this update.

Internal Sharing and Disclosure

There are no changes in internal sharing and disclosure as a result of this update. The internal sharing and disclosure of this information remains consistent with the previously published E-Verify PIA (DHS/USCIS/PIA-030).

External Sharing and Disclosure

There is no change to external sharing and disclosure as a result of this update. The external sharing and disclosure of this information remains consistent with the previously published E-Verify PIA (DHS/USCIS/PIA-030).



Notice

This PIA, reissuing of the DHS/USCIS-011 E-Verify Program SORN, and the instructions of the Form I-9 provide notice of the changes to the E-Verify Program. USCIS also completed the PRA requirements for updating Form I-9, which included publishing the changes in the Federal Register and allowing the public to comment on the changes.

Individual Access, Redress, and Correction

There are no changes to the access, redress, and corrections procedures identified in the previously published E-Verify PIA (DHS/USCIS/PIA-030). This update creates no increased privacy impact.

Technical Access and Security

The technical access and security controls for E-Verify have not changed. The changes described in this PIA update are in conformance with existing technical access and security safeguards that are described in the previously published E-Verify PIA (DHS/USCIS/PIA-030).

Technology

There are two changes in technology as a result of this update. First, E-Verify will discontinue receiving information from RNACS and ISRS. Second, as a result of this update, DHS/US-VISIT ADIS will send an additional data element, foreign passport COI. However, this additional element will come through an existing system interface and therefore does not increase the privacy impact.

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