



PRIVACY THRESHOLD ANALYSIS (PTA)

This form is used to determine whether a Privacy Impact Assessment is required.

Please use the attached form to determine whether a Privacy Impact Assessment (PIA) is required under the E-Government Act of 2002 and the Homeland Security Act of 2002.

Please complete this form and send it to your component Privacy Office. If you do not have a component Privacy Office, please send the PTA to the DHS Privacy Office:

Senior Director, Privacy Compliance
The Privacy Office
U.S. Department of Homeland Security
Washington, DC 20528
Tel: 202-343-1717

PIA@hq.dhs.gov

Upon receipt from your component Privacy Office, the DHS Privacy Office will review this form. If a PIA is required, the DHS Privacy Office will send you a copy of the Official Privacy Impact Assessment Guide and accompanying Template to complete and return.

A copy of the Guide and Template is available on the DHS Privacy Office website, www.dhs.gov/privacy, on DHSConnect and directly from the DHS Privacy Office via email: pia@hq.dhs.gov, phone: 202-343-1717.



PRIVACY THRESHOLD ANALYSIS (PTA)

SUMMARY INFORMATION

Project or Program Name:	Form I-140, Immigrant Petition for Alien Worker		
Component:	U.S. Citizenship and Immigration Services (USCIS)	Office or Program:	Service Center Operations
Xacta FISMA Name (if applicable):	N/A	Xacta FISMA Number (if applicable):	N/A
Type of Project or Program:	Form or other Information Collection	Project or program status:	Existing
Date first developed:	Click here to enter a date.	Pilot launch date:	N/A
Date of last PTA update	December 17, 2012	Pilot end date:	
ATO Status (if applicable)	Choose an item.	ATO expiration date (if applicable):	N/A

PROJECT OR PROGRAM MANAGER

Name:	Alexander King		
Office:	Service Center Operations	Title:	Adjudications Officer
Phone:	202-272-8162	Email:	Alexander.R.King@uscis.dhs.gov

INFORMATION SYSTEM SECURITY OFFICER (ISSO) (IF APPLICABLE)

Name:	Click here to enter text.		
Phone:	Click here to enter text.	Email:	Click here to enter text.



SPECIFIC PTA QUESTIONS

1. Reason for submitting the PTA: Renewal PTA

Form I-140, *Immigrant Petition for Alien Worker*

Form I-140 is used to petition USCIS for an immigrant visa based on employment. A United States employer may file this petition for:

- An outstanding professor or researcher with at least three year of experience in teaching or research in the academic area who is internationally recognized as outstanding.
- An alien, who in the 3 years preceding the filing of this petition, has been employed in a primarily managerial or executive capacity for at least 1 year by a firm or corporation or other legal entity and who seeks to enter the United States to continue to render service to the same employer, or to subsidiary or affiliate, in a capacity that is managerial or executive.
- A member of the professions holding an advanced degree or an alien with exceptional ability in the sciences, arts, or business who will substantially benefit the national economy, cultural or educational interests, or welfare of the United States.
- A member of the professions with a baccalaureate degree.
- An unskilled worker to preform labor for which qualifies workers are not available in the United states.

In addition, any employer, person, or third party may file this petition, including the alien beneficiary of the petition if the person is being filed for:

- An alien of extraordinary ability in the sciences, arts, education, business, or athletics demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field.
- A member of the profession holding an advanced degree or is claiming exceptional ability in the sciences, arts, or business, and is seeking an exemption of the requirements of a job offer in the national interest generally known as a national interest waiver.

A complete Form I-140 application package includes the completed form, Department of Labor (DOL)-approved Labor certification, a financial statement proving that the employer's financial position, employee's experience letters at the previous employments from the concerned employers, degree certificates, qualification certificates and other documents proving the educational qualification, and the filing fee. Data from Form I-140 is entered into CLAIMS 3. The completed form and its supplemental documentation are consolidated into an A-File.

This is a renewal PTA and there have not been any updates to the Form I-140 as of 2/3/2016.

2. Does this system employ any of the following technologies:

- Closed Circuit Television (CCTV)
- Social Media



<p><i>If you are using any of these technologies and want coverage under the respective PIA for that technology please stop here and contact the DHS Privacy Office for further guidance.</i></p>	<input type="checkbox"/> Web portal ¹ (e.g., SharePoint) <input type="checkbox"/> Contact Lists <input checked="" type="checkbox"/> None of these
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<p>3. From whom does the Project or Program collect, maintain, use, or disseminate information? <i>Please check all that apply.</i></p>	<input type="checkbox"/> This program does not collect any personally identifiable information ² <input checked="" type="checkbox"/> Members of the public <input type="checkbox"/> DHS employees/contractors (list components): <input type="checkbox"/> Contractors working on behalf of DHS <input type="checkbox"/> Employees of other federal agencies
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<p>4. What specific information about individuals is collected, generated or retained?</p>	
<p>Form I-140, <i>Immigrant Petition for Alien Worker</i>, collects information about the petitioner, beneficiary, the dependents of the beneficiary, and preparer.</p> <p>Information about the petitioner includes:</p> <ul style="list-style-type: none"> • Full name • Company name • Mailing address • IRS Tax number • SSN • Email address • Type of business • Income • Number of employees • NAICS Codes • Labor certification number and expiration date, signature. <p>Information about the beneficiary includes:</p>	

¹ Informational and collaboration-based portals in operation at DHS and its components that collect, use, maintain, and share limited personally identifiable information (PII) about individuals who are “members” of the portal or “potential members” who seek to gain access to the portal.

² DHS defines personal information as “Personally Identifiable Information” or PII, which is any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual, regardless of whether the individual is a U.S. citizen, lawful permanent resident, visitor to the U.S., or employee or contractor to the Department. “Sensitive PII” is PII, which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual. For the purposes of this PTA, SPII and PII are treated the same.



- Full name
- Mailing address
- Email address
- Phone number,
- Country and date of birth
- Country of citizenship/nationality
- A-number
- SSN
- Passport Number
- Travel Document Number
- Country of Issuance for Passport or Travel Document and Expiration Date for Passport or Travel Document
- I-94 Number
- Date of Arrival
- Current nonimmigrant status and expiration date
- Immigration history Signature

Information on the spouse and all children of the beneficiary:

- Full name
- Relationship to beneficiary
- Date of birth
- Country of birth.

Information on the preparer includes:

- Name
- Signature
- Firm name
- Mailing address
- Phone number
- Email address

The authority to collect information in this form is set forth in the Immigration and Nationality Act, 8 U.S.C. §§ 1103, 1158, 1225, 1228, and Title II of Public Law 105-100 and in the implementing regulations found in volume 8 of the Code of Federal Regulations (CFR). The SSN information collected within the form I-539 application is used to assist the DHS in enforcing the immigration laws of the United States by providing timely and accurate information about persons who are subject to those laws.

4(a) Does the project, program, or system retrieve information by personal identifier?

- No. Please continue to next question.
 Yes. If yes, please list all personal identifiers used:

The Form I-140 collects the following personal identifiers: A-number; petitioner's name; ; company



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	IRS Tax Number;; beneficiary’s name; date-of-birth; social security number. Personal identifying data collected on the Form I-140 is entered into CLAIMS3. Immigration Services Officers may retrieve specific I-140 records in CLAIMS 3 by entering the I-140 receipt number, the petitioner’s name, or the beneficiary’s full name.
4(b) Does the project, program, or system use Social Security Numbers (SSN)?	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes.
4(c) If yes, please provide the specific legal basis and purpose for the collection of SSNs:	The authorities for this collection are Section 222 of the Immigration and Nationality 8 USC §1202 and 8 Section 103.2 of Code of Federal Regulations.
4(d) If yes, please describe the uses of the SSNs within the project, program, or system:	The Social Security Number in conjunction with other information is used to verify the eligibility of the applicant.
4(e) If this project, program, or system is an information technology/system, does it relate solely to infrastructure? <i>For example, is the system a Local Area Network (LAN) or Wide Area Network (WAN)?</i>	<input checked="" type="checkbox"/> No. Please continue to next question. <input type="checkbox"/> Yes. If a log kept of communication traffic, please answer the following question.
4(f) If header or payload data³ is stored in the communication traffic log, please detail the data elements stored.	
Click here to enter text.	

5. Does this project, program, or system connect, receive, or share PII with any other DHS programs or systems⁴?	<input type="checkbox"/> No. <input checked="" type="checkbox"/> Yes. If yes, please list: CLAIMS 3 – for processing/adjudication purposes; EDMS Receipt File- for storage/electronic A-file purposes
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³ When data is sent over the Internet, each unit transmitted includes both header information and the actual data being sent. The header identifies the source and destination of the packet, while the actual data is referred to as the payload. Because header information, or overhead data, is only used in the transmission process, it is stripped from the packet when it reaches its destination. Therefore, the payload is the only data received by the destination system.

⁴ PII may be shared, received, or connected to other DHS systems directly, automatically, or by manual processes. Often, these systems are listed as “interconnected systems” in Xacta.



	Validation Instrument Business Tool. (VIBE) – to perform a VIBE check to validate or check the business information provided on Form I-140 against public business information maintained by Dunn And Bradstreet.
<p>6. Does this project, program, or system connect, receive, or share PII with any external (non-DHS) partners or systems?</p>	<p><input type="checkbox"/> No.</p> <p><input checked="" type="checkbox"/> Yes. If yes, please list:</p> <p>Department of State receives approved I-140s from USCIS when the beneficiary elects to apply for an immigrant visa abroad. Information is shared via secure mail. Upon receipt, DOS enters relevant information into the Consular Consolidated Database.</p> <p>The physical I-140 petition and supporting evidence is shipped directly to DOS when the beneficiary is applying for an Immigrant Visa abroad as opposed to adjustment of status in the United States, which USCIS handles.</p>
<p>6(a) Is this external sharing pursuant to new or existing information sharing access agreement (MOU, MOA, LOI, etc.)?</p>	<p>Choose an item.</p> <p>MOA between DHS and DOS Regarding the Sharing of Visa and Passport Records and Immigration and Naturalization and Citizenship Records – signed 11/18/2008.</p>
<p>7. Does the project, program, or system provide role-based training for personnel who have access in addition to annual privacy training required of all DHS personnel?</p>	<p><input type="checkbox"/> No.</p> <p><input checked="" type="checkbox"/> Yes. If yes, please list:</p> <p>USCIS personnel with access to Form I-140 information receive role-based training on CLAIMS 3, and local CLAIMS based case processing systems.</p>
<p>8. Per NIST SP 800-53 Rev. 4, Appendix J, does the project, program, or system maintain an accounting of disclosures of PII to individuals who have requested access to their PII?</p>	<p><input type="checkbox"/> Not applicable.</p> <p><input checked="" type="checkbox"/> No. What steps will be taken to develop and maintain the accounting:</p> <p><input type="checkbox"/> Yes. In what format is the accounting maintained:</p>



<p>9. Is there a FIPS 199 determination?⁴</p>	<p><input type="checkbox"/> Not applicable. <input type="checkbox"/> Unknown. <input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Please indicate the determinations for each of the following:</p> <p>Confidentiality: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High <input type="checkbox"/> Undefined</p> <p>Integrity: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High <input type="checkbox"/> Undefined</p> <p>Availability: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High <input type="checkbox"/> Undefined</p>
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⁴ FIPS 199 is the [Federal Information Processing Standard](#) Publication 199, Standards for Security Categorization of Federal Information and Information Systems and is used to establish security categories of information systems.



PRIVACY THRESHOLD REVIEW

(TO BE COMPLETED BY COMPONENT PRIVACY OFFICE)

Component Privacy Office Reviewer:	Catherine Catanzaro Shorten
Date submitted to Component Privacy Office:	February 17, 2016
Date submitted to DHS Privacy Office:	February 3, 2016
Component Privacy Office Recommendation: <i>Please include recommendation below, including what new privacy compliance documentation is needed.</i>	
The Office of Privacy has recommends that the Form I-140, <i>Immigrant Petition for Alien Worker</i> be designated as privacy sensitive with coverage under the following existing compliance documentations:	
PIAs:	
<ul style="list-style-type: none"> - Forthcoming Benefit Intake PIA currently under review at DHS PRIV, which covers the intake and initial processing of the Form I-140; - DHS/USCIS/PIA-016 USCIS Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum (CLAIMS 3), which covers, the review and adjudication of the Form I-140; - DHS/USCIS/PIA-003(a) – Integrated Digitization Document Management Program (IDDMP) - which covers the digitization of the Form I-140 in EDMS; and - DHS-USCIS-PIA-004 Validation Instrument for Business Enterprises (VIBE) – which provides coverage for the VIBE check against D&B to validate or check the business information provided on Form I-140. 	
SORN:	
<ul style="list-style-type: none"> - DHS-USCIS-007 - Benefits Information System September, 29, 2008 (73 FR 56596) - DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records, June 13, 2011, (76 FR 34233) 	

(TO BE COMPLETED BY THE DHS PRIVACY OFFICE)

DHS Privacy Office Reviewer:	Riley Dean
PCTS Workflow Number:	1119251
Date approved by DHS Privacy Office:	March 31, 2016
PTA Expiration Date	March 31, 2019

DESIGNATION



Privacy Sensitive System:	Yes If “no” PTA adjudication is complete.
Category of System:	Form/Information Collection If “other” is selected, please describe: Click here to enter text.
Determination:	<input type="checkbox"/> PTA sufficient at this time. <input type="checkbox"/> Privacy compliance documentation determination in progress. <input type="checkbox"/> New information sharing arrangement is required. <input type="checkbox"/> DHS Policy for Computer-Readable Extracts Containing Sensitive PII applies. <input checked="" type="checkbox"/> Privacy Act Statement required. <input checked="" type="checkbox"/> Privacy Impact Assessment (PIA) required. <input checked="" type="checkbox"/> System of Records Notice (SORN) required. <input checked="" type="checkbox"/> Paperwork Reduction Act (PRA) Clearance may be required. Contact your component PRA Officer. <input type="checkbox"/> A Records Schedule may be required. Contact your component Records Officer.
PIA:	System covered by existing PIA If covered by existing PIA, please list: DHS/USCIS/PIA-003(a) Integrated Digitization Document Management Program (IDDMP) DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems DHS/USCIS/PIA-044 Validation Instrument for Business Enterprises (VIBE) DHS/USCIS/PIA-061 Benefit Request Intake Process
SORN:	System covered by existing SORN If covered by existing SORN, please list: DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, November 21, 2013, 78 FR 69864 DHS/USCIS-007 Benefits Information System September 29, 2008 73 FR 56596
DHS Privacy Office Comments:	
<i>Please describe rationale for privacy compliance determination above.</i>	
USCIS is submitting a PTA renewal for the Form I-140. There have not been any updates to the types of data collected on the form since the last PTA completed in 2012. The DHS Privacy Office finds that USCIS Form I-140 is privacy sensitive because it collects and maintains PII of foreign nationals seeking Immigrant Visas based on U.S. employment. The types of PII collected from petitioners include name, address, and Social Security numbers (SSN). The types of PII collected on behalf of beneficiaries include name, address, date and place of birth, gender, citizenship status, Alien File number, Passport Number, and SSN. This form also collects PII from the beneficiaries’ spouses and/or dependents.	



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The DHS Privacy Office concurs with the USCIS recommendation of coverage under multiple existing PIAs. DHS/USCIS/PIA-003(a) Integrated Digitization Document Management Program (IDDMP) covers the digitization and processing of Form I-140. DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems covers processing of immigrants' applications and petitions. DHS-USCIS-PIA-044 Validation Instrument for Business Enterprises (VIBE) covers pre-screening employment-based benefits and other benefit applications that may carry an elevated fraud risk. Furthermore, DHS/USCIS/PIA-061 Benefit Request Intake Process has just been approved to cover the intake and initial processing of the Form I-140.

USCIS Form I-140 is covered under the following two SORNs: DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records and DHS/USCIS-007 Benefits Information System (BIS).