



## PRIVACY THRESHOLD ANALYSIS (PTA)

**This form serves as the official determination by the DHS Privacy Office to identify the privacy compliance requirements for all Departmental uses of personally identifiable information (PII).**

A Privacy Threshold Analysis (PTA) serves as the document used to identify information technology (IT) systems, information collections/forms, technologies, rulemakings, programs, information sharing arrangements, or pilot projects that involve PII and other activities that otherwise impact the privacy of individuals as determined by the Chief Privacy Officer, pursuant to Section 222 of the Homeland Security Act, and to assess whether there is a need for additional Privacy Compliance Documentation. A PTA includes a general description of the IT system, information collection, form, technology, rulemaking, program, pilot project, information sharing arrangement, or other Department activity and describes what PII is collected (and from whom) and how that information is used and managed.

Please complete the attached Privacy Threshold Analysis and submit it to your component Privacy Office. After review by your component Privacy Officer the PTA is sent to the Department's Senior Director for Privacy Compliance for action. 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](mailto:PIA@hq.dhs.gov)

Upon receipt from your component Privacy Office, the DHS Privacy Office will review this form and assess whether any privacy compliance documentation is required. If compliance documentation is required – such as Privacy Impact Assessment (PIA), System of Records Notice (SORN), Privacy Act Statement, or Computer Matching Agreement (CMA) – the DHS Privacy Office or component Privacy Office will send you a copy of the relevant compliance template to complete and return.



## Privacy Threshold Analysis (PTA)

### *Specialized Template for Information Collections (IC) and Forms*

The Forms-PTA is a specialized template for Information Collections and Forms. This specialized PTA must accompany all Information Collections submitted as part of the Paperwork Reduction Act process (any instrument for collection (form, survey, questionnaire, etc.) from ten or more members of the public). Components may use this PTA to assess internal, component-specific forms as well.

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**Form Number:**      **Form I-601A**

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|                    |   |                |                              |
|--------------------|---|----------------|------------------------------|
| <b>Form Title:</b> | Application for Provisional Unlawful Presence Waiver    |                |                              |
| <b>Component:</b>  | U.S. Citizenship and<br>Immigration Services<br>(USCIS) | <b>Office:</b> | Service Center<br>Operations |

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#### **IF COVERED BY THE PAPERWORK REDUCTION ACT:**

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|                            |  |  |               |
|----------------------------|--|--|---------------|
| <b>Collection Title:</b>   | Form I-601A, <i>Application for Provisional Unlawful Presence Waiver</i> |  |               |
| <b>OMB Control Number:</b> | 1615-0123  | <b>OMB Expiration Date:</b>              | July 31, 2018 |
| <b>Collection status:</b>  | Extension  | <b>Date of last PTA (if applicable):</b> | May 21, 2015  |

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#### **PROJECT OR PROGRAM MANAGER**

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|                |                            |               |  |
|----------------|----------------------------|---------------|--|
| <b>Name:</b>   | Angela Lyons               |               |  |
| <b>Office:</b> | Office of Field Operations | <b>Title:</b> | Adjudications Officer  |
| <b>Phone:</b>  | (202) 615-6213             | <b>Email:</b> | <a href="mailto:Angela.R.Lyons@uscis.dhs.gov">Angela.R.Lyons@uscis.dhs.gov</a> |

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#### **COMPONENT INFORMATION COLLECTION/FORMS CONTACT**

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|              |                |
|--------------|----------------|
| <b>Name:</b> | Evadne Hagigal |
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|---------|--|--------|--|
| Office: | Regulatory Coordination<br>Division – PRA Compliance<br>Branch | Title: | Management & Program<br>Analyst  |
| Phone:  | (202) 272-0993   | Email: | <a href="mailto:Evadne.J.Hagigal@uscis.dhs.gov">Evadne.J.Hagigal@uscis.dhs.gov</a> |

## **SPECIFIC IC/Forms PTA QUESTIONS**

### **1. Purpose of the Information Collection or Form**

- a. Describe the purpose of the information collection or form. *Please provide a general description of the project and its purpose, including how it supports the DHS mission, in a way a non-technical person could understand (you may use information from the Supporting Statement).*  
*If this is an updated PTA, please specifically describe what changes or upgrades are triggering the update to this PTA.*

### **2018 EXTENSION**

Form I-601A, *Application for Provisional Unlawful Presence Waiver*, is set to expire on July 31, 2018. USCIS is filing for a PRA extension for Form I-601A. There were no changes to the form information collection; however, this PTA Update is accounting for the collection of identifying information that was not captured in the previously adjudicated PTA (e.g., gender). This extension includes expanding the provisional I-601A waiver to allow certain individuals with deportation orders to file Form I-212, *Application for Permission to Reapply for Admission into the United States After Deportation or Removal*.

### **I-601A, Application for Provisional Unlawful Presence Waiver**

Form I-601A is used by certain spouses, children, and parents of U.S. citizens (immediate relatives) who are in the United States and are not eligible to apply for lawful permanent resident (LPR) status while in the United States. The provisional unlawful presence waiver, codified at 8 CFR 212.7(e), allows those individuals who are statutorily eligible for an immigrant visa (immediate relatives, family-sponsored or employment-based immigrants as well as Diversity Visa selectees); who only need a waiver of inadmissibility for unlawful presence to apply for that waiver in the United States before they depart for their immigrant visa interview.

The Department of Homeland Security (DHS) expanded the provisional unlawful presence waiver program to include all individuals who are statutorily eligible for an immigrant visa and who are relatives of U.S. citizens and lawful permanent residents (LPRs) regardless of the type of immigrant category upon which they seek to immigrate.



DHS allows an applicant to show that his or her LPR spouses or parents, in addition to U.S. citizen spouses or parents, may suffer extreme hardship if an applicant were denied admission to the United States. Currently, the Immigration and Nationality Act allows a showing of extreme hardship either to the applicant's U.S. citizen spouse or parent or to the LPR spouse or parent.

The National Benefits Center (NBC) and the Nebraska Service Center share processing and adjudication of the Form I-601A.

### **USCIS USE OF FORM I-601A**

USCIS will use the data collected on this form to determine whether the applicant is eligible for a provisional waiver of the unlawful presence grounds of inadmissibility under section 212(a)(9)(B)(v) of the Immigration and Nationality Act. Form I-601A serves the purpose of standardizing the application; having the form also ensures that applicants provide the necessary information required for USCIS to assess their eligibility to participate in the new, streamlined waiver process and their eligibility for the waiver itself. By allowing these individuals to apply for waivers in the U.S. and making a provisional determination of waiver eligibility *before* the individuals must depart the country for visa processing, USCIS provides a more predictable, transparent process and improves processing times, minimizing the separation of U.S. citizens from their families.

### **DEPARTMENT OF STATE USE OF FORM I-601A**

USCIS informs the Department of State (DOS) of the decision (e.g., approval or denial) of Form I-601A and the results of that decision impact how DOS adjudicates the immigrant visa application. If USCIS approves the Form I-601A, it will inform the National Visa Center (NVC) of its decision. If the NVC has received all required forms and documents for the immigrant visa case, the NVC will schedule the immigrant visa interview at the U.S. embassy or consulate designated on the application. The NVC will also notify the applicant of the interview appointment date. The applicant will then need to depart the United States to attend the immigrant visa interview at the designated location. If the applicant fails to depart and attend the immigrant visa interview, the provisional unlawful presence waiver will not take effect, and the approval may no longer be valid.

### **RELEVANT IT SYSTEM**

Form I-601A is adjudicated in CLAIMS 3 and is stored in the applicant's A-File.



b. List the DHS (or component) authorities to collect, store, and use this information. *If this information will be stored and used by a specific DHS component, list the component-specific authorities.*

The authority to collect, store, and use the information requested on this form, and the associated evidence, is set forth in the Immigration and Nationality Act Sections 212(a)(9)(B)(i)(I) and (II) and 212(a)(9)(B)(v).

| 2. Describe the IC/Form   |   |
|---|---|
| a. Does this form collect any Personally Identifiable Information” (PII <sup>1</sup> )?                 | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No  |
| b. From which type(s) of individuals does this form collect information? <i>(Check all that apply.)</i> | <input checked="" type="checkbox"/> Members of the public<br><input type="checkbox"/> U.S. citizens or lawful permanent residents<br><input checked="" type="checkbox"/> Non-U.S. Persons.<br><input type="checkbox"/> DHS Employees<br><input type="checkbox"/> DHS Contractors<br><input type="checkbox"/> Other federal employees or contractors.  |
| c. Who will complete and submit this form? <i>(Check all that apply.)</i>                               | <input checked="" type="checkbox"/> The record subject of the form (e.g., the individual applicant).<br><input checked="" type="checkbox"/> Legal Representative (preparer, attorney, etc.). A preparer may complete the form on behalf of the applicant.<br><input type="checkbox"/> Business entity.<br>If a business entity, is the only information collected business contact information?<br><input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> Law enforcement. |

<sup>1</sup> Personally identifiable information means any information that permits the identity of an individual to be directly or indirectly inferred, including any other information which 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.



|  |  |
|--|--|
|  | <input type="checkbox"/> DHS employee or contractor.<br><input checked="" type="checkbox"/> Other individual/entity/organization <b>that is NOT the record subject.</b> <i>Please describe.</i><br>An interpreter may also complete the form on behalf of the applicant. |
| d. How do individuals complete the form? <i>Check all that apply.</i>  | <input checked="" type="checkbox"/> Paper.<br><input checked="" type="checkbox"/> Electronic. (ex: fillable PDF)<br><input type="checkbox"/> Online web form. (available and submitted via the internet)<br><i>Provide link:</i>   |
| e. What information will DHS collect on the form? <i>List all PII data elements on the form. If the form will collect information from more than one type of individual, please break down list of data elements collected by type of individual.</i>  |  |
| <p>There are no new data elements being collected as a result of this 2018 extension. However, there were data elements that were not accounted for on the previous PTA adjudication. The list below contains a full inventory of PII collected by type of individual.</p> <p><b><u>Information about the Applicant:</u></b></p> <ul style="list-style-type: none"> <li>• Alien Number</li> <li>• Social Security number</li> <li>• USCIS Online Account Number</li> <li>• Full name</li> <li>• Other names used</li> <li>• U.S. mailing address</li> <li>• U.S. physical address</li> <li>• Gender</li> <li>• Date of birth</li> <li>• City or town of birth</li> <li>• Country of birth</li> <li>• Country of citizenship/nationality</li> <li>• Parents' names</li> <li>• Information about last entry into the United States (date of entry, port-of-entry city/town, state, and current immigration status)</li> <li>• Information about previous entries into the United States (port-of-entry city/town, state, date of entry, and current immigration status)</li> </ul> |  |



- Information about immigration history or criminal history (Receipt number for Form I-212)
- Ethnicity
- Race
- Height
- Weight
- Eye color
- Hair color
- Information about applicant's immigrant visa case (DOS Diversity Visa case number, Diversity Visa Program Selectee's full name, Receipt number, DOS Consular case number, petitioner name, petitioner's company or organization name)
- Information about applicant's qualifying relative(s) (full name, relationship to applicant)
- Statement from applicant why USCIS should approve the application
- Daytime telephone number
- Mobile telephone number
- Email address
- Signature

### **Evidence submitted by Applicant:**

- Biometrics (photographs and fingerprints)
- Statement and evidence of extreme hardship (e.g. documents containing information on health, financial status, education)
- Personal considerations (e.g., separation of spouse/child); special factors (e.g., cultural religious, language and/or ethnic obstacles)
- Other forms of evidence (e.g., petition approval notice)
- Evidence of Fee Payment (e.g., Department of State Immigrant Visa Processing Fee Receipt)
- Evidence of relationship to qualifying relative (e.g., copies of: marriage certificate, birth certificate, documentation of termination of previous marriage; legal name change document; adoption paperwork; U.S. passport; FS-240, Report of Birth Abroad of a Citizen of the U.S.; relatives Legal Permanent Resident (LPR) card or other evidence of LPR status)

### **Information about the Interpreter:**

- Full name
- Organization name
- Mailing address
- Daytime telephone number



- Mobile telephone number
- Email address
- Certification of fluency
- Signature

**Information about the Preparer/Attorney/BIA-Accredited Representative:**

- Full name
- Business name
- Mailing address
- Daytime telephone number
- Mobile telephone number
- Email address
- Signature
- G-28 ID number
- Attorney State Bar number
- Attorney or Accredited Representative USCIS Online Account Number

f. Does this form collect Social Security number (SSN) or other element that is stand-alone Sensitive Personally Identifiable Information (SPII)? *Check all that apply.*

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Social Security number                                 | <input type="checkbox"/> DHS Electronic Data Interchange Personal Identifier (EDIPI) |
| <input checked="" type="checkbox"/> Alien Number (A-Number)                                | <input type="checkbox"/> Social Media Handle/ID                                      |
| <input type="checkbox"/> Tax Identification Number   | <input type="checkbox"/> Known Traveler Number                                       |
| <input checked="" type="checkbox"/> Visa Number  | <input type="checkbox"/> Trusted Traveler Number (Global Entry, Pre-Check, etc.)     |
| <input type="checkbox"/> Passport Number   | <input type="checkbox"/> Driver's License Number                                     |
| <input type="checkbox"/> Bank Account, Credit Card, or other financial account number      | <input type="checkbox"/> Biometrics  |
| <input checked="" type="checkbox"/> Other. <i>Please list:</i> USCIS Online Account number |  |

g. List the **specific authority** to collect SSN or these other SPII elements.

The Immigration and Nationality Act, 264(f) (8 U.S.C. 1304(f)) allows USCIS to collect the SSN and other SPII to adjudicate the Form I-601A.

h. How will this information be used? What is the purpose of the collection? Describe **why** this collection of SPII is the minimum amount of information necessary to accomplish the purpose of the program.





USCIS collects this SPII to identify the applicant. The required information assists the Immigration Services Officer in verifying identity, validating immigration history, and determining the applicant’s eligibility for the benefit sought (physical presence in the United States, if applicant is at least 17 years old at the time of filing, and has an immigrant visa case pending with DOS).

|  |   |
|--|---|
| <p>i. Are individuals provided notice at the time of collection by DHS (<i>Does the records subject have notice of the collection or is form filled out by third party</i>)?</p> | <p><input checked="" type="checkbox"/> Yes. Please describe how notice is provided.<br/>USCIS provides a Privacy Notice to the individual on the form instructions prior to collecting any information.</p> <p><input type="checkbox"/> No.</p> |
|--|---|

### 3. How will DHS store the IC/form responses?

|   |  |
|---|--|
| <p>a. How will DHS store the original, completed IC/forms?</p>                | <p><input checked="" type="checkbox"/> Paper. Please describe.<br/>The Form I-601A is stored in the applicant’s A-File (A-File).</p> <p><input checked="" type="checkbox"/> Electronic. Please describe the IT system that will store the data from the form.<br/>Data from Form I-601A is stored in the Computer-Linked Application Information Management System (CLAIMS 3).</p> <p><input type="checkbox"/> Scanned forms (completed forms are scanned into an electronic repository). Please describe the electronic repository.<br/><a href="#">Click here to enter text.</a></p> |
| <p>b. If electronic, how does DHS input the responses into the IT system?</p> | <p><input checked="" type="checkbox"/> Manually (data elements manually entered). Please describe.<br/>Data from the form will be uploaded manually to CLAIMS 3 by USCIS Lockbox Operations.</p> <p><input type="checkbox"/> Automatically. Please describe.<br/><a href="#">Click here to enter text.</a></p>   |



|  |  |
|--|--|
| <p>c. How would a user search the information submitted on the forms, <i>i.e.</i>, how is the information retrieved?</p>   | <p><input checked="" type="checkbox"/> By a unique identifier.<sup>2</sup> <i>Please describe.</i> If information is retrieved by personal identifier, please submit a Privacy Act Statement with this PTA.</p> <p><b>CLAIMS 3:</b><br/>Information can be retrieved by name, date of birth, A-Number, Receipt number, or combination of the above data elements.</p> <p><input type="checkbox"/> By a non-personal identifier. <i>Please describe.</i></p> <p><a href="#">Click here to enter text.</a></p>         |
| <p>d. What is the records retention schedule(s)? <i>Include the records schedule number.</i></p>   | <p><b>Form I-601A:</b> N1-85-96-01 covers the adjudicative decision of Form I-601A. Records are retained in Receipt Files for five (5) years. When time to purge the record, an A-File is created for petitions for which visa numbers are not available, and for which no A-File currently exists.</p> <p><b>CLAIMS 3:</b> DAA-0566-2016-0009 covers CLAIMS 3 records. Data is destroyed 50 years after the last completed action.</p> <p><b>A-File:</b> N1-566-08-11 covers A-File records as permanent value.</p> |
| <p>e. How do you ensure that records are disposed of or deleted in accordance with the retention schedule?</p>   | <p>The system owner is responsible for ensuring the records are deleted in accordance with a retention schedule.</p>   |
| <p>f. Is any of this information shared outside of the original program/office? <i>If yes, describe where (other offices or DHS components or external entities) and why. What are the authorities of the receiving party?</i></p> |  |
| <p><input type="checkbox"/> Yes, information is shared with other DHS components or offices. Please describe.</p> <p><a href="#">Click here to enter text.</a></p>   |  |

<sup>2</sup> Generally, a unique identifier is considered any type of “personally identifiable information,” meaning any information that permits the identity of an individual to be directly or indirectly inferred, including any other information which 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.



Yes, information is shared *external* to DHS with other federal agencies, state/local partners, international partners, or non-governmental entities. Please describe.

Once USCIS approves a Form I-601A, it will inform the NVC of its decision. If the NVC has received all required forms and documents for an immigration case, the NVC will schedule the immigrant visa interview at the U.S. embassy or consulate designated on the form and notify the applicant of the interview appointment date.

No. Information on this form is not shared outside of the collecting office.



**Please include a copy of the referenced form and Privacy Act Statement (if applicable) with this PTA upon submission.**

### PRIVACY THRESHOLD REVIEW

**(TO BE COMPLETED BY COMPONENT PRIVACY OFFICE)**

|   |  |
|---|--|
| Component Privacy Office Reviewer:  | Amanda Hoffmaster  |
| Date submitted to component Privacy Office:   | January 25, 2018   |
| Date submitted to DHS Privacy Office:   | April 19, 2018   |
| Have you approved a Privacy Act Statement for this form? <i>(Only applicable if you have received a waiver from the DHS Chief Privacy Officer to approve component Privacy Act Statements.)</i> | <input checked="" type="checkbox"/> Yes. Please include it with this PTA submission.<br><input type="checkbox"/> No. Please describe why not.<br><a href="#">Click here to enter text.</a> |



**Component Privacy Office Recommendation:**

*Please include recommendation below, including what existing privacy compliance documentation is available or new privacy compliance documentation is needed.*

The USCIS Office of Privacy recommends designating Form I-601A as a privacy sensitive form with coverage under the following:

**PIA**

- DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems, which covers the processing and adjudication of Form I-601A.

**SORN**

- DHS-USCIS-001 Alien File, Index, and National File Tracking System, which covers the physical and electronic immigration files, including A-Files and Receipt Files.
- DHS/USCIS-007 Benefits Information System, which covers the collection, use, and storage of data elements USCIS collects about benefit requestors, beneficiaries, legal representatives, interpreters, and preparers.

## PRIVACY THRESHOLD ADJUDICATION

**(TO BE COMPLETED BY THE DHS PRIVACY OFFICE)**

|                                      |                    |
|--------------------------------------|--------------------|
| DHS Privacy Office Reviewer:         | <b>Kameron Cox</b> |
| PCTS Workflow Number:                | <b>1161909</b>     |
| Date approved by DHS Privacy Office: | April 25, 2018     |
| PTA Expiration Date                  | April 25, 2021     |

## DESIGNATION

|                               |   |
|-------------------------------|---|
| Privacy Sensitive IC or Form: | <b>Yes If "no" PTA adjudication is complete.</b>  |
| Determination:                | <input type="checkbox"/> PTA sufficient at this time.<br><input type="checkbox"/> Privacy compliance documentation determination in progress.<br><input type="checkbox"/> New information sharing arrangement is required.<br><input type="checkbox"/> DHS Policy for Computer-Readable Extracts Containing SPII applies. |



|  |   |
|--|---|
|  | <input checked="" type="checkbox"/> Privacy Act Statement required.<br><input checked="" type="checkbox"/> Privacy Impact Assessment (PIA) required.<br><input checked="" type="checkbox"/> System of Records Notice (SORN) required.<br><input type="checkbox"/> Specialized training required.<br><input type="checkbox"/> Other. Click here to enter text. |
| DHS IC/Forms Review:   | DHS PRIV has approved this ICR/Form.  |
| Date IC/Form Approved by PRIV:   | April 19, 2018  |
| IC/Form PCTS Number:   | Click here to enter text.   |
| Privacy Act Statement:   | Privacy Notice is sufficient  |
| PTA:   | CLAIMS 3 PTA is sufficient  |
| PIA:   | <b>System covered by existing PIA</b><br>If covered by existing PIA, please list: DHS/USCIS/PIA-016a Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems  |
| SORN:  | <b>System covered by existing SORN</b><br>If covered by existing SORN, please list: DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556<br>DHS/USCIS-007 Benefits Information System, October 19, 2016 81 FR 72069   |
| <b>DHS Privacy Office Comments:</b><br><i>Please describe rationale for privacy compliance determination above.</i>  |   |
| <p>USCIS is submitting this PTA to renew compliance documentation regarding Form I-601A, <i>Application for Provisional Unlawful Presence Waiver</i>. The purpose of the Form I-601A is for certain immigrant visa applicants who are relatives of U.S. citizens or Lawful Permanent Residents to request a provisional waiver of the unlawful presence grounds of inadmissibility before departing the United States to appear at a U.S. Embassy or Consulate for an immigrant visa interview.</p> <p>The DHS Privacy Office (PRIV) agrees with USCIS Privacy that Form I-601A is a privacy sensitive information collection. PRIV further agrees that DHS/USCIS/PIA-016(a) CLAIMS 3 assesses the privacy impacts of processing and storing Form I-601A in that system.</p> |   |



PRIV finds that SORN coverage is required because Form I-601A collects information that is later retrieved by unique identifier. PRIV concludes that DHS/USCIS/ICE/CBP-001 Alien File covers the collection of applicant information for the purposes of administering immigration benefits. DHS/USCIS-007 BIS SORN covers the collection of adjudicative and decisional data not stored in an applicant's A-file.

Form I-600 contemplates information sharing with the Department of State (DOS). This sharing is compatible with routine use O of the A-File SORN and routine use I of the BIS SORN, which permit USCIS to share information with DOS in the processing of applications for benefits under the INA.

PRIV finds that a Privacy Notice is required to accompany the Form I-601A because it collects information from Non-US Persons.