



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

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.

Form Number: N/A

Form Title: H-1B Registration Tool

Component: U.S. Citizenship and Immigration Services (USCIS) **Office:** Service Center Operations

IF COVERED BY THE PAPERWORK REDUCTION ACT:

Collection Title: H-1B Registration Tool

OMB Control Number:	1615-0144	OMB Expiration Date:	N/A
Collection status:	New Collection	Date of last PTA (if applicable):	N/A

PROJECT OR PROGRAM MANAGER

Name:	Nicole Nicklaw	Title:	Click here to enter text.
Office:	Service Center Operations	Email:	Click here to enter text.
Phone:	Click here to enter text.		

COMPONENT INFORMATION COLLECTION/FORMS CONTACT

Name: Kerstin Jager



Office:	Regulatory Coordination Division, Office of Policy and Strategy	Title:	Mgmt Prog Analyst,
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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.

USCIS is submitting this PTA to document a new information collection instrument – H-1B Cap Registration Tool.

Overview:

USCIS receives and adjudicates petitions and applications for all immigration benefits, including petitions by U.S. employers seeking nonimmigrant worker status for aliens. More specifically, USCIS administers and adjudicates H-1B nonimmigrant petitions, which are filed by employers (hereinafter referred to as petitioners) to employ foreign workers in specialty occupations that require theoretical or practical application of highly specialized knowledge and attainment of a bachelor’s or higher degree in the specialty. Typical H-1B occupations include architects, engineers, computer programmers, accountants, doctors, and college professors, among others.

Petitioners seeking benefits for an alien (hereinafter referred to as beneficiary) under the H-1B nonimmigrant classification are subject to congressionally-mandated annual numerical limits, known as the H-1B cap. Caps control the number of workers that can be issued a visa and/or receive H-1B classification in a given fiscal year. By law, USCIS cannot grant more than 65,000 new H-1B visa petitions per fiscal year subject to certain limited exceptions (“65,000 cap”). An exemption applies to the first 20,000 H-1B petitions filed on behalf of an alien who has attained a U.S. master’s degree or higher (“20,000 cap”). This means, in effect, 85,000 visas are available.



Historically, USCIS received more petitions than available slots and reached the H-1B cap within days of opening the H-1B filing period for the new fiscal year. In the event USCIS anticipates that the H1B filings will exceed the cap, USCIS announces to the public a final date on which it will accept H-1B petitions from petitioners. This date has been as early as the first day after USCIS began accepting H-1B petitions for the upcoming fiscal year. USCIS then administers a random lottery to ensure the fair and orderly distribution of available H-1B cap numbers. Properly submitted petitions undergo a random selection process to determine which petitions can be processed to completion and, if otherwise eligible, which beneficiaries are able to receive a new H-1B visa number.

H-1B Registration Tool

USCIS plans to implement a mandatory registration process known as the H-1B Registration Tool. Petitioners will be able to register prospective beneficiaries for random selection instead of filing a full petition through the myUSCIS Account Experience. USCIS amended its regulations via the rulemaking process to provide an alternate H-1B petition filing procedure to streamline and simplify the process for petitioners subject to H-1B numerical limits. This amendment establishes the mandatory electronic registration requirement requiring petitioners to register in order to participate in the random selections.

The H-1B Registration tool will allow petitioners to register for the lottery, while being less cumbersome and require fewer beneficiaries PII than filing a complete H-1B petition. USCIS plans to collect information about the H-1B petitioner, designated user, and prospective beneficiary. The H-1B Registration Tool [OMB Control No.1615-0144] is to collect the following information:

The H-1B petitioner is an employer seeking to hire a beneficiary under the H-1B classification. The petitioner or the petitioner's agent may complete the H-1B Cap Registration. Information about the H-1B petitioner and/or its designated agent includes the:

- Organization name
- Full name of contact person
- Title of contact person
- Email address
- Telephone number
- Mailing address (includes street address, city, state, province, and zip code)
- Employee Identification Number (EIN)



The H-1B beneficiary is the alien seeking H-1B classification. Information about the beneficiary includes his or her:

- Full name
- Date of birth
- Country of birth
- Country of citizenship
- Passport number
- Gender
- Category – cap or exemption

Petitioners of selected registration forms will be eligible to file complete H-1B petitions for the upcoming fiscal year on behalf of the beneficiary named in the registration.

The H-1B Registration Tool does not alter the process for processing and adjudicating H-1B petitions (i.e., Form I-129), which USCIS will continue to process and adjudicate as described in the Computer Linked Application Information Management System and Associated Systems (CLAIMS 3) PIA and Benefits Information System (BIS) system of records notice (SORN).

Relevant IT System:

The H-1B Registration Tool will be available for electronic submission of information and is the only method by which information can be transmitted to USCIS.

- 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.*

USCIS needs the information collected through this form and accompanying supplements to determine whether the petitioner and foreign national beneficiary(ies) is (are) eligible for the nonimmigrant classification. The statutory authority is section 101(a)(15) and 214(c)(1); 8 U.S.C. 1101(a)(15) and 1184(c)(1) of the Immigration and Nationality Act (Act) and the regulatory authority is 8 CFR 214.2 (h)(2)(i)(A). A U.S. employer, or agent in some instances, may file a petition for nonimmigrant worker to employ foreign nationals under the H-1B nonimmigrant classification.

2. Describe the IC/Form



<p>a. Does this form collect any Personally Identifiable Information” (PII¹)?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>b. From which type(s) of individuals does this form collect information? (Check all that apply.)</p>	<p><input checked="" type="checkbox"/> Members of the public <input checked="" type="checkbox"/> U.S. citizens or lawful permanent residents <input checked="" type="checkbox"/> Non-U.S. Persons. <input type="checkbox"/> DHS Employees <input type="checkbox"/> DHS Contractors <input type="checkbox"/> Other federal employees or contractors.</p>
<p>c. Who will complete and submit this form? (Check all that apply.)</p>	<p><input type="checkbox"/> The record subject of the form (e.g., the individual applicant). <input checked="" type="checkbox"/> Legal Representative (preparer, attorney, etc.). <input checked="" type="checkbox"/> Business entity. If a business entity, is the only information collected business contact information? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Law enforcement. <input type="checkbox"/> DHS employee or contractor. <input type="checkbox"/> Other individual/entity/organization that is NOT the record subject. <i>Please describe.</i> Click here to enter text.</p>
<p>d. How do individuals complete the form? Check all that apply.</p>	<p><input type="checkbox"/> Paper. <input type="checkbox"/> Electronic. (ex: fillable PDF)</p>

¹ 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 checked="" type="checkbox"/> Online web form. (available and submitted via the internet) <i>Provide link:</i>
<p>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>	
<p>USCIS will collect PII related to the H-1B petitioner, designated user, and prospective beneficiary.</p> <p><i>The H-1B petitioner is an employer seeking to hire a beneficiary under the H-1B classification. The petitioner or the petitioner’s agent may complete H-1B Registration. Information about the H-1B petitioner and/or its designated agent includes the:</i></p> <ul style="list-style-type: none"> • Organization name • Full name of contact person • Title of contact person • Email address • Telephone number • Mailing address (includes street address, city, state, province, and zip code) • Employee Identification Number (EIN) • Signature <p><i>The H-1B beneficiary is the alien seeking H-1B classification. Information about the beneficiary includes his or her:</i></p> <ul style="list-style-type: none"> • Full name • Date of birth • Country of birth • Country of citizenship • Passport number • Gender • Category – cap or exemption 	
<p>f. Does this form collect Social Security number (SSN) or other element that is stand-alone Sensitive Personally Identifiable Information (SPII)? <i>Check all that apply.</i></p>	



<input type="checkbox"/> Social Security number	<input type="checkbox"/> DHS Electronic Data Interchange Personal Identifier (EDIPI)
<input type="checkbox"/> Alien Number (A-Number)	<input type="checkbox"/> Social Media Handle/ID
<input checked="" type="checkbox"/> Tax Identification Number	<input type="checkbox"/> Known Traveler Number
<input 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 type="checkbox"/> Other. <i>Please list:</i>	

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

USCIS needs the information collected through this form and accompanying supplements to determine whether the petitioner and foreign national beneficiary(ies) is (are) eligible for the nonimmigrant classification. The statutory authority is section 101(a)(15) and 214(c)(1); 8 U.S.C. 1101(a)(15) and 1184(c)(1) of the Immigration and Nationality Act (Act) and the regulatory authority is 8 CFR 214.2 (h)(2)(i)(A). A U.S. employer, or agent in some instances, may file a petition for nonimmigrant worker to employ foreign nationals under the H-1B nonimmigrant classification.

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 uses the data collected on this form to determine which employers will be informed that they may submit a USCIS Form I-129 in a request for a nonimmigrant petition.

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>)?	<input checked="" type="checkbox"/> Yes. Please describe how notice is provided. USCIS will display a Privacy Notice to the petitioner when they enter the H-1B Registration tool. <input type="checkbox"/> No.
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3. How will DHS store the IC/form responses?



<p>a. How will DHS store the original, completed IC/forms?</p>	<p><input type="checkbox"/> Paper. Please describe. Click here to enter text.</p> <p><input checked="" type="checkbox"/> Electronic. Please describe the IT system that will store the data from the form. myUSCIS</p> <p><input type="checkbox"/> Scanned forms (completed forms are scanned into an electronic repository). Please describe the electronic repository. Click here to enter text.</p>
<p>b. If electronic, how does DHS input the responses into the IT system?</p>	<p><input type="checkbox"/> Manually (data elements manually entered). Please describe. Click here to enter text.</p> <p><input checked="" type="checkbox"/> Automatically. Please describe. Click here to enter text.</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.² <i>Please describe.</i> If information is retrieved by personal identifier, please submit a Privacy Act Statement with this PTA. Click here to enter text.</p> <p><input type="checkbox"/> By a non-personal identifier. <i>Please describe.</i> Click here to enter text.</p>
<p>d. What is the records retention schedule(s)? <i>Include the records schedule number.</i></p>	<p>USCIS is working with the USCIS Records Officer on establishing a retention schedule for the H-1B Cap Registration lottery.</p>
<p>e. How do you ensure that records are disposed of or deleted in accordance with</p>	<p>USCIS is working with the USCIS Records Officer on establishing a retention schedule for the H-1B Cap Registration lottery.</p>

² 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.



the retention schedule?	
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>	
<input type="checkbox"/> Yes, information is shared with other DHS components or offices. Please describe. Click here to enter text. <input type="checkbox"/> Yes, information is shared <i>external</i> to DHS with other federal agencies, state/local partners, international partners, or non-governmental entities. Please describe. Click here to enter text. <input checked="" type="checkbox"/> 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:	Jenny Hoots
Date submitted to component Privacy Office:	January 24, 2019
Date submitted to DHS Privacy Office:	January 24, 2019
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 type="checkbox"/> Yes. Please include it with this PTA submission. <input checked="" type="checkbox"/> No. Please describe why not. USCIS Office of Privacy is working to finalize the Privacy Notice with the appropriate authorizing stakeholders.
Component Privacy Office Recommendation: <i>Please include recommendation below, including what existing privacy compliance documentation is available or new privacy compliance documentation is needed.</i>	
<p>The USCIS Office of Privacy plans to memorialize the H-1B Cap Registration initiative in three separate PTAs to independently evaluate the Final Rule, the information collection Request, and the IT system being developed to support the H-1B Cap Registration initiative. This privacy compliance approach is to fulfill the privacy requirements for the respective rulemaking, Paper Reduction Act (PRA), and Federal Information System Management System Act (FISMA) processes. The purpose of this PTA is to assess the privacy impact of the information collection request and describe the PII that is collected and how that information is used by USCIS.</p> <p>The USCIS Office of Privacy recommendation is to designate the H-1B Cap Registration Tool as a privacy sensitive information collection instrument requiring PIA and SORN coverage. The USCIS Office of Privacy recommendation is to require a PIA Update to the myUSCIS Account Experience PIA. Further, the DHS/USCIS-007 BIS SORN covers the collection and use of information. USCIS plans to update the PIA prior to the implementations of the H1-B cap registration and implementation guidelines.</p>	



PRIVACY THRESHOLD ADJUDICATION

(TO BE COMPLETED BY THE DHS PRIVACY OFFICE)

DHS Privacy Office Reviewer:	Lindsay Vogel
PCTS Workflow Number:	1173822
Date approved by DHS Privacy Office:	January 25, 2019
PTA Expiration Date	January 25, 2020

DESIGNATION

Privacy Sensitive IC or Form:	Yes If "no" PTA adjudication is complete.
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 SPII applies. <input 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 type="checkbox"/> Specialized training required. <input type="checkbox"/> Other. Click here to enter text.
DHS IC/Forms Review:	Choose an item.
Date IC/Form Approved by PRIV:	Click here to enter a date.
IC/Form PCTS Number:	Click here to enter text.
Privacy Act Statement:	e(3) statement update is required. Click here to enter text.
PTA:	Choose an item. Click here to enter text.



PIA:	<p>PIA update is required. If covered by existing PIA, please list: Click here to enter text. If a PIA update is required, please list: DHS/USCIS/PIA-071 myUSCIS Account Experience</p>
SORN:	<p>System covered by existing SORN If covered by existing SORN, please list: DHS/USCIS-007 Benefits Information System October 19, 2016 81 FR 72069 If a SORN update is required, please list: Click here to enter text.</p>
<p>DHS Privacy Office Comments: <i>Please describe rationale for privacy compliance determination above.</i></p>	
<p>USCIS submits this PTA as part of the larger H-1B cap project. This is one of three PTAs for this initiative. USCIS plans to update the ICR prior to the tool’s launch and will submit an updated PTA.</p> <p>PRIV finds that DHS/USCIS/PIA-071 must be updated to describe the new tool as this tool resides in myUSCIS. USCIS is also updating DHS/USCIS/PIA-034 H-1B Visa Cap Registration NPRM as part of this initiative. SORN coverage is required for this information collection. DHS/USCIS-007 BIS provides coverage for the information collection.</p> <p>The Privacy Notice is inaccurate as currently written. It must be updated to accurately reflect the lottery process.</p>	