



## 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:** I-290B

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**Form Title:** Notice of Appeal of Motion (OMB No. 1615-0095)

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<b>Component:</b>	U.S. Citizenship and Immigration Services (USCIS)	<b>Office:</b>	Service Center Operations (SCOPS)
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#### **IF COVERED BY THE PAPERWORK REDUCTION ACT:**

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**Collection Title:** Form I-290B, Notice of Appeal of Motion

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<b>OMB Control Number:</b>	1615-0095	<b>OMB Expiration Date:</b>	January 31, 2017
<b>Collection status:</b>	Revision	<b>Date of last PTA (if applicable):</b>	November 16, 2016

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

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<b>Name:</b>	Deborah Blacksten	<b>Title:</b>	Supervisory Management & Program Analyst
<b>Office:</b>	Administrative Appeals Office	<b>Email:</b>	deborah.a.blacksten@uscis.dhs.gov
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#### **COMPONENT INFORMATION COLLECTION/FORMS CONTACT**



Name:	Kerstin Jager		
Office:	Regulatory Coordination Division- PRA Compliance Branch	Title:	Management Program Analyst
Phone:	202-213-4211	Email:	Kerstin.A.Jager@uscis.dhs.gov

## 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.*

#### **Form I-290B Update**

Form I-290B is for both motions to the USCIS office that last issued the decision (field offices, service centers, and the AAO) and appeals to the AAO. USCIS is submitting the updated Form I-290B PTA to document the following changes:

- The collection of Attorney and Accredited Representative Information (not new collection, but was not documented on previously adjudicated PTA)
- The Form I-290B data is not stored in USCIS ELIS

Form I-290B, *Notice of Appeal or Motion*

Form I-290B, Notice of Appeal or Motion, is used to file an appeal or motion on any decision under the immigration laws, except for appeals of Form I-130, Petition for Alien Relative, and Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, (widow(er) only) denials in which the Board of Immigration Appeals (BIA) has appellate jurisdiction.

The appeal or motion must be filed with USCIS in accordance with the regulation at 8.C.F.R Sections 103.3 and 103.5. Form I-290B must be filed within 30 calendar days after service of the decision. If the decision is mailed, the form must be filed within 33 calendar days. If the appeal relates to a revocation of an immigrant petition approval, the appeal must be filed within 15 calendar days after service of the decision, 18 calendar days if the decision was mailed. The date of service is normally the date of the decision.

Late filed appeals that do not meet the requirements of a motion to reopen or reconsider may be rejected. Late filed motions may be rejected.



Form I-290B may be used in the following circumstances:

1. To file an appeal with the AAO;
2. To file a motion to reconsider a decision of USCIS (i.e., the AAO, a field office or service center);
3. To file a motion to reopen a decision of USCIS (i.e., the AAO, a field office or service center); or
4. To appeal certain denials of U.S. Immigration and Customs Enforcement (ICE) Form I-17, Petition for Approval of School for Attendance by Nonimmigrant Student.

When a decision on a petition is appealed or a request for a motion is made, the affected party (e.g., petitioner/applicant or an authorized official of a petitioning employer) must sign Form I-290B and if applicable, sign and submit Form G-28, Notice of Entry of Appearance as Attorney or Representative. In the case of self-petitioners and applicants for certain waivers, the self-petitioner or waiver applicant may sign the Form I-290B.

Applicants currently use paper applications or petitions and must submit the Form I-290B to the appropriate location.

### **Relevant Information Technology**

Data for all paper applications or petitions are entered into CLAIMS 3. After the data is entered, all paper forms, including Form I-290B, are stored in the A-files and Receipt Files as a part of USCIS official records. Currently CLAIMS 3 supports the adjudication of this form. There is no electronic filing of Form I-290B

- 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 information and evidence requested on this form is collected under § 103 of the Immigration and Nationality Act, as amended, and 8 CFR §§ 103.3 and 103.5.

## 2. Describe the IC/Form



<p>a. Does this form collect any Personally Identifiable Information” (PII<sup>1</sup>)?</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? <i>(Check all that apply.)</i></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? <i>(Check all that apply.)</i></p>	<p><input checked="" 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 checked="" type="checkbox"/> No   <input type="checkbox"/> Law enforcement.   <input type="checkbox"/> DHS employee or contractor.   <input type="checkbox"/> Other individual/entity/organization <b>that is NOT the record subject.</b> <i>Please describe.</i>  <a href="#">Click here to enter text.</a></p>
<p>d. How do individuals complete the form? <i>Check all that apply.</i></p>	<p><input checked="" type="checkbox"/> Paper. <input checked="" type="checkbox"/> Electronic. (ex: fillable PDF)</p>

<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"/> 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><b><u>Information Collected from the Attorney/Accredited Representative (if any)</u></b></p>	
<ul style="list-style-type: none"> <li>• Attorney State Bar (if applicable)</li> <li>• Attorney or Accredited Representative USCIS Online Account Number</li> </ul>	
<p><b><u>Information Collected About the Applicant or Petitioner</u></b></p>	
<ul style="list-style-type: none"> <li>• Full Name</li> <li>• Alien Registration Number (A-Number, if applicable)</li> <li>• USCIS Online Account Number (if applicable)</li> <li>• In Care Of Name</li> <li>• Mailing Address</li> <li>• Daytime Telephone Number</li> <li>• Mobile Telephone Number (if any)</li> <li>• Email Address (if any)</li> <li>• Statement and Certification</li> <li>• Signature</li> <li>• Date of Signature</li> </ul>	
<p><b><u>Information About the Appeal or Motion</u></b></p>	
<ul style="list-style-type: none"> <li>• USCIS Form for the application or petition that is the subject of This Appeal or Motion</li> <li>• Receipt Number for the Application or Petition</li> <li>• Requested Nonimmigrant or Immigrant Classification</li> <li>• Specific Classification Requested (if applicable)</li> <li>• Date of Adverse Decision</li> <li>• Office That Issued the Adverse Decision</li> <li>• Basis for the Appeal Or Motion Request</li> </ul>	
<p><b><u>Information Collected from the Interpreter</u></b></p>	
<ul style="list-style-type: none"> <li>• Full Name</li> <li>• Business or Organization Name (if any)</li> </ul>	



- Mailing Address
- Daytime Telephone Number
- Mobile Telephone Number (if any)
- Email Address (if any)
- Certification
- Signature
- Date of Signature

### **Information collected from Preparers**

- Full Name
- Business or Organization Name (if any)
- Mailing Address
- Daytime Telephone Number
- Mobile Telephone Number (if any)
- Email Address (if any)
- Statement and Certification
- Signature
- Date of Signature

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 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 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>                        |  |
| • Receipt number  |  |

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

The information and evidence requested on this form is collected under § 103 of the Immigration and Nationality Act, as amended, and 8 CFR §§ 103.3 and 103.5.



<p>h. How will this information be used? What is the purpose of the collection? Describe <b>why</b> this collection of SPII is the minimum amount of information necessary to accomplish the purpose of the program.</p>	
<p>Form I-290B is used to file an appeal with the Administrative Appeals Office (AAO); or a motion with the USCIS office that issued the latest decision in the case (including a field office, service center, or the AAO). Over fifty immigration benefit types are eligible for an appeal or motion using this form. This information is necessary to correctly identify: the applicant or petitioner; any attorney, representative, interpreter, or preparer; the applicable immigration benefit request that is the subject of the appeal or motion; and the specific basis of the appeal or motion.</p>	
<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. USCIS includes a Privacy Notice on the form instructions</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. Paper records are stored in the A-files or Receipt files</p> <p><input checked="" type="checkbox"/> Electronic. Please describe the IT system that will store the data from the form.</p> <p>Form I-290B data is stored in USCIS CLAIMS 3 after the data is entered into the system</p> <p><input type="checkbox"/> Scanned forms (completed forms are scanned into an electronic repository). Please describe the electronic repository. <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. Information is manually entered into the IT system during the intake process.</p> <p><input type="checkbox"/> Automatically. Please describe. <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>System information is searched via any of the following methods: Name (First, Last), Receipt Number, A-File Number or Company Name</p>
<p>d. What is the records retention schedule(s)? <i>Include the records schedule number.</i></p>	<p>Form I-290B: N1-85-96-01; if filed with the Form I-539: DAA-0566-2017-0009 Destroy 2-6 years after adjudicative decision</p> <p>A-File: N1-566-08-11 Permanent</p> <p>CLAIMS 3: DAA-0566-2016-0009 Destroy 50 years after last completed action. (Last action may include: adjudication date/address change)</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 the approved records retention schedule.</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.



f. Is any of this information shared outside of the original program/office? *If yes, describe where (other offices or DHS components or external entities) and why. What are the authorities of the receiving party?*

- Yes, information is shared with other DHS components or offices. Please describe.
- Form I-290B may be used as an appeal with the Administrative Appeals Office (AAO)
  - Form I-290B may be used as a motion with the Field Office, Service Center, or the AAO
  - Form I-290B may be used by Immigration and Customs Enforcement (ICE) Form I-17 *Petition for Appeal of School for Attendance by Nonimmigrant Student with the ICE Student and Exchange Visitor Program*
- Yes, information is shared *external* to DHS with other federal agencies, state/local partners, international partners, or non-governmental entities. Please describe.
- 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:	<b>Nina Robinson</b>
Date submitted to component Privacy Office:	<b>February 13, 2018</b>
Date submitted to DHS Privacy Office:	<b>February 20, 2018</b>
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. <input type="checkbox"/> No. Please describe why not. <a href="#">Click here to enter text.</a>
<p>The USCIS Office of Privacy recommendation is to designate the Form I-290B as a privacy sensitive form with coverage under the following compliance documentation:</p> <p><b>PIA</b></p> <ul style="list-style-type: none"> <li>DHS/USCIS/PIA-016 Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems, which covers the collection, use, and storage of data elements collected on the Form I-290B and stored in CLAIMS 3</li> <li>DHS/USCIS/PIA-062 Administrative Appeals Office Case Management System, which covers the collection and use of data elements collected on the Form I-290B to file an appeal or motion with the Administrative Appeals Office (AAO)</li> </ul> <p><b>SORN</b></p> <ul style="list-style-type: none"> <li>DHS/USCIS/ICE/CBP-001- Alien File, Index, and National File Tracking System of Records, which covers the storage of paper forms in the A-File and Receipt File</li> <li>DHS-USCIS-007 Benefits Information System, which covers attorney/accredited representative, preparers, interpreters, and petitioner</li> </ul>	

## PRIVACY THRESHOLD ADJUDICATION



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

DHS Privacy Office Reviewer:	<b>Kameron Cox</b>
PCTS Workflow Number:	<b>1158351</b>
Date approved by DHS Privacy Office:	February 27, 2018
PTA Expiration Date	February 27, 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. <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 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 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:	<b>Current Privacy Notice is sufficient</b>
PTA:	<b>CLAIMS 3 PTA is Sufficient</b>
PIA:	<b>System covered by existing PIA</b>



	<p>If covered by existing PIA, please list: DHS/USCIS/PIA-062 Administrative Appeals Office Case Management System DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems</p>
<p>SORN:</p>	<p><b>System covered by existing SORN</b> 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 DHS/USCIS-007 Benefits Information System October 19, 2016 81 FR 72069</p>
<p>DHS Privacy Office Comments: <i>Please describe rationale for privacy compliance determination above.</i></p>	
<p><b>USCIS is submitting this PTA to document changes to Form I-290B, Notice of Appeal or Motion, which is used to file an appeal or motion on any decision under the immigration laws, except for appeals of Form I-130, Petition for Alien Relative, and Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, (widow(er) only) denials in which the Board of Immigration Appeals (BIA) has appellate jurisdiction.</b></p> <p><b>The DHS Privacy Office (PRIV) agrees with USCIS Privacy that Form I-290B is a privacy sensitive information collection and a PIA is required because it collects PII from members of the public. PRIV finds that DHS/USCIS/PIA-062 AAO Case Management System assesses the risks of filing an appeal on the form I-290B and DHS/USCIS/PIA-016(a) discusses the system on which the Form I-290B is processed.</b></p> <p><b>PRIV finds that a SORN is required because Form I-290B collects information that is then retrieved by a unique identifier. PRIV concurs with USCIS Privacy that DHS/USCIS/ICE/CBP-001 Alien File SORN covers the collection of information of paper and electronic benefit forms and supplemental evidence for the purposes of adjudicating immigration benefits. DHS/USCIS-007 BIS SORN provides coverage for the use and storage of decisional data that accompanies the Form I-290B.</b></p> <p><b>PRIV concludes that a Privacy Act Statement is required because Form I-290B collects information from both US Persons and non US Persons that is then entered into a system of records. PRIV recommends the title of the Privacy Notice submitted by USCIS is changed to "Privacy Act Statement."</b></p>	