[Federal Register Volume 82, Number 179 (Monday, September 18, 2017)]

[Notices]

[Pages 43556-43565]

From the Federal Register Online via the Government Publishing Office [[www.gpo.gov](http://www.gpo.gov/)]

[FR Doc No: 2017-19365]

-----------------------------------------------------------------------

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2017-0038]

Privacy Act of 1974; System of Records

AGENCY: Department of Homeland Security, Privacy Office.

ACTION: Notice of Modified Privacy Act System of Records.

-----------------------------------------------------------------------

SUMMARY: In accordance with the Privacy Act of 1974, the Department of

Homeland Security (DHS) proposes to modify a current DHS system of

records titled, ``Department of Homeland Security/U.S. Citizenship and

Immigration Services, U.S. Immigration and Customs Enforcement, U.S.

Customs and Border Protection--001 Alien File, Index, and National File

Tracking System of Records.'' This system of records contains

information regarding transactions involving an individual as he or she

passes through the U.S. immigration process, some of which may also be

covered by separate Systems of Records Notices. DHS primarily maintains

information relating to the adjudication of benefits, investigation of

immigration violations, and enforcement actions in Alien Files (A-

Files). Alien Files became the official file for all immigration

records created or consolidated since April 1, 1944. Before A-Files,

many individuals had more than one file with the agency. To streamline

immigration recordkeeping, legacy Immigration and Naturalization

Service issued each individual an Alien Number, allowing the agency to

create a single file for each individual containing that individual's

official immigration record. DHS also uses other immigration files to

support administrative, fiscal, and legal needs.

DATES: Submit comments on or before October 18, 2017. This modified

system will be effective upon publication. New or modified routine uses

will become effective October 18, 2017.

ADDRESSES: You may submit comments, identified by docket number DHS-

2017-0038 by one of the following methods:

Federal e-Rulemaking Portal: [http://www.regulations.gov](http://www.regulations.gov/).

Follow the instructions for submitting comments.

Fax: 202-343-4010.

Mail: Jonathan R. Cantor, Acting Chief Privacy Officer,

Privacy Office, Department of Homeland Security, Washington, DC 20528-

0655.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact:

Donald K. Hawkins, (202) 272-8000, Privacy Officer, U.S. Citizenship

and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC

20529. For privacy questions, please contact: Jonathan R. Cantor, (202)

343-1717, Acting Chief Privacy Officer, Privacy Office, Department of

Homeland Security, Washington, DC 20528-0655.

SUPPLEMENTARY INFORMATION: As DHS moves to conducting more immigration

actions in an electronic environment and U.S. Citizenship and

Immigration Services (USCIS) adjudicates more immigration benefits and

requests for action in its USCIS Electronic Immigration System, DHS no

longer considers the paper A-File as the sole repository and official

record of information related to an individual's official immigration

record. An individual's immigration history may be in the following

materials and formats: (1) A paper A-File; (2) an electronic record in

the Enterprise Document Management System or USCIS Electronic

Immigration System; or (3) a combination of paper and electronic

records and supporting documentation.

The Department of Homeland Security, therefore, is updating the

``Department of Homeland Security/U.S. Citizenship and Immigration

Services, U.S. Immigration and Customs Enforcement, U.S. Customs and

Border Protection-001 Alien File, Index, and National File Tracking

System of Records notice to: (1) Redefine which records constitute the

official record of an individual's immigration history to include the

following materials and formats: (a) The paper A-File, (b) an

electronic record in the Enterprise Document Management System or U.S.

Citizenship and Immigration Services Electronic Immigration System, or

(c) a

[[Page 43557]]

combination of paper and electronic records and supporting

documentation; (2) clarify that data originating from this system of

records may be stored in a classified paper A-File or classified

electronic network; (3) provide updated system locations; (4) update

category of individuals covered by this System of Records Notice, to

include individuals acting as legal guardians or designated

representatives in immigration proceedings involving an individual who

is physically or developmentally disabled or severely mentally impaired

(when authorized); Civil Surgeons who conduct and certify medical

examinations for immigration benefits; law enforcement officers who

certify a benefit requestors cooperation in the investigation or

prosecution of a criminal activity; and interpreters; (5) expand the

categories of records to include the following: country of nationality;

country of residence; the USCIS Online Account Number; social media

handles, aliases, associated identifiable information, and search

results; and the Department of Justice (DOJ), Executive Office for

Immigration Review and Board of Immigration Appeals proceedings

information; (6) add and describe the purpose for the USCIS Electronic

Immigration System, Electronic Document Management System, and

Microfilm Digitization Application System; (7) expand the data elements

used to retrieve records; (8) update the parameters for retention and

disposal of A-Files; (9) add the Microfilm Digitization Application

System retention schedule; (10) update system manager to Associate

Director, Immigration Records and Identity Services; (11) update record

source categories to include publicly available information obtained

from the internet, public records, public institutions, interviewees,

commercial data providers, and information obtained and disclosed

pursuant to information sharing agreements; and (12) update routine use

E to comply with new policy contained in Office of Management and

Budget Circular A-108. Additionally, this notice includes non-

substantive changes to simplify the formatting and text of the

previously published notice. The exemptions for the existing system of

records notice will continue to be applicable for this updated system

of records notice. This modified system of records notice will be

included in the DHS's inventory of record systems.

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the DHS

U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and

Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP)

proposes to update and reissue a current DHS system of records titled,

``DHS/USCIS-ICE-CBP-001 Alien File, Index, and National File Tracking

System of Records.''

DHS implements U.S. immigration law and policy through USCIS'

processing and adjudication of applications and petitions submitted for

citizenship, asylum, and other immigration benefits. USCIS also

supports national security by preventing individuals from fraudulently

obtaining immigration benefits and by denying applications from

individuals who pose national security or public safety threats. DHS

implements U.S. immigration policy and law through ICE's law

enforcement activities and CBP's inspection and border security

processes.

Legacy immigration and naturalization agencies previously collected

and maintained information concerning all immigration and inspection

interactions. Before Alien Files (A-Files), many individuals had more

than one file with the agency requiring legacy personnel to search

multiple records systems and indexes for all records pertaining to one

individual. The former Immigration and Naturalization Services (INS)

introduced A-Files and issued each individual an Alien Number (A-

Number) allowing INS to create one file for each individual containing

the entire agency's records for the subject. Legacy immigration case

file records that were not consolidated into the A-File are still

maintained since these records hold historical value and are shared

with government agencies and members of the public who request this

information for mission-related and genealogy purposes.

The Alien File, Index, and National File Tracking System of Records

is the official record system that contains information regarding the

transactions of an individual as he or she passes through the U.S.

immigration process. Currently, A-Files may be maintained in two

formats: Paper A-Files or electronic A-Files within the Enterprise

Document Management System (EDMS). The official record will now take

three possible forms: (1) Records contained within the paper A-File;

(2) records contained within the electronic record from EDMS or USCIS

Electronic Immigration System (USCIS ELIS); or (3) a combination of

paper and electronic records and supporting documentation. The A-File

serves as the official record of an individual's immigration history.

It is used in immigration proceedings before U.S. Department of Justice

(DOJ) immigration judges and the Board of Immigration Appeals (BIA),

and is the official record used in Federal court litigation and other

official agency business transactions. USCIS is the custodian of the A-

File and the documents contained within it that are derived from

various systems belonging to USCIS, ICE, and CBP. All three components

create, contribute information to, and use A-Files, hence this joint

System of Records Notice (SORN).

A notice detailing this system of records was last published in the

Federal Register on November 21, 2013, as the DHS/USCIS/ICE/CBP001

Alien File, Index, and National File Tracking System of Records, 78 FR

69864. DHS is updating the DHS/USCIS/ICE/CBP-001 Alien File, Index, and

National File Tracking System of Records to include the following

substantive changes: (1) Redefine which records constitute the official

record of an individual's immigration history to include the following

materials and formats: (a) The paper A-File, (b) the electronic A-File,

or (c) a combination of paper and electronic records and supporting

documentation; (2) clarify that data originating from this system of

records may be stored in a classified paper A-File or classified

electronic network; (3) provide updated system locations; (4) update

category of individuals covered by this SORN to include individual

acting as legal guardians or designated representatives in immigration

proceedings involving individuals who are physically or developmentally

disabled or severely mentally impaired (when authorized); Civil

Surgeons who conduct and certify medical examinations for immigration

benefits; and law enforcement officers who certify a benefit requestors

cooperation in the investigation or prosecution of a criminal activity;

and interpreters; (5) expand the categories of records to include

country of nationality; country of residence; the USCIS Online Account

Number; social media handles, aliases, associated identifiable

information, and search results; and information regarding the DOJ

Executive Office for Immigration Review (EOIR) and BIA proceedings; (6)

add and describe the purpose of the USCIS ELIS, EDMS, and Microfilm

Digitization Application System (MiDAS); (7) expand data elements used

to retrieve records; (8) update the parameters for retention and

disposal of paper A-Files and electronic A-Files; (9) include the MiDAS

retention schedule; (10) change system

[[Page 43558]]

manager to Associate Director, Immigration Records and Identity

Services (IRIS); (11) update record source categories to include

publicly available information obtained from the internet, public

records, public institutions, interviews, commercial data providers,

and information shared obtained through information sharing agreements;

and (12) update routine use E to comply with Office of Management and

Budget Circular A-108.

Consistent with DHS's information sharing mission, information

stored in the DHS/USCIS/ICE/CBP-001 Alien File, Index, and National

File Tracking System of Records may be shared with other DHS components

that have a need to know the information to carry out their national

security, law enforcement, immigration, intelligence, or other homeland

security functions. In addition, information contained within the DHS/

USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System

of Records may be shared with appropriate Federal, State, local,

tribal, territorial, foreign, or international government agencies

consistent with the routine uses set forth in this system of records

notice. The exemptions for the existing system of records notice will

continue to be applicable for this system of records notice.

Additionally, this modified system will be included in DHS's inventory

of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a

statutory framework governing the means by which Federal Government

agencies collect, maintain, use, and disseminate individuals' records.

The Privacy Act applies to information that is maintained in a ``system

of records.'' A ``system of records'' is a group of any records under

the control of an agency from which information is retrieved by the

name of an individual or by some identifying number, symbol, or other

identifying particular assigned to the individual. In the Privacy Act,

an individual is defined to encompass U.S. citizens and lawful

permanent residents. Additionally, and similarly, the Judicial Redress

Act (JRA) provides a statutory right to covered persons to make

requests for access and amendment to covered records, as defined by the

JRA, along with judicial review for denials of such requests. In

addition, the JRA prohibits disclosures of covered records, except as

otherwise permitted by the Privacy Act.

Below is the description of the DHS/USCIS/ICE/CBP-001 Alien File,

Index, and National File Tracking System of Records. In accordance with

5 U.S.C. 552a(r), DHS has provided a report of this system of records

to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:

Department of Homeland Security (DHS) U.S. Citizenship and

Immigration Services (USCIS), U.S. Immigration and Customs Enforcement

(ICE), U.S. Customs and Border Protection (CBP)-001 Alien File, Index,

and National File Tracking System of Records.

SECURITY CLASSIFICATION:

Unclassified, sensitive, for official use only, and classified. The

data may be retained in classified paper A-File or on classified

networks. The nature and character of the underlying classification of

these records will not change unless it is combined with classified

information.

SYSTEM LOCATION:

Records are maintained in (1) paper A-Files; (2) electronic A-Files

in EDMS and USCIS ELIS; (3) Central Index System (CIS); (4) MiDAS; and

(5) National File Tracking System (NFTS). Other applications, as

Enterprise Citizenship and Immigrations Services Centralized

Operational Repository (eCISCOR) and the Person Centric Query Service

(PCQS), may retrieve information from the aforementioned applications.

Paper A-Files: Paper A-Files are primarily located at the National

Records Center in Lee's Summit, Missouri and component field offices.

Paper A-Files may also be located at Headquarters, Regional, District,

and other USCIS File Control Offices (FCO) throughout the United States

and foreign countries as detailed on the agency's Web site, [http://www.uscis.gov](http://www.uscis.gov/). A-Files may also be located at ICE and CBP offices and

facilities.

EDMS: EDMS contains electronic A-Files.

USCIS ELIS: USCIS ELIS contains electronic A-Files. USCIS ELIS is

an online, electronic account and case management system that stores

information submitted or integrated into the system for the processing

of specific applications, petitions, or requests. Submissions may

originate in an electronic format or be converted to an electronic

format from paper and include forms, supporting documentation

associated with each submission notices of agency action (e.g.,

appointment notices, requests for evidence or originals, notices of

intent to deny, or withdrawal notice and other final agency decisions)

on a specific application, petition, or request, whether filed directly

online or received by USCIS in a paper format and subsequently scanned

for integration into the USCIS ELIS. USCIS ELIS also stores the USCIS

Online Account Number and biographic information about the individual

filing a request for an immigration decision or agency action that can

be used to retrieve information about other immigration requests that

may have been filed by the individual.

CIS: CIS serves as a DHS-wide index of key information for A-Files

(whether paper or electronic). CIS contains information on individuals

who interact with DHS. The system contains biographic information on

those individuals which can be used to retrieve additional information

from other systems. However, A-Files are not contained in CIS.

MiDAS: MiDAS contains digitized copies of immigration-related

records that were created between 1893 and 1975.

NFTS: NFTS has the location information for all A-File records

(whether paper or electronic). NFTS allows DHS to track and log the

movement of paper A-Files in a centralized database, and provide timely

and accurate access to the immigration case file location. This system

facilitates USCIS' ability to efficiently manage and streamline access

to immigration files under its control.

The databases maintaining the above information are located within

the DHS data center in the Washington, DC metropolitan area as well as

throughout the country. Access to these electronic systems is possible

at USCIS sites at Headquarters and in the field offices throughout the

United States, at appropriate facilities under the jurisdiction of DHS,

and other locations at which officers of DHS component agencies may be

posted or operate to facilitate DHS's homeland security mission.

SYSTEM MANAGER(S):

Associate Director, Immigration Records and Identity Services, U.S.

Citizenship and Immigration Services, Department of Homeland Security,

20 Massachusetts Avenue NW., Washington, DC 20529.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintaining this system is in Sections 103 and 290 of

the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103

and 1360), and the regulations issued pursuant thereto; and Section 451

of the Homeland Security Act of 2002 (Pub. L. 107-296), codified at 6

U.S.C. 271.

[[Page 43559]]

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to facilitate

administration of benefits and enforcement of provisions under the INA

and related immigration statutes. A-Files (whether paper or

electronic), immigration case files, CIS, MiDAS, and NFTS are used

primarily by DHS employees for immigration processing and adjudication,

protection of national security, and administering and enforcing

immigration and nationality laws and related regulations and policy.

These records also assist DHS with detecting violations of immigration

and nationality laws; supporting the referral of such violations for

prosecution or other appropriate enforcement action; supporting law

enforcement efforts and inspection processes at the U.S. borders; as

well as to carry out DHS enforcement, immigration, intelligence, and or

other homeland security functions.

The purpose of the A-File is to document and maintain the official

record of an individual's immigration applications, petitions, and

requests, as well as enforcement transactions as he or she passes

through the U.S. immigration process. The official records in the A-

Files consist of paper and electronic records of the individual's

transactions through the immigration process including records of

immigration benefit requests and requests for agency action filed with

USCIS, but does not include all case processing and decisional data.

The purpose of the EDMS is to store the A-File electronically and

to share the A-File more efficiently within DHS and with external

agencies.

The purpose of USCIS ELIS is to maintain the A-File of certain

paper- and electronically-filed benefit request forms with USCIS, in

addition its electronic case processing, adjudication, and management

functions. The associated information and data for cases maintained in

USCIS ELIS for case processing, adjudication, and management functions

are covered under other USCIS SORNs.

The purpose of CIS is to maintain a repository of electronic data

that summarizes the history of an immigrant or non-immigrant in the

adjudication process. In addition, CIS maintains information about

individuals of interest to the U.S. Government for investigative

purposes. Information contained within CIS is used for immigration

benefit determination and for immigration law enforcement operations by

USCIS, ICE, and CBP.

The purpose of MiDAS is to maintain a repository of historical

immigration case files for use by government agencies for mission-

related purposes such as assisting in the determination to grant or

deny a government benefit or to conduct law enforcement or other

investigations. Furthermore, USCIS makes records of deceased subjects

available to members of the public who request them for genealogy and

other historical research purposes.

The purpose of NFTS is to account for the specific location of

immigration files, and to track the request and transfer of immigration

files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Lawful permanent residents;

Naturalized U.S. citizens;

Individuals when petitioning for benefits under the INA,

as amended, on behalf of another individual;

Individuals acting as legal guardians or designated

representatives in immigration proceedings involving an individual who

has a physical or developmental disability or mental impairment (as

authorized under the INA);

Individuals who receive benefits under the INA;

Individuals who are subject to the enforcement provisions

of the INA;

Individuals who are subject to the INA and:

o Are under investigation by DHS for possible national security

threats or threats to the public safety,

o were investigated by DHS in the past,

[cir] are suspected of violating immigration-related criminal or

immigration-related civil provisions of treaties, statutes,

regulations, Executive Orders, and Presidential Proclamations

administered by DHS, or

[cir] are witnesses and informants having knowledge of such

violations;

Relatives and associates of any of the individuals listed

above who are subject to the INA;

Individuals who have renounced their U.S. citizenship;

Civil Surgeons who are required to conduct and certify

medical examinations for immigration benefits; and law enforcement

officers who certify a benefit requestor's cooperation in the

investigation or prosecution of a criminal activity;

Preparers assisting an individual seeking an immigration

benefit or agency action under the INA;

Interpreters assisting an individual seeking an

immigration benefit or agency action under the INA;

Attorneys or representatives recognized by USCIS or

accredited by the BIA; or

Law enforcement officers who certify a benefit requestor's

cooperation in the investigation or prosecution of a criminal activity.

Note: Individuals may fall within one or more of these

categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. A-Files contain official record material about each individual

for whom DHS has created a record under the INA such as: Naturalization

certificates; various documents and attachments (e.g., birth and

marriage certificates); applications, petitions, and requests for

immigration determinations or agency action under the immigration and

nationality laws; reports of arrests and investigations; statements;

other reports; records of proceedings before or filings made with the

U.S. immigration courts and any administrative or federal district

court or court of appeal; correspondence; and memoranda. Specific data

elements may include:

A-Numbers;

Receipt file number(s);

Full name and any aliases used;

Physical and mailing addresses (to include U.S. and

foreign);

Phone numbers and email addresses;

Social Security number (SSN);

Date of birth;

Place of birth (city, state, and country);

Country of citizenship;

Country of nationality;

Country of residence;

Gender;

Physical characteristics (height, weight, race, eye and

hair color, photographs, fingerprints);

Government-issued identification information (i.e.,

passport, driver's license):

[cir] Document type;

[cir] Issuing organization;

[cir] Document number; and

[cir] Expiration date;

Military membership and/or status;

Arrival/Departure information (record number, expiration

date, class of admission, etc.);

Federal Bureau of Investigation (FBI) Identification

Number/Universal Control Number;

Fingerprint Identification Number;

Immigration enforcement history, including, but not

limited to, arrests and charges, immigration proceedings and appeals,

and dispositions including removals or voluntary departures;

Immigration status;

Family history;

Travel history;

Education history;

Employment history;

Criminal history;

Professional accreditation information;

[[Page 43560]]

Medical information;

Information regarding the status of Department of Justice

(DOJ), Executive Office of Immigration Review (EOIR) and (BIA)

proceedings, if applicable;

Specific benefit eligibility information as required by

the benefit being sought;

Social media handles and aliases, associated identifiable

information, and search results; and

Cassette/audio tapes, audio-visual/videotapes, CDs, DVDs,

or transcripts of immigration interviews.

B. CIS contains information on those individuals who during their

interactions with DHS have been assigned an A-Number. The system

contains biographic information on those individuals, allowing DHS

employees to quickly review the individual's immigration status. The

information in the system can then be used to retrieve additional

information on the individual from other systems. The information in

the system can be used to request the paper A-File from the USCIS FCO

that has custody of the A-File. Specific data elements may include:

A-Number(s);

Full name and any aliases used;

SSN;

Date of birth;

Place of birth (city, state, and country);

Country of citizenship;

Country of nationality;

Gender;

Government issued identification information (i.e.,

passport, driver's license):

Document type;

Issuing organization;

Document number;

Expiration date;

Arrival/Departure information (record number, expiration

date, class of admission, etc.);

Immigration status;

Father and Mother's first name;

FBI Identification/Identification Universal Control

Number;

Fingerprint Identification Number;

Immigration enforcement history, including arrests and

charges, immigration proceedings and appeals, and dispositions

including removals or voluntary departures; and

NFTS file location and status information.

C. EDMS contains official record material about each individual for

whom DHS has created a record pursuant to the INA and the same

information as contained in the as a paper A-File except for material

that cannot be scanned from the paper A-File (e.g., cassette/audio

tapes, audio-visual/video tapes, CDs, or DVDs).

D. USCIS ELIS contains official record information and material

used to determine an outcome on an immigration application, petition,

or request or request agency action, such as supporting documentation,

and notices of agency action on the specific immigration request. USCIS

ELIS also stores the USCIS Online Account Number biographic information

about the individual seeking an immigration benefit or requesting

agency action that can be used to retrieve information about other

requests filed by the individual, and the electronic copy of the

naturalization or certificate of citizenship. Specific data elements

may include, but are not limited to:

Full Name;

Aliases;

Physical and mailing addresses;

A-Number;

USCIS Online Account Number;

SSN;

Date of birth and/or death;

Country of citizenship;

Country of nationality;

Country of residence;

Place of birth;

Gender;

Marital status;

Military membership or status;

Phone and fax numbers (including mobile phone numbers);

Email address;

Immigration status;

Biometric information (e.g., fingerprints, photographs,

signature) and other information used to conduct background and

security checks;

Physical description (e.g., height, weight, eye color,

hair color, race, ethnicity, identifying marks like tattoos or

birthmarks);

Government issued identification information (i.e.,

passport, driver's license):

[cir] Document type;

[cir] Issuing organization;

[cir] Document number; and

[cir] Expiration date;

Immigration benefit type and/or agency action requested

(e.g., deferred action);

Supporting documentation as necessary (e.g. birth,

marriage, and divorce certificates; licenses; academic diplomas and

transcripts; appeals, requests for rehearing, and motions to reopen or

reconsideration; explanatory statements; and unsolicited information

submitted voluntarily by the individual seeking an immigration benefit

or requesting agency action or family members in support of the

request);

Notices and communications, including:

[cir] Requests for evidence;

[cir] Notices of intent to deny, fine, or terminate; and

[cir] Proofs of benefit (e.g., Employment Authorization Card,

Permanent Resident Card);

Signature;

Fee payment information (e.g., credit card number, [Pay.gov](http://pay.gov/)

Payment Tracking Number);

Audio-visual recordings, including interviews and

naturalization ceremonies;

Travel history;

Education history;

Work history;

Records regarding organization membership or affiliation;

Family relationships (e.g., parent, spouse, sibling,

child, other dependents);

Information regarding the status of DOJ, EOIR and BIA

proceedings, if applicable;

Case processing information such as the date an

immigration request was filed or received by USCIS; status of such a

request; location of record; other control number when applicable; and

fee receipt data;

Representative information, including:

[cir] Name;

[cir] Law Firm/recognized organization;

[cir] Physical and mailing addresses;

[cir] Phone and fax numbers;

[cir] Email address;

[cir] Attorney Bar Card Number or equivalent;

[cir] Bar membership;

[cir] BIA representative accreditation authorization and expiration

dates;

[cir] Law practice restriction(s) explanation; and

[cir] Signature.

Preparer and Interpreter information, including:

[cir] Full Name;

[cir] Business or Organization name;

[cir] Physical and mailing addresses;

[cir] Phone and fax numbers;

[cir] Email address; and

[cir] Signature.

E. NFTS contains the location of the A-File whether paper or

electronic. Specific data elements include:

A-Number;

Receipt File Number;

Primary immigration file tracking number (e.g., A-Number,

Receipt File Number, Certificate Number (C-Number), and Temporary

Number (T-Number));

Location of the paper A-File and Receipt File within the

USCIS FCO, as well as the history of who has maintained the paper A-

File, including the component, section, and employee; and

Name of the USCIS FCO that has jurisdiction over a case

maintained in USCIS ELIS and any transfer of jurisdiction to another

USCIS office.

[[Page 43561]]

F. MiDAS is an online interactive application system that provides

an automated means for searching an index to legacy immigrant records

opened or indexed prior to 1975. The MiDAS Search Engine includes the

Flexoline Index, documenting the issuance of A-Numbers to individuals

between August 1940 and 1948, as well as a card index to physical A-

Files opened between April 1, 1944 and 1975. MiDAS index data may be

used to create or update a CIS record of an A-Number issued or A-File

opened prior to 1975. Specific A-File index data elements may include,

but are not limited to:

A-Number;

C-Number;

Full name;

Date of birth; and

Place of birth (city, state, and country).

RECORD SOURCE CATEGORIES:

Basic information contained in DHS records is supplied by

individuals on Department of State (DOS) and DHS applications and

forms. Other information comes from publicly available information

obtained from the Internet, public records, public institutions,

interviewees, commercial data aggregators, inquiries or complaints from

members of the general public and members of Congress, referrals of

inquiries or complaints directed to the President or Secretary of

Homeland Security, information shared through information sharing

agreements, reports of investigations, sworn statements,

correspondence, official reports, memoranda, and written referrals from

other entities, including federal, state, and local governments,

various courts and regulatory agencies, foreign government agencies,

and international organizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES

OF USERS AND PURPOSES OF SUCH USES:

Information in this system of records contains information relating

to persons who have pending or approved benefit requests for special

protected classes and should not be disclosed pursuant to a routine use

unless disclosure is otherwise permissible under the confidentiality

statutes, regulations, or policies applicable to that information. For

example, information relating to persons who have pending or approved

benefit requests for protection under the Violence Against Women Act,

Seasonal Agricultural Worker or Legalization claims, the Temporary

Protected Status of an individual, and information relating to

nonimmigrant visas protected under special confidentiality provisions

should not be disclosed pursuant to a routine use unless disclosure is

otherwise permissible under the confidentiality statutes, regulations,

or policies applicable to that information. These confidentiality

provisions do not prevent DHS from disclosing information to the DOJ

and Offices of the United States Attorney as part of an ongoing

criminal or civil investigation.

In addition to those disclosures generally permitted under 5 U.S.C.

552a(b) of the Privacy Act, all or a portion of the records or

information contained in this system may be disclosed outside DHS as a

routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To DOJ, including Offices of the U.S. Attorneys, or other

federal agency conducting litigation or in proceedings before any

court, adjudicative, or administrative body, when it is relevant or

necessary to the litigation and one of the following is a party to the

litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official

capacity;

3. Any employee or former employee of DHS in his/her individual

capacity when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in

response to an inquiry from that congressional office made at the

request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or

General Services Administration pursuant to records management

inspections being conducted under the authority of 44 U.S.C. 2904 and

2906.

D. To an agency or organization for the purpose of performing audit

or oversight operations as authorized by law, but only such information

as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS determines that information from this system of records is

reasonably necessary and otherwise compatible with the purpose of

collection to assist another federal recipient agency or entity in (1)

responding to a suspected or confirmed breach or (2) preventing,

minimizing, or remedying the risk of harm to individuals, the recipient

agency or entity (including its information systems, programs, and

operations), the Federal Government, or national security, resulting

from a suspected or confirmed breach; or

2. DHS suspects or has confirmed that there has been a breach of

this system of records; and (a) DHS has determined that as a result of

the suspected or confirmed breach, there is a risk of harm to

individuals, harm to DHS (including its information systems, programs,

and operations), the Federal Government, or national security; and (b)

the disclosure made to such agencies, entities, and persons is

reasonably necessary to assist in connection with DHS's efforts to

respond to the suspected or confirmed breach or to prevent, minimize,

or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants,

and others performing or working on a contract, service, grant,

cooperative agreement, or other assignment for DHS, when necessary to

accomplish an agency function related to this system of records.

Individuals provided information under this routine use are subject to

the same Privacy Act requirements and limitations on disclosure as are

applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international,

or foreign law enforcement agency or other appropriate authority

charged with investigating or prosecuting a violation or enforcing or

implementing a law, rule, regulation, or order, when a record, either

on its face or in conjunction with other information, indicates a

violation or potential violation of law, which includes criminal,

civil, or regulatory violations and such disclosure is proper and

consistent with the official duties of the person making the

disclosure.

H. To appropriate Federal, State, tribal, local, or foreign

governmental agencies or multilateral governmental organizations

responsible for investigating or prosecuting the violations of, or for

enforcing or implementing, a statute, rule, regulation, order, or

license, when DHS believes the information would assist in enforcing

applicable civil or criminal laws.

I. To third parties during the course of a law enforcement

investigation to the extent necessary to obtain information pertinent

to the investigation.

J. To an organization or person in either the public or private

sector, either foreign or domestic, when there is a reason to believe

that the recipient is or could become the target of a particular

terrorist activity or conspiracy, or when the information is relevant

to the protection of life, property, or other vital interests of a

person.

K. To clerks and judges of courts exercising naturalization

jurisdiction for

[[Page 43562]]

the purpose of granting naturalization and administering naturalization

oaths, and to enable such courts to determine eligibility for

naturalization or grounds for revocation of naturalization.

L. To courts, magistrates, administrative tribunals, opposing

counsel, parties, and witnesses, in the course of immigration, civil,

or criminal proceedings before a court or adjudicative body when it is

necessary or relevant to the litigation or proceeding and the following

is a party to the proceeding or has an interest in the proceeding:

1. DHS or any component thereof; or

2. Any employee of DHS in his or her official capacity; or

3. Any employee of DHS in his or her individual capacity when the

DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

M. To an attorney or representative (as defined in 8 CFR 1.2) who

is acting on behalf of an individual covered by this system of records

in connection with any proceeding before USCIS, ICE, or CBP or the DOJ

EOIR, as required by law or as deemed necessary in the discretion of

the Department.

N. To DOJ (including Offices of the United States Attorneys) or

other federal agency conducting litigation or in proceedings before any

court, adjudicative, or administrative body, when necessary to assist

in the development of such agency's legal and/or policy position.

O. To DOS in the processing of petitions or applications for

benefits under the INA, and all other immigration and nationality laws

including treaties and reciprocal agreements; or when DOS requires

information to consider and/or provide an informed response to a

request for information from a foreign, international, or

intergovernmental agency, authority, or organization about an alien or

an enforcement operation with transnational implications.

P. To appropriate Federal, State, local, tribal, territorial, or

foreign governments, as well as to other individuals and organizations

during the course of an investigation by DHS or the processing of a

matter under DHS's jurisdiction, or during a proceeding within the

purview of the immigration and nationality laws, when DHS deems that

such disclosure is necessary to carry out its functions and statutory

mandates.

Q. To an appropriate Federal, State, local, tribal, territorial, or

foreign government agency or organization, or international

organization, lawfully engaged in collecting law enforcement

intelligence, whether civil or criminal, or charged with investigating,

prosecuting, enforcing, or implementing civil or criminal laws, related

rules, regulations, or orders, to enable these entities to carry out

their law enforcement responsibilities, including the collection of law

enforcement intelligence and the disclosure is appropriate to the

proper performance of the official duties of the person receiving the

information.

R. To an appropriate Federal, State, local, tribal, territorial,

foreign, or international agency, if the information is relevant to a

requesting agency's decision concerning the hiring or retention of an

individual, or issuance of a security clearance, license, contract,

grant, or other benefit, or if the information is relevant to a DHS

decision concerning the hiring or retention of an employee, the

issuance of a security clearance, the reporting of an investigation of

an employee, the letting of a contract, or the issuance of a license,

grant, or other benefit.

S. To an appropriate Federal, State, local, tribal, territorial,

foreign, or international agency, if DHS determines: (1) The

information is relevant and necessary to that agency's decision

concerning the hiring or retention of an individual, or issuance of a

security clearance, license, contract, grant, or other benefit; and (2)

failure to disclose the information is likely to create a substantial

risk to government facilities, equipment, or personnel; sensitive

information; critical infrastructure; or public safety.

T. To appropriate Federal, State, local, tribal, or foreign

governmental agencies or multilateral governmental organizations for

the purpose of protecting the vital interests of a data subject or

other persons, including to assist such agencies or organizations in

preventing exposure to, or transmission of a communicable or

quarantinable disease or to combat other significant public health

threats; appropriate notice will be provided of any identified health

threat or risk.

U. To an individual's current employer to the extent necessary to

determine employment eligibility or to a prospective employer or

government agency to verify whether an individual is eligible for a

government-issued credential that is a condition of employment.

V. To a former employee of DHS, in accordance with applicable

regulations, for purposes of: Responding to an official inquiry by a

federal, state, or local government entity or professional licensing

authority; or facilitating communications with a former employee that

may be necessary for personnel-related or other official purposes when

DHS requires information or consultation assistance from the former

employee regarding a matter within that person's former area of

responsibility.

W. To the Office of Management and Budget (OMB) in connection with

the review of private relief legislation as set forth in OMB Circular

No. A-19 at any stage of the legislative coordination and clearance

process as set forth in the Circular.

X. To the U.S. Senate Committee on the Judiciary or the U.S. House

of Representatives Committee on the Judiciary when necessary to inform

members of Congress about an alien who is being considered for private

immigration relief.

Y. To a Federal, State, tribal, or local government agency and/or

to domestic courts to assist such agencies in collecting the repayment

of loans, or fraudulently or erroneously secured benefits, grants, or

other debts owed to them or to the U.S. Government, or to obtain

information that may assist DHS in collecting debts owed to the U.S.

Government.

Z. To an individual or entity seeking to post or arrange, or who

has already posted or arranged, an immigration bond for an alien, to

aid the individual or entity in (1) identifying the location of the

alien; (2) posting the bond; (3) obtaining payments related to the

bond; or (4) conducting other administrative or financial management

activities related to the bond.

AA. To a coroner for purposes of affirmatively identifying a

deceased individual (whether or not such individual is deceased as a

result of a crime).

BB. Consistent with the requirements of the INA, to the Department

of Health and Human Services (HHS), the Centers for Disease Control and

Prevention (CDC), or to any state or local health authorities, to:

1. Provide proper medical oversight of DHS-designated Civil

Surgeons who perform medical examinations of both arriving aliens and

of those requesting status as lawful permanent residents; and

2. Ensure that all health issues potentially affecting public

health and safety in the United States are being or have been,

adequately addressed.

CC. To a Federal, State, local, tribal, or territorial government

agency seeking to verify or ascertain the citizenship or immigration

status of any individual within the jurisdiction of the agency for any

purpose authorized by law.

[[Page 43563]]

DD. To the Social Security Administration (SSA) for the purpose of

issuing a SSN and card to an alien who has made a request for a SSN as

part of the immigration process and in accordance with any related

agreements in effect between the SSA, DHS, and DOS entered into

pursuant to 20 CFR 422.103(b)(3), 422.103(c)(3), and 422.106(a), or

other relevant laws and regulations.

EE. To Federal and foreign government intelligence or

counterterrorism agencies or components when DHS becomes aware of an

indication of a threat or potential threat to national or international

security, or when such use is to conduct national intelligence and

security investigations or assist in anti-terrorism efforts.

FF. To third parties to facilitate placement or release of an

individual (e.g., at a group home, homeless shelter) who has been or is

about to be released from DHS custody, but only such information that

is relevant and necessary to arrange housing or continuing medical care

for the individual.

GG. To an appropriate domestic government agency or other

appropriate authority for the purpose of providing information about an

individual who has been or is about to be released from DHS custody

who, due to a condition such as mental illness, may pose a health or

safety risk to himself/herself or to the community. DHS will only

disclose information about the individual that is relevant to the

health or safety risk they may pose and/or the means to mitigate that

risk (e.g., the individual's need to remain on certain medication for a

serious mental health condition).

HH. To foreign governments for the purpose of coordinating and

conducting the removal of individuals to other nations under the INA;

and to international, foreign, and intergovernmental agencies,

authorities, and organizations in accordance with law and formal or

informal international arrangements.

II. To a Federal, State, local, territorial, tribal, international,

or foreign criminal, civil, or regulatory law enforcement authority

when the information is necessary for collaboration, coordination, and

de-confliction of investigative matters, prosecutions, and/or other law

enforcement actions to avoid duplicative or disruptive efforts and to

ensure the safety of law enforcement officers who may be working on

related law enforcement matters.

JJ. To the DOJ Federal Bureau of Prisons and other Federal, State,

local, territorial, tribal, and foreign law enforcement or custodial

agencies for the purpose of placing an immigration detainer on an

individual in that agency's custody, or to facilitate the transfer of

custody of an individual from DHS to the other agency. This will

include the transfer of information about unaccompanied minor children

to HHS to facilitate the custodial transfer of such children from DHS

to HHS.

KK. To Federal, State, local, tribal, territorial, or foreign

governmental or quasi-governmental agencies or courts to confirm the

location, custodial status, removal, or voluntary departure of an alien

from the United States, in order to facilitate the recipients' exercise

of responsibilities pertaining to the custody, care, or legal rights

(including issuance of a U.S. passport) of the removed individual's

minor children, or the adjudication or collection of child support

payments or other debts owed by the removed individual.

LL. To a Federal, State, tribal, territorial, local, international,

or foreign government agency or multilateral governmental organization

for the purpose of consulting with that agency or entity: (1) To assist

in making a determination regarding redress for an individual in

connection with the operations of a DHS component or program; (2) for

the purpose of verifying the identity of an individual seeking redress

in connection with the operations of a DHS component or program; or (3)

for the purpose of verifying the accuracy of information submitted by

an individual who has requested such redress on behalf of another

individual.

MM. To family members, guardians, committees, friends, or other

agents identified by law or regulation to receive notification,

decisions, and other papers as provided in 8 CFR 103.8 from DHS or EOIR

following verification of a familial or agency relationship with an

alien when DHS is aware of indicia of incompetency or when an

immigration judge determines an alien is mentally incompetent.

NN. To the news media and the public, with the approval of the

Chief Privacy Officer in consultation with counsel, when there exists a

legitimate public interest in the disclosure of the information or when

disclosure is necessary to preserve confidence in the integrity of DHS

or is necessary to demonstrate the accountability of DHS's officers,

employees, or individuals covered by the system, except to the extent

the Chief Privacy Officer determines that release of the specific

information in the context of a particular case would constitute a

clearly unwarranted invasion of personal privacy.

OO. To domestic governmental agencies seeking to determine the

immigration status of persons who have applied to purchase/obtain a

firearm in the United States, pursuant to checks conducted on such

persons under the Brady Handgun Violence Prevention Act or other

applicable laws.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically or on paper in

secure facilities in a locked drawer behind a locked door. The records

may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

DHS/USCIS retrieves records by searching in CIS using the following

data alone or in any combination:

A-Number;

Full name;

Alias;

Sounds-like name with or without date of birth;

Certificate of Citizenship or Naturalization Certificate

number;

Driver's License number;

FBI Identification/Universal Control Number;

Fingerprint Identification Number;

I-94 admission number;

Passport number;

SSN; or

Travel Document number.

DHS/USCIS retrieves records by searching electronic A-Files in EDMS

by any of the following fields alone or in any combination:

A-Number;

Last name;

First name;

Middle name;

Aliases;

Date of birth;

Country of birth;

Gender; and

Through a full text-based search of records contained in

the electronic A-File (based on optical character recognition of the

scanned images).

DHS/USCIS retrieves records by searching in USCIS ELIS using the

following data alone or in any combination:

Full Name;

Aliases;

A-Number;

USCIS Online Account Number;

Date of birth;

Immigration benefit type and/or agency action requested

(e.g., deferred action);

[[Page 43564]]

Fee receipt data;

Date benefit request was filed;

Date benefit request was received;

Representative name;

Preparer name; and

Interpreter name.

DHS/USCIS retrieves the location of A-Files, whether paper or

electronic, by searching in NFTS using the following data:

A-Number;

USCIS Online Account Number; or

Receipt File Number.

DHS/USCIS retrieves genealogy records and requests in MiDAS by

searching the following data alone or in any combination:

Requestor's first name;

Requestor's last name;

Requestor's Case and/or Control Number;

Record subject's A-Number or immigration case file number;

Record subject's first name;

Record subject's last name; and

Record subject's alias.

Policies and Practices for Retention and Disposal of Records:

The official A-File record may take three possible forms: (1)

Records contained within the paper A-File; (2) records contained within

the electronic record from EDMS or USCIS ELIS; or (3) a combination of

paper and electronic records and supporting documentation. A-File

records are maintained in accordance with N1-566-08-11. DHS/USCIS

transfers A-Files to the custody of NARA 100 years after the

individual's date of birth.

CIS records are maintained in accordance with N1-566-10-01. CIS is

an internal DHS-mission critical system that contains records that

serve as a finding aid to agency case files. Records in CIS are

permanently retained because they are the index of the A-File,

summarize the history of an immigrant in the adjudication process, and

identify the A-File location(s).

NFTS records are maintained in accordance with N1-566-06-01. NFTS

records are temporary and deleted when they are no longer needed for

agency business. NFTS records associated with an A-File will be

retained on a permanent basis even after the A-File has been retired to

NARA to retain accurate recordkeeping. Other immigration case files

with a shorter retention period will have the associated NFTS record

destroyed or deleted once the file has been destroyed.

MiDAS information (data and electronic images) pertaining to

correspondence with the public and government requestor is retained and

disposed every six years in accordance with the NARA General Records

Schedules 4.2 and 14. The immigration case files contained in MiDAS are

retained permanently. Records are transferred to NARA after 100 years

after the last completed action.

Records replicated on the unclassified and classified networks for

analysis and vetting will follow the same retention schedule.

Administrative, Technical, and Physical Safeguards:

DHS/USCIS safeguards records in this system according to applicable

rules and policies, including all applicable DHS automated systems

security and access policies. USCIS has imposed strict controls to

minimize the risk of compromising the information that is being stored.

Access to the computer system containing the records in this system is

limited to those individuals who have a need to know the information

for the performance of their official duties and who have appropriate

clearances or permissions.

Record Access Procedures:

The Secretary of Homeland Security has exempted this system from

the notification, access, and amendment procedures of the Privacy Act,

and those of the Judicial Redress Act (JRA) if applicable, because it

is a law enforcement system. However, DHS/USCIS will consider

individual requests to determine whether or not information may be

released. Thus, individuals seeking access to and notification of any

record contained in this system of records, or seeking to contest its

content, may submit a request in writing to the Chief Privacy Officer

and USCIS Freedom of Information Act (FOIA) Officer, whose contact

information can be found at <http://www.dhs.gov/foia> under ``Contacts

Information.'' If an individual believes more than one component

maintains Privacy Act records concerning him or her, the individual may

submit the request to the Chief Privacy Officer and Chief Freedom of

Information Act Officer, Department of Homeland Security, Washington,

DC 20528-0655. Even if neither the Privacy Act nor the Judicial Redress

Act provide a right of access, certain records about you may be

available under the FOIA.

When seeking records about yourself from this system of records or

any other Departmental system of records, your request must conform

with the Privacy Act regulations set forth in 6 CFR part 5. You must

first verify your identity, meaning that you must provide your full

name, current address, and date and place of birth. You must sign your

request, and your signature must either be notarized or submitted under

28 U.S.C. 1746, a law that permits statements to be made under penalty

of perjury as a substitute for notarization. While no specific form is

required, you may obtain forms for this purpose from the Chief Privacy

Officer and Chief Freedom of Information Act Officer, <http://www.dhs.gov/foia> or 1-866-431-0486. In addition, you should:

Explain why you believe the Department would have

information on you;

Identify which component(s) of the Department you believe

may have the information about you;

Specify when you believe the records would have been

created; and

Provide any other information that will help the FOIA

staff determine which DHS component agency may have responsive records.

If your request is seeking records pertaining to another living

individual, you must include a statement from that individual

certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to

conduct an effective search, and your request may be denied due to lack

of specificity or lack of compliance with applicable regulations.

Contesting Record Procedures:

For records covered by the Privacy Act or covered JRA records, see

``access procedures'' above.

Notification Procedures:

See ``Record Access procedure.''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Secretary of Homeland Security has exempted this system from

the following provisions of the Privacy Act pursuant to 5 U.S.C.

552a(j)(2): 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3),

(e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (e)(12), (f), (g)(1),

and (h). Additionally, the Secretary of Homeland Security has exempted

this system from the following provisions of the Privacy Act pursuant

to 5 U.S.C. 552a(k)(1) and (k)(2): 5 U.S.C. 552a(c)(3), (d), (e)(1),

(e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

When this system receives a record from another system exempted in

that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same

exemptions for those records that are claimed for the original primary

systems of records from which they originated and claims any additional

exemptions set forth here.

History:

DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking

[[Page 43565]]

System of Records, 78 FR 69864 (Nov. 21, 2013); Alien File, Index, and

National File Tracking SORN, 76 FR 34233l (Jun. 13, 2011); Alien File

(A-File) and Central Index System (CIS) Systems of Records 78 FR 1755

(Jan. 16, 2007).

Jonathan R. Cantor,

Acting Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2017-19365 Filed 9-15-17; 8:45 am]

BILLING CODE 9111-97-P