



Privacy Impact Assessment

for the

USCIS Electronic Information System (USCIS ELIS)

DHS Reference No. DHS/USCIS/PIA-056(c)

June 30, 2020



**Homeland
Security**



Abstract

U.S. Citizenship and Immigration Services (USCIS) oversees lawful immigration to the United States and is responsible for processing petitions, applications, and other requests for immigration benefits and requests. Executive Order 13780, “Protecting the Nation from Foreign Terrorist Entry into the United States” requires the Department of Homeland Security (DHS) to collect standard data on immigration forms and in case management systems. USCIS is now updating this Privacy Impact Assessment (PIA) to provide notice of USCIS updating certain immigration forms and associated systems, such as the USCIS Electronic Information System (USCIS ELIS), in support of the Executive Order 13780. Upon publication of this PIA, USCIS will collect additional biographic and social media data elements necessary for identity verification, vetting, public safety, and national security screening. USCIS is updating this PIA to evaluate the privacy risks and mitigations associated with these updates including the collection, use, and maintenance of additional personally identifiable information (PII).

Overview

USCIS is the component within DHS that oversees lawful immigration to the United States. USCIS receives immigration requests from individuals seeking immigration and non-immigration benefits. Once a benefit request form is submitted to USCIS, a series of processing and adjudication actions occur, such as case receipt and intake, biometric collection appointment generation, case specific processing and management, automated background checks, interview appointment scheduling, final decision rendering, and production of the proof of benefit. One of the case management systems used to track and adjudicate certain immigration requests forms filed with USCIS is USCIS ELIS.¹ USCIS ELIS is an internal case management system composed of microservices to assist with performing complex adjudicative and processing tasks.² This PIA update is focused on collecting standard biographic and social media data on immigration forms processed within USCIS ELIS for identity verification, vetting, public safety, national security screening, and inspection conducted by DHS.

Reason for the PIA Update

Executive Order 13780, “Protecting the Nation from Foreign Terrorist Entry into the United States,” requires the implementation of uniform vetting standards and the proper collection of all information necessary for a rigorous evaluation of all grounds of inadmissibility or basis for

¹ Please see Appendix B of the DHS/USCIS-056 USCIS ELIS to view the immigration forms processed in USCIS ELIS, available at <https://www.dhs.gov/uscis-pias-and-sorns>.

² A microservice is an approach to application development in which a large application is built as a suite of modular services. Each module supports a specific business goal and uses a simple, well-defined interface to communicate with other sets of services.



the denial of immigration-related benefits.³ The Executive Order requires DHS, specifically USCIS and U.S. Customs and Border Protection (CBP), and the Department of State (DOS), to collect standard data elements on immigration and foreign traveler forms and/or through information collection systems. This data will be collected from certain populations on applications for entrance into the United States or immigration-related benefits and is necessary for identity verification, vetting, public safety, national security screening, and inspection conducted by DHS.

In coordination with DHS, USCIS updated application and petitions (collectively referred to as immigration request forms) to collect standard biographic and social media data elements from individuals on the following immigration benefit requests:

- Form N-400, *Application for Naturalization*
- Form I-131, *Application for Travel Document*
- Form I-192, *Application for Advance Permission to Enter as a Nonimmigrant*
- Form I-485, *Application to Register Permanent Residence or Adjust Status*
- Form I-589, *Application for Asylum and for Withholding of Removal*
- Form I-590, *Registration for Classification as a Refugee*
- Form I-730, *Refugee/Asylee Relative Petition*
- Form I-751, *Petition to Remove Conditions on Residence*
- Form I-829, *Petition by Entrepreneur to Remove Conditions on Permanent Resident Status*

The standardized collection of information is necessary to comply with Section 5 of the Executive Order to establish screening and vetting standards and procedures to enable USCIS to assess an individual's eligibility to receive an immigration-related request from USCIS. This data collection is also used to validate an individual's identity, identify law enforcement or national security risks to the United States, and ultimately to determine whether to grant the immigration request.

USCIS is updating PIAs associated with the case management system responsible for processing the forms listed above. Of the listed forms, USCIS ELIS is responsible for supporting the adjudicative actions for Forms N-400 and I-131.

Standard Information Collection Update

DHS published two public notices for the collection of biographic and social media information. The first notice covered approximately 15 biographical data elements deemed "high value" and critical for enhanced vetting, thereby creating a new baseline of uniform data collection. The second notice covered the collection of social media identifiers (e.g., handles; user names) and associated public social media platforms that applicants have used in the past five years.

³ See 82 FR 13209 (March 9, 2017).



Biographic Information

The Executive Order establishes a common set of key biographic data elements to be consistently collected across traveler screening and immigration-benefit forms. These data elements are: Name; Sex/Gender; Date of Birth; Place of Birth; Country(ies) of Citizenship; Country of Residence; Passport/Travel Document or National ID; Telephone Number(s); Email address(es); U.S. Residence or Destination City and State; Foreign Address City and State; and U.S. Point of Contact Name and Telephone Number (if applicant is located outside of the United States). The majority of these data elements are commonly collected on USCIS immigration forms. To standardize collection of data in support of comprehensive and systematic vetting of immigration requestors, USCIS updated its forms to collect information not previously collected to include city/region of birth, Passport/Travel Document or National ID (Country of issuance; Issue date; Expiration date), foreign Address, and U.S. Point of Contact name and telephone number (if the individual is located outside of the United States).

Social Media Information

The Executive Order also mandates the collection of publicly available social media information to assist with identity verification. Social media may help distinguish individuals of concern from applicants whose information substantiates their eligibility for an immigration benefit. Social media can provide positive, confirmatory information to verify identity and support a benefit requestor's immigration request. It can also be used to identify potential deception, fraud, or previously unidentified national security or law enforcement concerns.

USCIS updated its immigration forms to collect social media identifiers (also known as usernames, identifiers, or "handles") and associated social media platforms used by an immigration requestor during the past five years for identity verification and national security screening and vetting purposes.⁴ USCIS will not collect social media passwords. USCIS personnel review publicly available information on social media platforms in a manner consistent with the privacy settings the applicant has chosen to adopt for those platforms. Only that information that the account holder has allowed to be shared publicly will be viewable by USCIS.

Privacy Impact Analysis

Authorities and Other Requirements

The legal authority to collect and use information, including Social Security number (SSN), does not change with this update. Section 103 of the Immigration and Nationality Act (INA)

⁴ Vetting, for purposes of immigration enforcement and border security, involves the review and evaluation of information associated to an individual to validate identity, identify potential threats, and identify issues related to fraud, misrepresentation, national security, border security, homeland security, public safety, or law enforcement interests of the United States.



provides the legal authority for the administration and adjudication of immigration and non-immigration benefits.⁵

The following system of record notices (SORN) cover the collection, maintenance, and use of the information contained in USCIS ELIS:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records,⁶ which covers individuals who petition for benefits under the INA, and includes petitioners, preparers, and attorneys;
- DHS/USCIS-007 Benefits Information System,⁷ which covers individuals who have filed applications or petitions for immigration benefits under INA; and
- DHS/USCIS-018 Immigration Biometric and Background Check System of Records,⁸ which covers the background checks that are performed.

This update does not change the Authority to Operate (ATO) for USCIS ELIS. The USCIS ELIS Security Plan was last updated on February 6, 2020. USCIS ELIS has been granted an ATO under the USCIS Ongoing Authorization (OA) process. The OA requires USCIS ELIS to be reviewed on a monthly basis and to maintain its security and privacy posture in order to retain its ATO.

USCIS is developing a retention schedule for the records stored in USCIS ELIS that is subject to final approval by the National Archives and Records Administration (NARA). USCIS is negotiating a proposed retention schedule that will allow USCIS to maintain records to support the adjudication of the immigration request, any follow-up inquiries or requests related to the application, including inquiries related to law enforcement, public safety, national security, and Freedom of Information Act and Privacy Act (FOIA/PA) matters.

The collection of additional data elements triggers Paperwork Reduction Act (PRA) requirements. The information stored within USCIS ELIS is subject to the PRA and the burden is accounted for under the DHS PRA information collection efforts. The USCIS ELIS impacted forms includes:

- Form N-400, *Application for Naturalization* (OMB No. 1615-0052)
- Form I-131, *Application for Travel Document* (OMB No. 1615-0013)

⁵ 8 U.S.C. § 1103(a).

⁶ DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, 82 FR 43556 (September 18, 2017), available at <https://www.dhs.gov/system-records-notices-sorns>.

⁷ DHS/USCIS-007 Benefits Information System, 84 FR 54622 (October 10, 2019), available at <https://www.dhs.gov/system-records-notices-sorns>.

⁸ DHS/USCIS-018 Immigration Biometric and Background Check, 83 FR 36950 (July 31, 2018), available at <https://www.dhs.gov/system-records-notices-sorns>.



Characterization of the Information

USCIS continues to collect and maintain the information previously outlined in Section 2.0 of the DHS/USCIS/PIA-056 USCIS ELIS and subsequent updates.⁹ Consistent with the requirements for uniform vetting standards described in Executive Order 13780, USCIS collects the following standard biographic and social media information from immigration request forms and ingests the data into USCIS ELIS:

- Name
- Sex/Gender
- Date of Birth
- City/Region and Country of Birth
- Country/Countries of Citizenship
- Country of Residence
- Passport/Travel Document or National ID (e.g., Country of issuance, issue date, expiration date)
- Telephone Number(s)
- Email address(es)
- U.S. Address: Residence or Destination city
- U.S. Address: Residence or Destination state
- Foreign Address city
- Foreign Address state
- U.S. Point of Contact Name, if applicant is located outside of the United States
- U.S. Point of Contact Telephone Number, if applicant is located outside of the United States
- Social media user identifications (also known as usernames, identifiers, or “handles”) and associated social media platforms

USCIS previously collected a vast majority of the data elements on USCIS immigration forms. However, USCIS is updating this PIA to identify the biographic and social media elements not previously collected on immigration forms or stored in USCIS ELIS and associated systems. The new information collected on these forms include: social media platform, social media identifier(s) used over the past five years, foreign address (city/state) and prior address history, Passport/Travel Document or National ID (country of issuance, issuance date and expiration date), and U.S. Point of Contact name and phone number (if the individual is located outside of the United States).

⁹ See DHS/USCIS-056 USCIS ELIS, available at <https://www.dhs.gov/uscis-pias-and-sorns>.



This update does not impact the sources of information collected. USCIS continues to collect information directly from the immigration requestor and/or legal representative, and internal and external systems.

This update does not impact the use of information from commercial sources or publicly available data contained in non-social media internet sites. USCIS plans to continue to use information provided in the immigration request form to conduct general internet searches used as part of the benefit adjudication process by adjudicators, and search publicly available social media postings¹⁰ that are used by authorized Fraud Detection and National Security Directorate (FDNS) personnel trained to conduct social media reviews of publicly available information.¹¹

This update has no impact on the accuracy of information received from the immigration requestor and/or legal representative. This collection of information is necessary to comply with Section 5 of the Executive Order 13780 to establish screening and vetting standards and procedures to enable USCIS to assess an individual's eligibility to receive an immigration-related benefit from USCIS. This data collection also is used to validate an individual's identity and to determine whether the individual poses a law enforcement or national security risk to the United States. This information collection is done so in the same manner as all other information collected from the immigration requestor and/or legal representative.

Privacy Risk: There is a risk that the information provided on the immigration form is inaccurate.

Mitigation: This risk is mitigated. USCIS relies on the accuracy of the information provided by the immigration requestor and/or legal representatives. Prior to submitting an immigration request form, requestors must certify on the respective forms that the information submitted is true and correct to the best of the immigration requestor's knowledge and belief. USCIS presumes the information submitted is accurate and verifies the information against multiple sources during the review process.

USCIS also gives individuals opportunities during and after the completion of the immigration request process to correct information they have provided or received and to respond to information received from external sources, including social media. If the information could lead to a denial of the immigration benefit and if it is information of which the benefit requestor is unaware, it would be provided to the benefit requestor in a Notice of Intent to Deny during an

¹⁰ Select USCIS personnel who seek to access, process, store, receive, or transmit PII obtained through the Operational Use of Social Media while conducting investigations or background checks are required to complete a Rules of Behavior (ROB) for the Operational Use of Social Media. These ROB's ensure that users are accountable for their actions on social media, are properly trained, and aware of the authorized use of social media sites.

¹¹ See DHS/USCIS/PIA-013-01 FDNS Directorate, available at <https://www.dhs.gov/uscis-pias-and-sornis>.



interview or in similar processes. The benefit requestor would have an opportunity to review and respond.

Privacy Risk: There is a risk of over collection now that USCIS uniformly collects social media information as part of its determination with an immigration request.

Mitigation: This risk is mitigated. In coordination with DHS, USCIS updated immigration request forms to collect the standard biographic and social media data elements from individuals on the appropriate immigration benefit requests in support of existing USCIS vetting and adjudication programs. USCIS now collects social media user identifiers (also known as usernames, identifiers, or “handles”) and associated social media platforms used by the immigration requestor during the past five years on certain forms. USCIS is seeking this information, covering the previous five-year period, to assist with identity verification and for consistency with other federal entity data collections for certain immigration request forms. USCIS personnel review publicly available information on social media platforms in a manner consistent with the privacy settings the immigration requestor has chosen to adopt for those platforms. Only that information which the account holder has allowed to be shared publicly will be viewable by USCIS.

USCIS collection of social media information is not “mandatory” in the sense that a benefit request form will be denied or rejected based solely on the lack of a response. USCIS continues to adjudicate a form where social media data element information is not answered, but failure to provide the requested data may delay the final determination an individual’s eligibility for the requested benefit. USCIS requires the ability to consider that information as it may contradict or substantiate information provided to USCIS in connection with the immigration request

Uses of the Information

The uses of information do not change as a result of this update as outlined in Section 3.0 of the DHS/USCIS/PIA-056 USCIS ELIS and its subsequent updates. USCIS continues to use USCIS ELIS to support and manage the administration and adjudication of certain immigration related requests. Specifically, USCIS uses the biographic and social media information for the following purposes:

Identity Verification

USCIS uses name, gender, date of birth, city/region/country of birth, country of citizenship, and social media information to confirm an individual’s identity as it relates to the submitted immigration request form and to search DHS component historic records. These biographic identifiers are also used internally by USCIS and screening partners to confirm or disprove an association between an immigration requestor and information of interest and the strength of that association in the context of the underlying information.



Identity Resolution

The current passport/travel/national identity document information (country of issuance, issue date, and expiration date) is a unique numeric identifier issued to a single individual that USCIS uses to confirm a person's identity and to search DHS records. It is also used by USCIS and screening partners to find, confirm, or disprove an association between an applicant, to determine the strength of that association, or to provide other information about the person that may be important in the adjudication.

Contact Information

The following eight (8) data elements are used to provide official correspondence from USCIS to an immigration requestor:

- Telephone Number(s)
- Email address(es)
- U.S. Address: Residence or Destination city
- U.S. Address: Residence or Destination state
- Foreign Address city
- Foreign Address state
- U.S. Point of Contact Name, if applicant is located outside of the United States
- U.S. Point of Contact Telephone Number, if applicant is located outside of the United States

These data elements are also used as secondary data elements to confirm a subject's identity as it relates to the submitted benefit request forms and to component historic records. These data elements are also used internally by USCIS and screening partners to confirm or disprove an association between a benefit requestor and information of interest and the strength of that association in the context of the underlying information.

USCIS ELIS continues not to use technology to conduct electronic searches, queries, or analyses to discover or locate a predictive pattern or anomaly.

USCIS continues to share information with DHS components. DHS Component access and use does not change as a result of this update.

Notice

USCIS is providing general notice about the system changes through this PIA update. USCIS also continues to provide notice through the associated SORNs and through the Privacy Notices on the associated forms (both paper and electronic). Furthermore, DHS issued two notices in the Federal Register titled, (1) "Agency Information Collection Activities: Generic Clearance



for the Collection of Certain Information on Immigration and Foreign Travel Forms,”¹² and (2) “Agency Information Collection Activities: Generic Clearance for the Collection of Social Media Information on Immigration and Foreign Travel Forms”¹³ to notify the public on USCIS’ intent to update several immigration request forms to collect biographic and social media information, respectively.

Data Retention by the Project

USCIS is developing a retention schedule for the records stored in USCIS ELIS that is subject to final approval by NARA. USCIS is negotiating a proposed retention schedule that will allow USCIS to maintain records to support the adjudication of the immigration request, any follow-up inquiries or requests related to the application, including inquiries related to law enforcement, public safety, national security, and FOIA/PA matters.

Privacy Risk: There is a risk that information may be retained longer than is needed.

Mitigation: This risk is not mitigated. USCIS is developing a retention schedule for USCIS ELIS. The proposed NARA schedule will be consistent with the concept of retaining data only for as long as necessary to support USCIS’s mission. Until USCIS completes a NARA-approved retention schedule, USCIS will maintain all records indefinitely and will not delete records until a retention schedule is approved by NARA in accordance with the Federal Records Act.

Information Sharing

This update does not impact internal and external information sharing as outlined in USCIS ELIS. There are no new privacy risks associated with information sharing.

Redress

This update does not impact how access, redress, and correction may be sought through USCIS. USCIS continues to provide individuals with access to their information through a Privacy Act or FOIA request. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. U.S. Citizens and Lawful Permanent Residents may also file a Privacy Act request to access their information. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record, the request can be mailed to the following address:

¹² <https://www.federalregister.gov/documents/2020/02/10/2020-02613/agency-information-collection-activities-generic-clearance-for-the-collection-of-certain-information>.

¹³ <https://www.federalregister.gov/documents/2019/09/04/2019-19021/agency-information-collection-activities-generic-clearance-for-the-collection-of-social-media>.



National Records Center
Freedom of Information Act/Privacy Act Program
P.O. Box 648010
Lee's Summit, MO 64064-8010

Persons not covered by the Privacy Act or JRA are not able to amend their records through FOIA. Should a non-U.S. person find inaccurate information in his or her record received through FOIA, he or she may visit a local USCIS Field Office to identify and amend inaccurate records with evidence.

Auditing and Accountability

This update does not impact auditing and accountability by implementing technical and security controls to limit access and mitigate privacy risks associated with unauthorized access and disclosure.

Responsible Official

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