



# Privacy Impact Assessment

for the

## USCIS Electronic Immigration System (USCIS ELIS)

**DHS Reference No. DHS/USCIS/PIA-056(d)**

**September 30, 2024**



**Homeland  
Security**



## Abstract

The U.S. Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS) Electronic Immigration System (ELIS) serves as an internal case management system for electronically filed benefit request forms and certain paper forms, along with providing services and system interconnections. ELIS is an end-to-end digital case processing “system-of-services” that offers a seamless user experience for USCIS employees to perform highly complex processing and adjudicative tasks. This Privacy Impact Assessment (PIA) update documents the implementation of the USCIS ELIS Photo Validation Tool. This new photo validation microservice is based on a set of established business requirements for card production quality that systematically reviews and validates photo quality for applicant-submitted photographs supporting the Form I-765, *Application for Employment Authorization*.<sup>1</sup> The USCIS ELIS Photo Validation Tool uses points of interest within and around the human face to validate that the photo meets the business requirements to produce the Employment Authorization Document (EAD); the Tool does not validate the applicant’s identity or any information about the applicant.

## Overview

USCIS oversees lawful immigration to the United States. USCIS receives immigration requests from individuals seeking immigration and non-immigration benefits, requests, and services (hereafter, *immigration benefit requests*). 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 specific immigration requests filed with USCIS is the Electronic Immigration System (USCIS ELIS or ELIS).<sup>2</sup> ELIS is an internal case management system composed of microservices to assist with performing complex adjudicative and processing tasks.<sup>3</sup>

USCIS operates ELIS to serve as an internal case management system and repository for electronically filed benefit request forms and certain paper forms along with providing services and system interconnections. ELIS is an end-to-end digital case processing “system-of-services” that offers a seamless user experience for USCIS employees to perform highly complex processing and adjudicative tasks. USCIS captures biographic and biometric data from applicants to facilitate the review and adjudication of immigration benefit requests. ELIS uses automated interfaces with

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<sup>1</sup> For more information on the Form I-765: <https://www.uscis.gov/i-765>.

<sup>2</sup> Please see Appendix B of the DHS/USCIS-056(a) USCIS ELIS Privacy Impact Assessment (published December 2018) to view the immigration forms processed in ELIS, available at <https://www.dhs.gov/uscis-pias-and-sorns>.

<sup>3</sup> A microservice is an approach to application development in which an extensive 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 services.



existing USCIS information technology (IT) systems to generate a proof of benefit, such as a Lawful Permanent Resident card or Employment Authorization Document (Form I-766), as applicable, if a final decision of approval is reached by the adjudicating officer. To produce these secure identity documents, a high-quality photograph of the individual will be printed on the relevant document or card.

## Reason for the PIA Update

This Privacy Impact Assessment update is focused on a new photo validation tool that systematically reviews and validates photo quality for applicant-submitted photographs supporting Form I-765, *Application for Employment Authorization*. This photo validation tool only validates that the photo meets the business requirements to produce an Employment Authorization Document, it does not validate the applicant's identity or any information about the applicant. The implementation of the USCIS ELIS Photo Validation Tool will not change or affect the established processes for applicants to submit required photos as a part of their application. While implementation at deployment will be limited to select Form I-765 eligibility categories, USCIS intends to introduce the photo quality check to all Form I-765s regardless of filing category in time.

The current immigration environment presents USCIS with the challenge of processing and adjudicating an increasing volume of benefit requests with existing resources. To expeditiously deliver on promises of fairness, integrity, and respect for all requestors, USCIS must examine opportunities to leverage technology to enhance immigration benefit request processing. With the creation and expansion of parole processes, the increase in asylum application filings, the increase in the categories of foreign nationals eligible for Temporary Protected Status (TPS),<sup>4</sup> and the restart of the family reunification parole processes, USCIS has seen an over 50% increase in Form I-765, *Application for Employment Authorization*, receipt since October 2022.

Individuals seeking employment in the United States must provide to their employers documentation to show their identity and authorization to work; an Employment Authorization Document<sup>5</sup> serves both as evidence of identity and employment authorization. Form I-765 is filed by certain noncitizens in the United States to request employment authorization and a Form I-765, *Application for Employment Authorization*. Other noncitizens whose immigration status authorizes them to work in the United States without restrictions may also use Form I-765 to apply to USCIS for an Employment Authorization Document as evidence of their employment authorization. Adjudicating Form I-765 requires, in part, that USCIS verifies the identity of the applicant seeking

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<sup>4</sup> For more information on Temporary Protected Status (TPS), see <https://www.uscis.gov/humanitarian/temporary-protected-status>.

<sup>5</sup> For more information regarding employment authorization documents, see <https://www.uscis.gov/green-card/green-card-processes-and-procedures/employment-authorization-document>.



an Employment Authorization Document and obtains from the applicant a photo of sufficient quality to produce an Employment Authorization Document. An Employment Authorization Document—because it bears a quality photograph, biographic information, and immigration status of the holder — may also be used as an identification document in some instances, such as to obtain a Social Security number (SSN)/card, obtain a state identification card, board domestic flights within the United States, and apply for a driver’s license in certain states.

The monthly volume of Form I-765 receipts increased from 230,162 in October 2022, when DHS created and then began expanding specific parole processes, including Uniting for Ukraine (U4U),<sup>6</sup> the Venezuelan parole process, and the Cuba, Haiti, Venezuela, and Nicaragua parole process (CHNV),<sup>7</sup> to 348,572 in September 2023. Overall receipts for the current calendar year are projected to increase a further 50%. In the calendar year 2023, over 820,000 applicants electronically filed Form I-765. At a time when receipts have grown so rapidly and are expected to continue doing so, USCIS has prioritized processing Form I-765s for several categories, including initial requests for employment authorization based upon a pending application for asylum, which are required by USCIS regulations to be adjudicated within 30 days of receipt.<sup>8</sup>

Historically, certain instances of applicant-submitted photographs did not meet the quality standards required for Employment Authorization Document production. Due to increases in Form I-765 filings, USCIS has explored ways to use technology and streamline processes to acquire quality photos for Employment Authorization Document production instead of requesting applicants attend an in-person Application Support Center (ASC) appointment. USCIS’s ability to use technical solutions for card production reduces unnecessary burdens on the public while upholding benefit integrity. USCIS believes the ELIS Photo Validation Tool could significantly reduce case processing time when processing Form I-765s by decreasing the amount of time adjudicators spend on paper examinations and by eliminating the need for applicants to appear at an Application Support Center for in-person photo submission. Further, USCIS believes that the ELIS Photo Validation Tool could reduce the potential for human recognition bias<sup>9</sup> by eliminating the need for USCIS adjudicators to manually compare photos submitted with the benefit request to verify that the applicant is the same person.

USCIS has determined that it can significantly streamline case processing using technology to automate several steps in the process, such as automatically triggering systematic checks and

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<sup>6</sup> For more information on Uniting for Ukraine (U4U), see <https://www.uscis.gov/ukraine>.

<sup>7</sup> For more information on the Processes for Cubans, Haitians, Nicaraguans, and Venezuelans, see <https://www.uscis.gov/CHNV>.

<sup>8</sup> 8 U.S.C. CFR 208.7(a)(1).

<sup>9</sup> Face Recognition by Humans and Machines: Three Fundamental Advances from Deep Learning, Annual Review of Vision Science Volume 7, 2021 O’Toole, pp 543-570; human recognition bias may be demonstrated by own-race bias. The National Institutes of Health describes the own-race bias as “a reliable phenomenon across cultural and racial groups where unfamiliar faces from other races are usually remembered more poorly than own-race faces.”



background checks to determine if an applicant has a relevant criminal history or may be a security or public safety concern.<sup>10</sup> USCIS also seeks to further streamline case processing by automating applicant-submitted photograph reviews as part of Form I-765 adjudication and ensuring the availability of photographs that meet USCIS card production quality standards. USCIS has regularly encountered issues generating high-quality photographs that can be used for card production when scanning the passport-style photographs submitted by Form I-765 applicants. Further, as photo review and analysis are conducted manually by USCIS adjudicators, photos that are non-compliant with card production requirements—because, for example, the photo is slightly blurry, the photo subject is a little too close or too far away, or the lighting is marginally too bright or too dark to be accepted—still may be accepted because the photo quality issue is undetectable to the human eye. Thus, manual photograph review and analysis has resulted in many Form I-765 applicants being required to attend an in-person Application Support Center appointment to capture an additional photograph after the submitted photograph fails during the card production process. USCIS believes that the ELIS Photo Validation Tool will identify photo quality issues early and enable Form I-765 applicants to ensure that photos submitted meet all card production standards, significantly reducing the number of card failures during the production of Employee Authorization Documents.

## *Current Processes*

As part of established USCIS processes, applicants submitting Form I-765 are required by the form instructions to submit two recently taken identical color passport-style photographs of the applicant as a part of the immigration benefit request. Once an adjudication decision is made, these photographs are used for identity verification and verification processes and to produce a secure identity document, such as an Employment Authorization Document. Some applicants for employment authorization travel to and pay a third-party company or service to take and print passport-style photos. Applicants must then mail by postal delivery the pictures to USCIS for processing. Current USCIS processes for handling postal delivery mailed photographs require that the images be scanned into USCIS case management systems or physically attached to the paper benefit request form. Scanning a physical photograph creates and collects an electronic version of the photograph in USCIS systems; the resulting scanned image can be printed on a card. In addition, applicants who fall within certain eligibility categories for the Form I-765 may file their application electronically through a USCIS online account. Applicants filing Form I-765 online have the option to upload the required passport-style photographs with their application.

Applicants who do not provide a photograph or provide a poor-quality photograph are scheduled to attend an Application Support Center appointment to have their picture taken. USCIS adjudicators use case management systems to request these appointments for the applicant, and

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<sup>10</sup> Cases that present security or public safety concerns or have a derogatory response to a criminal history check require manual review by an Immigration Services Officer (ISO) to resolve the hits.



scheduling is completed through the National Appointment Scheduling System (NASS)<sup>11</sup> for the geographically appropriate Application Support Center. Appointment notices are mailed by postal delivery or delivered electronically, depending on how the applicant filed their benefit request. The applicant must attend their appointment at the scheduled time or request to reschedule it in a timely manner. Appearing at an Application Support Center in person to have a photograph taken for card production and identity verification can add three (3) weeks or longer to the Form I-765 adjudication process, especially if there are delays in mailing appointment notices, large volumes of receipts that need to be processed, or if the applicant requests rescheduling. It is also essential for USCIS to optimize scheduling appointments at Application Support Centers for employment authorization applications that require the in-person submission of the applicant's fingerprints.

Once an applicant submits their photograph using an established intake channel (i.e., by mailing by postal delivery printed photos, uploading their photo via their USCIS online account, or having their picture taken at an Application Support Center), the photo, along with the other required Form I-765 information, is ingested into the appropriate USCIS case management system. Submitted Form I-765s are currently stored in two case management systems, ELIS and the Computer Linked Application Information Management System 3 (CLAIMS 3).<sup>12</sup> Once the case management systems ingest an applicant's photograph, the systems send it to the Customer Profile Management System (CPMS),<sup>13</sup> the centralized repository of biometric images used for USCIS benefit card and document production. Once the photo is stored in the Customer Profile Management System, it becomes immediately available for the back-end case management systems to use in existing adjudication and card production workflows.

### *Implementation of the USCIS ELIS Photo Validation Tool*

USCIS believes that ensuring the collection of production-quality photographs that can be printed on an Employment Authorization Document will increase card production rate and reduce the need for Application Support Center appointments where only a photo capture is required. Reducing Application Support Center appointments also reduces the number of Application Support Center appointment notices issued and the associated printing and processing costs, as well as the customer burden to travel to and attend those appointments.

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<sup>11</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR THE NATIONAL APPOINTMENT SCHEDULING SYSTEM, DHS/USCIS/PIA-057 (2015 and subsequent updates), available at <https://www.dhs.gov/uscis-pias-and-sorns>.

<sup>12</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR THE COMPUTER LINKED APPLICATION INFORMATION MANAGEMENT SYSTEM AND ASSOCIATED SYSTEMS (CLAIMS 3), DHS/USCIS/PIA-003 (2020 and subsequent updates), available at <https://www.dhs.gov/uscis-pias-and-sorns>.

<sup>13</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR THE CUSTOMER PROFILE MANAGEMENT SYSTEM (CPMS), DHS/USCIS/PIA-060 (2015 and subsequent updates), available at <https://www.dhs.gov/uscis-pias-and-sorns>.



The established processes for applicants to submit photos required for their application will not change or be affected by the implementation of the USCIS ELIS Photo Validation Tool. Once an applicant submits their photograph using an established intake channel, the photo and other required Form I-765 information will continue to be ingested into the appropriate USCIS case management system (i.e., ELIS or Computer Linked Application Information Management System 3). Once the case management systems ingest an applicant's photograph, the systems will continue to send it to the Customer Profile Management System, making the photograph immediately available for the case management systems to use in existing adjudication and card production workflows.

If an application is processed in ELIS, the photograph will be run through the ELIS Photo Validation Tool to help ensure the photograph is of card production quality. The ELIS photo validation tool provides an automated evaluation against USCIS card photo business requirements, which are: 1) the subject's head and face are present, 2) the subject's eyes are open and visible, 3) the subject's mouth is closed, 4) the subject is in front of a plain white background, 5) no red eye effect is present, 6) even lighting and contrast throughout, 7) subject's glasses have been removed, 8) front-facing pose is presented, 9) subject head is not tilted, 10) the height of the subject's head takes up at least 50% of the frame height, 11) subject face is centered in the frame, 12) any non-religious head coverings<sup>14</sup> have been removed, 13) photo has a 1:1 aspect ratio, and 14) the entire photo layout is oriented correctly.

If the photo is of insufficient quality or from an applicant who cannot meet the photo quality criteria, USCIS will follow standard procedures to obtain an appropriate photo, such as by issuing a request for a new photo or requiring the applicant to appear at an Application Support Center. Applicants may fail to meet the photo quality criteria due to a physical characteristic that prevents them from passing the automated checks such as religious headwear, facial paralysis, or other irregularity of the face that might prevent them from passing the automated checks. The religious headwear or facial irregularities will be detected by the USCIS ELIS Photo Validation Tool, but are allowable under USCIS card production requirements, so these customers may choose to send their photo using the override workflow. These photos will be manually reviewed by USCIS personnel for decision making. This is the same manual review process that already currently exists today for printed photos submitted with paper-filed Form I-765s.

The photos which fail the USCIS ELIS Photo Validation Tool will be reviewed by USCIS adjudicators along with any contextual information, including application information, previous biometric encounters, previous photographs, and information contained in other USCIS systems, to determine if the photo can be used to produce an Employment Authorization Document. If the photograph is rejected by the USCIS card production facility, USCIS adjudicators will attempt to

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<sup>14</sup> References of religious head coverings include, but are not limited to hijabs, turbans, or yarmulkes.



re-crop or adjust the contrast of the image to enhance the photograph to sufficient quality. If these efforts fail, the adjudicating officer may need to take remedial action, such as scheduling a new Application Support Center appointment or requesting additional evidence.

The USCIS ELIS Photo Validation Tool uses a combination of computer vision techniques and machine learning models to validate each applicant-submitted photo against a set of established photo requirements stemming from the Department of State,<sup>15</sup> USCIS Office of Intake and Document Production (OIDP), and Form I-765 filing instructions.<sup>16</sup> Each photo quality validation check is built around an open-source deep learning model, which locates 68 points of interest within and around the human face. This photo validation tool only validates that the photo meets the business requirements to produce the Employment Authorization Document; it does not validate the applicant's identity or any other information about the applicant.

There are two paths through which a photo may be run through the USCIS ELIS Photo Validation Tool:

1. An applicant who electronically files Form I-765, *Application for Employment Authorization*, using their myUSCIS Account ([www.myAccount.uscis.gov](http://www.myAccount.uscis.gov))<sup>17</sup> will upload electronically their passport-style photo with their application to USCIS. Upon ingesting Form I-765, the applicant's photo is sent to the USCIS ELIS Photo Validation Tool, which passes the image through each photo validation requirement using the 68 points of interest within and around the human face. Once the check is complete, the USCIS ELIS Photo Validation Tool will return a validation check response. A green check mark will appear next to the photo when a photo passes the validation checks and myUSCIS will message the applicant to inform them if the photo failed any validation checks. This will give the applicant the option to upload another photo to be run through the same checks using the USCIS ELIS Photo Validation Tool or to proceed with the initial submitted photo if they wish.

Applicants whose photo cannot meet the photo quality criteria may still submit the photo using an opt-in override workflow. However, they will be notified that they should delete the poor-quality photo and upload a new photo that meets the photo

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<sup>15</sup> The Department of State identifies photo requirements for passport photos and visa photos to ensure a quality photo is submitted. For consistency across identity documents, USCIS ensures that these requirements are considered when crafting the USCIS photo requirements. For more information on the Department of State photo requirements, please visit <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/photos.html> or <https://travel.state.gov/content/travel/en/passports/how-apply/photos.html>.

<sup>16</sup> Photo submission requirements are on page 20, section 3C within the Form I-765 Instructions, which are available at: <https://www.uscis.gov/sites/default/files/document/forms/i-765instr.pdf>.

<sup>17</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR THE myUSCIS ACCOUNT EXPERIENCE, DHS/USCIS/PIA-071 (2017 and subsequent updates), available at <https://www.dhs.gov/uscis-pias-and-sorns>.



requirements listed on the webpage. Any issues with the photo quality criteria are communicated to the applicant as an information message displayed on the screen. The applicant can choose to address any issues by uploading a new photo or ignore the warning and move forward with their filing. This feature gives the applicant the option to send the photo forward to USCIS despite failing validation standards in the event the applicant believes the quality issue may not be related to a photo capture error but is related to a physical characteristic such as facial paralysis or other irregularity of the face that might prevent them from passing the automated checks but would pass manual adjudicator review of the photo.

The USCIS ELIS Photo Validation Tool provides specific information about the reason the applicant's photo failed validation, such as obstructions in the background of the photo or headwear being detected. For example, religious headwear will be detected by the USCIS ELIS Photo Validation Tool but is allowable, so these customers may choose to send their photo using the override workflow. USCIS personnel will manually review the photos if they fail automated card production and forward the result to adjudicating officers, as needed, for decision-making. This is the same manual review process that currently exists today for mailed by postal delivery photos. If the photo is of insufficient quality, USCIS will follow standard procedures to obtain an appropriate photo.

2. When ready to adjudicate a case within ELIS, an adjudicator may also run the applicant-submitted photo associated with Form I-765, *Application for Employment Authorization*, through the USCIS ELIS Photo Validation Tool. ELIS will then send a message to the adjudicator to inform them if any photo validation checks have failed. The adjudicator will manually review photos failing checks, as needed, for decision-making. If the photo is of insufficient quality, USCIS will follow procedures to obtain an appropriate photo, such as requesting a new photo or requiring the applicant to appear at an Application Support Center for photo collection.

Once the photo is validated by the USCIS ELIS Photo Validation Tool, it will then be delivered to the Customer Profile Management System along with the associated Form I-765 receipt number and biographic information including: First Name, Last Name, Date of Birth, and A-Number (if available). The Customer Profile Management System will retain a copy of the photo in accordance with the system's records retention policies. Once the photo is stored in the Customer Profile Management System as an "encounter," it becomes immediately available for the case management systems (i.e., ELIS or the Computer Linked Application Information Management System 3) to use in existing adjudication and card production workflows.



Implementing the USCIS ELIS Photo Validation Tool does not change these existing adjudication and card production workflows.

## Privacy Impact Analysis

### Authorities and Other Requirements

This update does not change the collection, use, maintenance, and dissemination of biometric and associated biographic information, to include Social Security numbers. Section 103 of the Immigration and Nationality Act (INA) provides the legal authority for the administration and adjudication of immigration and nonimmigration benefits.<sup>18</sup> In particular, under section 103(a)(3) of the Immigration and Nationality Act (INA), the Secretary of Homeland Security is authorized to prescribe forms, issue instructions, and perform other acts as deemed necessary to carry out his authority under the Immigration and Nationality Act. USCIS' legal authority to collect information and evidence associated with Form I-765, *Application for Employment Authorization*, is provided in 8 United States Code (U.S.C.) Sections 1103(a) and 1324a along with 8 Code of Federal Regulations (CFR) 247a.13.

The following System of Record Notices (SORN) continues to cover the collection, maintenance, and use of the information contained in ELIS:

- DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records,<sup>19</sup> which covers individuals who petition for benefits under the Immigration and Nationality Act and includes petitioners, preparers, and attorneys;
- DHS/USCIS-007 Benefits Information System,<sup>20</sup> which covers individuals who have filed applications or petitions for immigration benefits under the Immigration and Nationality Act; and
- DHS/USCIS-018 Immigration Biometric and Background Check,<sup>21</sup> which covers the background checks that are performed.

This update does not change the Authority to Operate (ATO) for ELIS. The ELIS Security Plan was last updated on February 6, 2020. ELIS has been granted an Authority to Operate under the USCIS Ongoing Authorization (OA) process. As such, ELIS will have an ongoing Authority to Operate with no expiration date while ELIS continues to operate in compliance with security

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<sup>18</sup> 8 U.S.C. § 1103(a).

<sup>19</sup> See DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, 82 Fed. Reg. 43556 (September 18, 2017), available at <https://www.dhs.gov/system-records-notices-sorns>.

<sup>20</sup> See DHS/USCIS-007 Benefits Information System, 81 Fed. Reg. 72069 (October 19, 2016), available at <https://www.dhs.gov/system-records-notices-sorns>.

<sup>21</sup> See DHS/USCIS-018 Immigration Biometric and Background Check (IBBC) System of Records, 83 Fed. Reg. 36950 (July 31, 2018), available at <https://www.dhs.gov/system-records-notices-sorns>.



and privacy requirements. The Ongoing Authorization requires ELIS to be reviewed monthly and to maintain its security and privacy posture to retain its Authority to Operate.

This update does not affect the retention of information in ELIS. USCIS has many retention schedules to cover different types of data in ELIS, including electronic A-File content, draft and filed forms, and systems. The retention schedule covers the case management and adjudication data in ELIS for each form type. An updated list of form system retention schedules is available in Appendix A of the DHS/USCIS/PIA-056(a) USCIS Electronic Immigration System (USCIS ELIS) Privacy Impact Assessment, published December 2018, *available at* <https://www.dhs.gov/uscis-pias-and-sorns>. All other benefit request forms and other electronic records in ELIS are designated as A-File records. A-File records are permanent, whether hard copy or electronic, and will continue to be retained by USCIS for 100 years from the date of birth of the individual, then transferred to the National Archives and Records Administration (NARA) for permanent retention in accordance with National Archives and Records Administration, Disposition Authority Number DAA-0563-2013-0001-0005.

This update does not modify the Paperwork Reduction Act (PRA) requirements for ELIS activities. Each form processed by ELIS is subject to the Paperwork Reduction Act and has an existing Office of Management and Budget (OMB) control number that covers the collection. An updated list is available in Appendix B of the DHS/USCIS/PIA-056(a) USCIS Electronic Immigration System (USCIS ELIS) Privacy Impact Assessment. At the time of publication of this Privacy Impact Assessment, the OMB Control number for Form I-765 is 1615-0040.

### **Characterization of the Information**

This update does not concern the collection of information in ELIS. USCIS continues to collect and maintain information outlined in the previous ELIS Privacy Impact Assessment and subsequent updates published on the DHS Privacy website.<sup>22</sup> The new implementation of the ELIS Photo Validation Tool for use with applicant-submitted photographs accompanying Form I-765 does not introduce a new collection of information as these applicants are already required to submit a photo. USCIS has long collected photographs as part of the immigration benefit request process to enable USCIS to verify an applicant's identity, conduct background checks, and produce applicable benefit cards and/or secure documents.

### **Uses of the Information**

USCIS continues to use ELIS to support and manage the administration and adjudication of certain immigration-related requests. USCIS uses the information to fulfill the following

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<sup>22</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR THE U.S. CITIZENSHIP AND IMMIGRATION SERVICES ELECTRONIC IMMIGRATION SYSTEM (USCIS ELIS), DHS/USCIS/PIA-056 (2018 and subsequent updates), *available at* <https://www.dhs.gov/uscis-pias-and-sorns>.



adjudicative actions: (1) verify the identity of the requester; (2) identify missing information and make requests for additional information; (3) provide a repository of data to assist with future immigration benefit requests; (4) schedule interview and biometric collection appointments; (5) facilitate and maintain security screening check results to determine suitability for immigration benefits using criminal, immigration, or national security or public-safety-related history; (6) generate and issue notices; (7) provide data necessary to assist in the determination of immigration and employment status to support the Systematic Alien Verification for Entitlements (SAVE)<sup>23</sup> Program and E-Verify<sup>24</sup> Program; (8) manage adjudicative workflow; (9) share information with internal and external partners for mission-related activities; and (10) generate reports.

USCIS developed the Photo Validation Tool microservice within ELIS to systematically review and validate the photo quality for applicant-submitted photographs supporting Form I-765, *Application for Employment Authorization*, and to ensure the submitted photos meet USCIS established photo quality requirements for Employment Authorization Document production. This photo validation tool only validates that the photo meets the business requirements to produce the employment authorization document and does not validate the applicant's identity or any information about the applicant.

The USCIS ELIS Photo Validation Tool reviews Form I-765 applicant-submitted photographs and evaluates them against established USCIS card photo specifications and requirements to ensure the photos meet card production standards for printing on a USCIS-issued Form I-766, *Employment Authorization Document*. Once received through existing intake channels, and if an application is processed in ELIS, the photograph will be run through the USCIS ELIS Photo Validation Tool to help ensure the photograph is of card production quality. The USCIS ELIS Photo Validation Tool provides an automated evaluation against USCIS card photo specifications requirements, which are: 1) the subject's head and face are present; 2) the subject's eyes are open and visible; 3) the subject's mouth is closed; 4) the subject is in front of a plain white background; 5) no red eye effect is present; 6) even lighting and contrast throughout; 7) the subject's glasses have been removed; 8) front-facing pose is presented; 9) the subject's head is not tilted; 10) the height of the subject's head takes up at least 50% of the frame height; 11) the subject's face is centered in the frame; 12) non-religious head coverings have been removed; 13) the photo has a 1:1 aspect ratio; and 14) the entire photo layout is oriented correctly.

If the photo is of insufficient quality or from an applicant who cannot meet the photo quality criteria, USCIS will follow standard procedures to obtain an appropriate photo, such as requesting

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<sup>23</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) PROGRAM, DHS/USCIS/PIA-006 (2011 and subsequent updates), available at <https://www.dhs.gov/uscis-pias-and-sorns>.

<sup>24</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR E-VERIFY, DHS/USCIS/PIA-030 (2010 and subsequent updates), available at <https://www.dhs.gov/uscis-pias-and-sorns>.



a new photo or requiring the applicant to have their photo taken at an Application Support Center. Applicants may fail to meet the photo quality criteria due to a physical characteristic that prevents them from passing the automated checks, such as religious headwear, facial paralysis, or other irregularity of the face that might prevent them from passing the computerized checks. These photos will be manually reviewed by USCIS personnel for decision-making. This is the same manual review process that already currently exists today for mailed by postal delivery photos.

This photo validation tool only validates that the photo meets the business requirements to produce the employment authorization document; it does not validate the applicant's identity or any information about the applicant.

**Privacy Risk:** There is a risk that information may be used outside of the original purpose of collection.

**Mitigation:** This risk is mitigated. USCIS has identified only those data elements required to submit a photo and ensure the photo submitted meets the established card production standards for the USCIS-issued Form I-766, *Employment Authorization Document*. The USCIS ELIS Photo Validation Tool was designed to automate only validation checks regarding photo quality of Form I-765 applicant photos and does not validate the applicant's identity or any other information about the applicant. As such, the tool does not collect additional information from applicants and only uses the photograph provided to ensure the validation requirements for the subject of each photo are met. The USCIS ELIS Photo Validation Tool resides within ELIS, which serves as an internal case management system for electronically filed benefit request forms and certain paper forms, as well as providing services and system interconnections. USCIS captures biographic and biometric data from applicants to facilitate the review and adjudication of immigration benefit requests. If the adjudicating officer's final decision is to approve, ELIS uses automated interfaces with existing USCIS IT systems to generate the proof of benefit (such as a Lawful Permanent Resident card or Employment Authorization Document), as applicable. To produce these secure identity documents, a high-quality photograph of the applicant will be printed on the relevant document or card.

All records are protected from unauthorized access and use through appropriate administrative, physical, and technical safeguards that restrict access to authorized personnel who have a need-to-know. USCIS limits access to personally identifiable information by employing role-based access to backend systems to ensure access is only granted to those USCIS personnel with a need-to-know. To ensure the information is used consistently for the purposes of the original collection, USCIS administrators monitor internal and external user logs to ensure users are only accessing information related to their job functions. All USCIS personnel are thoroughly trained regarding the use of the underlying system databases and the sensitivity of the information maintained by USCIS. Additionally, all USCIS personnel are required to take the annual security and privacy awareness training.



**Privacy Risk:** There is a risk that the photo provided by the applicant may fail the USCIS ELIS Photo Validation Tool validation checks and delay the issuance of the Employment Authorization Document.

**Mitigation:** This risk is partially mitigated. USCIS collects the photo directly from the applicant so that the most current and accurate photo of the applicant should be available to USCIS. Applicants receive prior notice through USCIS forms and form instructions about the requirement to submit photographs, whether filing online or with a paper form, and the specific standards for the photos submitted. Prior to submitting the photo or any other Form I-765 information to USCIS, applicants are directed to review the photo/information to confirm it is correct.

The USCIS ELIS Photo Validation Tool has also been designed to provide additional notice to the applicant that the photo uploaded failed one (or more) of the validation checks, using an alert after the validation checks are completed. This will allow the applicant to upload another photo to be run through the same checks using the USCIS ELIS Photo Validation Tool or to proceed with the initial submitted photo if they wish to use the override workflow. The USCIS ELIS Photo Validation Tool provides specific information why the applicant's photo failed validation, such as obstructions in the photo's background or detected headwear.

Applicants who cannot meet the photo quality criteria may still submit the photo using an opt-in override workflow. However, they will receive a notification that submitting a poor-quality photo could delay the receipt of their employment authorization document. This feature gives the applicant the option to send the photo forward to USCIS despite failing validation standards in the event the applicant believes the quality issue may not be related to a photo capture error but is related to a physical characteristic, such as facial paralysis or other irregularity of the face that might prevent them from passing the automated checks but would pass adjudicator review of the photo.

If these photos fail automated card production, USCIS personnel will review them and forward them to adjudicating officers as needed for decision-making. This is the same manual review process that currently exists today for mailed by postal delivery photos. If the photo is of insufficient quality, USCIS will follow standard card production failure reviews and procedures to obtain an appropriate photo.

USCIS also gives applicants opportunities during the completion of the immigration benefit request and after filing to correct information they have provided or received through the issuance of a Request for Evidence (RFE) or a Notice of Intent to Deny (NOID), an interview, or similar processes whereby the applicant would have an opportunity to review and respond. In the event that USCIS errs on an Employment Authorization Document, the applicant may request that USCIS correct the error.



## Notice

USCIS provides general notice about the system changes through this Privacy Impact Assessment update. In addition, the existing System of Records Notices (DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking, DHS/USCIS-018 Immigration Biometric and Background Check, and DHS/USCIS-007 Benefits Information System) provide further transparency about the collection and maintenance of biographic and biometric information, including photographs, along with transparency regarding biographic/biometric background checks, identity verification and resolution, card production record systems, and data sharing efforts.

Each USCIS benefit request form, regardless of whether it is in paper or electronic form, contains a Privacy Notice that provides notice to applicants about the collection, USCIS' authority to collect information, the purposes of collecting the data, routine uses of the information, and the consequences of declining to provide the requested information to USCIS. The forms also contain a provision by which an applicant authorizes USCIS to release any information received from the applicant (or beneficiary) as needed to determine benefit eligibility. Throughout the application process, applicants are provided notice of the use of the information for benefit adjudication purposes, including the collection and use of photographs.

The public also receives prior notice, through USCIS forms and form instructions, about the requirement to submit photographs when filing (whether electronically or by postal delivery) certain immigration benefit applications. While USCIS forms are in English, to increase customer accessibility to relevant immigration content, USCIS provides translations for most public communications and alerts posted on the USCIS.gov website. USCIS also has information about photo requirements and submission in the USCIS Policy Manual,<sup>25</sup> and regularly publishes updates and alerts to the Policy Manual when needed. USCIS also updates the USCIS.gov webpages for specific processes or programs to notify applicants when photos can be reused and when applicants must appear at an Application Support Center. There are certain form types where applicants are not required to submit photographs with their filings but must still appear at an Application Support Center to allow USCIS to capture their photo and signature to produce a proof of benefit such as an Employment Authorization Document or a Permanent Resident Card.

USCIS provides further notice of photograph submission requirements, as well as the storage and use of photographs for identity verification and production of secure identity

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<sup>25</sup> The USCIS Policy Manual is the agency's centralized online repository for USCIS' immigration policies. The USCIS Policy Manual will ultimately replace the Adjudicator's Field Manual (AFM), the USCIS Immigration Policy Memoranda site, and other policy repositories. The USCIS Policy Manual can be found at: <https://www.uscis.gov/policy-manual>.



documents, such as an Employment Authorization Document, using published privacy compliance documentation available on the DHS Privacy website.

- The DHS/USCIS/PIA-056 USCIS ELIS Privacy Impact Assessment provides information to the public on how benefit requests are processed and the potential need for biometrics to be submitted; how that information from USCIS ELIS, including tenprints, photo, and biographic data, is sent to the Automated Biometric Identification System (IDENT)<sup>26</sup> for Biometric Identity Checks; as well as how photographs may be used for post-adjudication processing, such as for the generation of secure identity documents.
- The DHS/USCIS/PIA-063 Benefit Decisions and Output Processes Privacy Impact Assessment,<sup>27</sup> discusses the collection, verification, and use of biometrics in the production of various secure identity documents to formalize the decision and provide the benefit recipient with official documentation establishing proof of benefit.
- The DHS/USCIS/PIA-060 Customer Profile Management System Privacy Impact Assessment,<sup>28</sup> provides notice to the public that the Customer Profile Management System supports USCIS' mission to administer immigration benefits by serving as a person-centric repository of biometric and biographic information provided by applicants, petitioners, and requestors who have been issued a USCIS card evidencing the granting of an immigration-related benefit (e.g., lawful permanent residence, work authorization, travel authorization).

**Privacy Risk:** There is a privacy risk that applicants providing their photograph to USCIS for certain Form I-765, *Application for Employment Authorization*, applications do not receive sufficient notice explaining that their information is being processed by the USCIS ELIS Photo Validation Tool microservice within ELIS for photo quality checks to ensure that the photo submitted by the applicant meets USCIS card production standards.

**Mitigation:** This risk is mitigated. This Privacy Impact Assessment update serves as notice to the public regarding the implementation of the USCIS ELIS Photo Validation Tool microservice within ELIS for photo quality checks during the adjudication of Form I-765, *Application for Employment Authorization*. The Privacy Notice located on the instructions for each USCIS form notifies applicants of USCIS' authority to collect information, the purposes of the collection,

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<sup>26</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF BIOMETRIC IDENTITY MANAGEMENT, PRIVACY IMPACT ASSESSMENT FOR THE AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM (IDENT), DHS/OBIM/PIA-001 (2012 and subsequent updates), available at <https://www.dhs.gov/privacy-documents-office-biometric-identity-management-obim>.

<sup>27</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR BENEFIT DECISIONS AND OUTPUT PROCESSES, DHS/USCIS/PIA-063 (2016), available at <https://www.dhs.gov/uscis-pias-and-sorns>.

<sup>28</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR E-VERIFY, DHS/USCIS/PIA-030 (2010 and subsequent updates), available at <https://www.dhs.gov/uscis-pias-and-sorns>.



routine uses of the information, and the consequences of declining to provide the information to USCIS. Further, the public receives notice through USCIS forms and form instructions about the requirement to submit photographs when filing (whether electronically or by postal delivery) certain immigration benefit requests. USCIS also regularly updates the USCIS.gov webpages for specific processes or programs to notify applicants, petitioners, or requestors when photos can be reused or when applicants must appear at an Application Support Center. Therefore, applicants are provided notice of the collection and use of photographs during and after the adjudication process, including for background investigations, identity verification, and secure identity document production, prior to and throughout the application process.

## **Data Retention by the Project**

This update does not concern the retention of information in ELIS. USCIS has many retention schedules to cover different types of data in ELIS, including certain A-File content, draft and filed forms, and systems. The case management and adjudication data in ELIS are covered by the retention schedule for each form type. An updated list of form system retention schedules is available in Appendix A of the DHS/USCIS/PIA-056(a) USCIS Electronic Immigration System (USCIS ELIS) Privacy Impact Assessment, published in December 2018. All other benefit request forms and other electronic records in ELIS are designated as A-File records. A-File records are permanent, whether hard-copy or electronic, and will continue to be retained by USCIS for 100 years from the date of birth of the applicant, then transferred to NARA for permanent retention in accordance with NARA Disposition Authority Number DAA-0563-2013-0001-0005. These records have permanent value because they document enduring legal rights and have potentially high research value.

Further, abandoned online account registration and draft benefit request data will be retained temporarily in accordance with NARA Disposition Authority Number N1-566-11-02 and will be deleted 30 days after the applicant begins, but fails to complete, the online account creation and/or benefit request online submission process. Online temporary applicant and attorney or accredited representative account information will be retained temporarily in accordance with NARA Disposition Authority Number N1-566-12-05. Temporary authentication credentials will be deleted seven years and six months beyond their expiration or revocation (whichever is later).

## **Information Sharing**

This update does not alter existing information sharing activities detailed in the previously published Privacy Impact Assessments on the DHS Privacy website. USCIS shares information from ELIS with external federal agencies for processing applications, petitions, or requests for benefits under the Immigration and Nationality Act. USCIS may also share information with federal, state, local, and foreign government agencies and authorized organizations in accordance with approved routine uses, as described in the associated published System of Records Notices.



Furthermore, USCIS updates the applicant's USCIS ELIS case records to reflect that a specific check (i.e., background or security check) has been completed.

## **Redress**

This update does not modify how access, redress, and correction may be sought through USCIS. Individuals may continue seeking access to their USCIS records by filing a Privacy Act or Freedom of Information Act (FOIA) request. Only U.S. citizens, Lawful Permanent Residents (LPRs), and covered persons from a covered country under the Judicial Redress Act (JRA) may file a Privacy Act request. Individuals not covered by the Privacy Act or Judicial Redress Act still may obtain access to records consistent with the Freedom of Information Act (FOIA) unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or Freedom of Information Act (FOIA) request to view their USCIS record, they may mail the request to the following address:

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

Some information requested may be exempt from disclosure under the Privacy Act or Freedom of Information Act (FOIA) because information may contain law enforcement sensitive information, the release of which could compromise ongoing criminal investigations. Further information about Privacy Act and Freedom of Information Act (FOIA) requests for USCIS records is available at <http://www.uscis.gov>. Any person, regardless of immigration status, may visit a local USCIS Field Office to identify and seek to amend inaccurate records with supporting evidence. To find a local Field Office, individuals may visit: <https://www.uscis.gov/about-us/find-a-uscis-office/fieldoffices>.

## **Auditing and Accountability**

This update does not concern auditing and accountability. USCIS continues to implement technical and security controls to limit access and mitigate privacy risks associated with unauthorized access and disclosure. USCIS continues to ensure that practices stated in this, and previously published, Privacy Impact Assessments comply with federal, DHS, and USCIS standards, policies, and procedures, including standard operating procedures, rules of behavior, and auditing and accountability procedures. ELIS is maintained in the Amazon Web Services (AWS) Cloud infrastructure, which is a public cloud designed to meet a wide range of security and privacy requirements (e.g., administrative, operational, and technical controls) that USCIS uses to



protect data in accordance with federal security guidelines.<sup>29</sup> The Amazon Web Services Cloud is Federal Risk and Authorization Management Program (FedRAMP)-approved and authorized to host personally identifiable information.<sup>30</sup> FedRAMP is a U.S. government-wide program that delivers a standard approach to the security assessment, authorization, and continuous monitoring for cloud services.

USCIS employs technical and security controls to preserve the data's confidentiality, integrity, and availability, which are validated during the security authorization process. These technical and security controls limit access to USCIS users and mitigate privacy risks associated with unauthorized access and disclosure to non-USCIS users. Further, DHS security specifications also require auditing capabilities that log the activity of each user to reduce the possibility of misuse and inappropriate dissemination of information. All user actions are tracked using audit logs to identify information by user identification, network terminal identification, date, time, and data accessed. All USCIS systems employ auditing measures and technical safeguards to prevent data misuse.

USCIS is responsible for all personally identifiable information associated with the USCIS ELIS, whether on USCIS infrastructure or on a vendor's infrastructure; therefore, USCIS imposes strict requirements on vendors for safeguarding personally identifiable information data. This includes adherence to the DHS 4300A Sensitive Systems Handbook, which provides implementation criteria for the rigorous requirements mandated by DHS' Information Security Program.<sup>31</sup>

All USCIS users and contractors are required to complete annual privacy and computer security awareness training to ensure their understanding of the proper handling and securing of personally identifiable information. The annual Privacy Training addresses appropriate privacy concerns, including Privacy Act obligations (e.g., System of Records Notices, Privacy Act Statements/Notices). The Computer Security Awareness Training examines appropriate technical, physical, and administrative control measures to safeguard information. In addition, Quality Assurance Reviewers attend quality assurance calibration sessions. The USCIS Office of Privacy maintains a record of certificates of training for all users.

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<sup>29</sup> Public clouds are owned and operated by third-party service providers, whereas private clouds are built exclusively for an individual enterprise.

<sup>30</sup> See <https://marketplace.fedramp.gov/%23/product/aws-us-eastwest?status=Compliant&sort=productName>.

<sup>31</sup> See <https://www.dhs.gov/publication/dhs-4300a-sensitive-systems-handbook>.



## Responsible Official

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U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
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## Approval Signature

Original, signed copy on file with the DHS Privacy Office.

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