



Privacy Impact Assessment
for the

USCIS ELIS: Form I-90

DHS/USCIS/PIA-056

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Abstract

The Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS) operates the USCIS Electronic Immigration System that processes the USCIS Form I-90 (“ELIS: Form I-90”). ELIS: Form I-90 is the second iteration of the IT system developed by USCIS called “ELIS.” ELIS: Form I-90 allows USCIS applicants to electronically file, and USCIS to electronically adjudicate, Form I-90, *Application for Replacement of Permanent Resident Card* for a limited introduction period. USCIS conducted this PIA to evaluate the privacy impacts of converting a paper-based process to an electronic system. As ELIS: Form I-90 expands to additional form types, USCIS will update this PIA.

Overview

USCIS is the component within DHS that oversees lawful visits and immigration to the United States. This includes receiving, adjudicating, and granting a wide variety of immigration benefits. Historically, USCIS has relied on manual paper processes to perform this function. ELIS: Form I-90 is a new information technology (IT) system with an external online interface that electronically conducts the entire immigration benefit transaction, from external applicant intake to internal USCIS processing, adjudication, and response.

ELIS: Form I-90 is a new USCIS system; however USCIS also operates a previously-developed system called “ELIS.” USCIS plans for ELIS: Form I-90 to eventually replace the previously-developed ELIS system. USCIS is developing and publicly rolling out ELIS: Form I-90 in a series of releases that correspond to specific immigration form types. The two systems will run in parallel for the first ELIS: Form I-90 release.

This PIA covers the first release of ELIS: Form I-90; it does not cover the previously-developed ELIS.¹ This PIA documents the seventy-two-hour “Limited Introduction” release of the system, after which the capability will be disabled. This Limited Introduction allows USCIS a controlled set of data to carefully monitor the system’s operations in the live environment and ensure the system is working as designed before a permanent roll-out.

The Limited Introduction allows certain Lawful Permanent Residents (LPR) to request replacement Permanent Resident Cards (PRC) commonly known as “Green Cards.” During the

¹ For detailed descriptions and privacy risk assessments of the original ELIS system, please see the following PIAs: DHS/USCIS/PIA-041 – ELIS-1 Temporary Accounts and Draft Benefit Requests (May 26, 2012), *available at*, <http://www.dhs.gov/publication/dhsuscispia-041-%E2%80%93-elis-1-temporary-accounts-and-draft-benefit-requests>; DHS/USCIS/PIA-042 – ELIS-2 Account and Case Management (May 26, 2012), *available at*, <http://www.dhs.gov/publication/dhsuscispia-042-%E2%80%93-elis-2-account-and-case-management>; and DHS/USCIS/PIA-043 – ELIS-3 Automated Background Functions (May 26, 2012), *available at*, http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_elis_3_automatedbackgroundfunctions.pdf.



Limited Introduction, applicants who visit the USCIS webpage to learn how to request a replacement PRC will have the option to apply online through ELIS: Form I-90, in addition to the existing option of downloading the equivalent paper form. Seventy-two hours after USCIS enables ELIS: Form I-90, the webpage will revert back to its original version and the ELIS: Form I-90 option will no longer be available. Applicants who have created accounts during that window will continue to be able to access their accounts at the direct ELIS: Form I-90 URL, but that URL will not accept new signups. Internal USCIS users, such as the personnel adjudicating the applications, will then use the system to adjudicate the request according to existing adjudication protocols. Once those introduction applications are fully processed, USCIS expects to resolve any issues identified during the introduction and then release the system permanently. USCIS will update this PIA when USCIS launches the permanent iteration of ELIS: Form I-90 and for any additional ELIS form updates.

Background

ELIS: Form I-90 is the second iteration of the IT system developed by USCIS and called “ELIS.” This PIA covers the new system. The previously-published USCIS Electronic Immigration System PIAs, referenced below, cover the previously-developed ELIS system. USCIS plans to consolidate the two systems into one in the near future and will update this ELIS: Form I-90 PIA accordingly. USCIS will also retire the PIAs that cover the previously-developed ELIS system when that system is decommissioned.

The reason that USCIS has retained the name “ELIS” for both systems is to preserve applicant recognition of ELIS as the online immigration benefits system and provide the most seamless applicant experience. For this Limited Introduction, ELIS: Form I-90 runs in parallel with the previously-developed (and still operational) ELIS system. The two systems are completely separate, including separate login accounts for applicants and employees and a different user interface. However, the new system does follow the same general purpose and data collection process as the previously-developed system.

USCIS does not anticipate that running the two systems at the same time will confuse or otherwise adversely impact applicants. Each system accepts different benefit types,² which limits the number of applicants who have reason to access both systems. Also, USCIS is initially limiting the number of applicants who can access the new system via this introduction release to allow for pre-testing and identification of any functionality or capability that may require modification before making the system permanent. USCIS customer service is equipped to handle any issues that arise.

² The previously-developed USCIS ELIS contains the electronic Form I-539, *Application to Extend Stay/Change Status as a Nonimmigrant*; electronic Form I-526, *Immigrant Petition by Alien Entrepreneur*; a Document Library (for EB-5 petitions associated with Regional Centers); and the ability to pay the \$165 USCIS Immigrant Fee.



System Description

Applicant Request Process

If an applicant chooses to file a Form I-90 electronically during the seventy-two hour introduction, he or she will be directed to ELIS: Form I-90. The applicant will create an electronic account, which requires providing an email address. The email address serves as the applicant's ELIS: Form I-90 username and the applicant will also create a password. To establish two-factor authentication, the applicant must then choose to provide a mobile phone number to receive a short message service (SMS) access PIN, or the applicant may choose to provide answers to security questions that he or she will answer upon subsequent logins in addition to username and password. The security questions are "fill-in-the-blank" questions that to which the applicant provides the answer at account set-up. USCIS provides the applicant with a drop-down menu of standard questions, and the applicant chooses which ones to use as his or her security questions.³ USCIS will not use the answers to these questions for purposes other than assisting with password resets (e.g., the answers would not be available to adjudicators for an immigration benefit purpose or fraud investigators in the event of a fraud investigation.)

Once the login account is set up, the applicant can begin drafting his or her application for a replacement PRC. The user interface looks very similar to the existing paper Form I-90, although questions dynamically expand or become disabled as the applicant completes the request, thereby requiring the applicant to respond only to applicable questions. The electronic questions are identical to the questions asked in the paper Form I-90, so there is parity between the electronic and paper processes. The electronic format also provides some advantages to the user, such as a validation of mailing address against U.S. Postal Service (USPS) known addresses.

The user has the option to use a corrected address, validated by the USPS Address Standardization Web Tool,⁴ to prevent address formatting confusion or typographical errors. When the applicant enters his or her mailing address into his or her electronic Form I-90, ELIS: Form I-90 bounces the address entered against addresses recognized by USPS. If the USPS tool does not recognize the address, ELIS: Form I-90 will display a pop-up window informing the applicant that the address was not found and suggest an alternative recognized address that the USPS tool suggests as a close match. If there is no close match, the USPS tool provides an alternative address for ELIS: Form I-90 to suggest. The applicant is then given the option to accept the suggested address or ignore the suggestion and use the address he or she originally typed. At any time that the application is in draft, the applicant may go back and re-enter the address, which will trigger a re-validation by the USPS service.

³ For example, the applicant may choose, *What is your favorite type of candy?* as a security question.

⁴ Via this service, USPS does not ingest or store the address provided by ELIS: Form I-90.



Based on the answers the applicant provides in his or her application, ELIS: Form I-90 prompts the applicant to upload evidence. For example, if the applicant requests a replacement PRC because of a legal name change through marriage, the system will prompt the applicant to upload evidence of the legal name change such as a marriage certificate. Applicants upload evidence by scanning documents and attaching those scanned copies to the ELIS: Form I-90 application.

Applicants who create their accounts and begin their applications during the Limited Introduction period can save their applications as draft and return to them later by logging in directly to ELIS: Form I-90. If they are still drafting the application after 30 days, they will receive a warning that their draft is expiring, and after the warning period, USCIS will consider the draft abandoned and will delete the draft from the system. That draft data is only accessible to the applicant during that draft period and if deleted will never be reviewed by USCIS personnel. (There are very limited exceptions, such as if an applicant needs a USCIS Customer Service Representative to assist in resetting a password while the data is in draft.)

Once the applicant enters all necessary information and uploads the evidence, ELIS: Form I-90 requires the applicant to electronically sign (e-sign) the application and pay the applicable fee. The applicant can review the information he or she is about to submit, and then e-signs by entering their ELIS: Form I-90 password. Payment is made using the U.S. Department of Treasury's Pay.Gov service.⁵ ELIS: Form I-90 does not collect the fee directly. Rather, the Pay.Gov interface is imbedded within the ELIS: Form I-90 user interface, and Pay.Gov collects payment information—either credit card, debit card, or personal check. Pay.Gov validates the payment information and sends the applicant back to ELIS: Form I-90. At this point, ELIS: Form I-90 confirms to the applicant that he or she successfully submitted the application and that USCIS will mail a receipt notice to the applicant's physical address and make it available electronically via the applicant's ELIS: Form I-90 account.

Automated System Checks

The first data element the ELIS: Form I-90 validates on the applicant's electronic Form I-90 is the applicant's Alien Registration Number (A-number). ELIS: Form I-90 validates the A-number to ensure the case is processed with the correct A-Number. All applicants requesting replacement PRCs should have records in USCIS legacy systems, either because USCIS previously granted them LPR status or the applicant entered the United States on an immigrant visa. These applicants also all have A-numbers, which is the primary account number USCIS assigns to each immigrant. ELIS: Form I-90 runs an automated comparison of the A-number claimed by the applicant against the USCIS legacy Central Index System (CIS)⁶ to verify that (1)

⁵ U.S. Department of Treasury *Financial Management Services Pay.Gov Privacy Impact Assessment 2.0* (July 1, 2011), available at, http://fms.treas.gov/pia/paygov_pia%20.pdf.

⁶ DHS/USCIS/PIA-009, Central Index System PIA (June 22, 2007), available at,



the A-number exists and is valid, and (2) matches the name and identifying information claimed by the applicant. If the system cannot automatically verify this information, ELIS: Form I-90 moves the applicant's request into an electronic work queue where it will be researched and resolved by a USCIS employee or contractor before proceeding.

During the A-Number validation, USCIS also runs a criminal and national security background check against the U.S. Custom and Border Protection's (CBP) TECS system.⁷ If that check results in the identification of potential criminal or national security issues, USCIS makes a referral to the USCIS Fraud Detection and National Security (FDNS) directorate for separate investigation. This referral does not impact the request for replacement PRC except in special circumstances. After the A-Number is validated, ELIS: Form I-90 interfaces with the National Application Scheduling System (NASS)⁸ to schedule an appointment for the applicant to appear at an Application Support Center (ASC), where USCIS is able to verify identity in-person by collecting biometrics. NASS generates an appointment notice that USCIS mails to the physical address provided by the applicant. ELIS: Form I-90 holds the applicant's request for replacement PRC pending completion of the ASC appointment.

Adjudicating the Application

The applicant's request for replacement PRC advances once the legacy USCIS Benefits Biometric Support System (BBSS)⁹ sends an indication that the applicant has submitted his or her biometrics at the ASC.

ELIS: Form I-90 automatically places the application in an adjudicator work queue after A-number validation, completion of the TECS background check, and return of the background and security check results through the BBSS have occurred. The USCIS adjudicator evaluates all data—the information submitted by the applicant along with the results of the background and security checks—according to existing standard operating procedures (SOP) that apply to the legacy paper process.

The internal ELIS: Form I-90 interface assists the adjudicator in deciding whether to grant the replacement PRC by allowing the adjudicator to request additional evidence electronically, and to electronically review criminal and national security background check results to resolve any issues. To assist the adjudicator in verifying the information that the applicant submitted, ELIS: Form I-90 displays the applicant's basic biographical data (e.g., name, date of birth, place of birth, gender) from CIS alongside data submitted to ELIS: Form I-

http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_cis.pdf.

⁷ DHS/CBP/PIA-009, TECS System: CBP Primary and Secondary Processing PIA (December 22, 2010), *available at*, http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_cbp_tecs.pdf.

⁸ Privacy Impact Assessment pending publication to <http://www.dhs.gov/uscis-pias-and-sorns>.

⁹ DHS/USCIS/PIA-033 Immigration Benefit Background Check System PIA (November 5, 2010) *available at*, http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_ibbcs.pdf.



90. This visual aid assists the adjudicator in identifying data errors, such as mismatching genders or countries of birth. If the adjudicator sees a potential issue, he or she follows existing SOPs to identify which record is correct and make changes to the incorrect record. This visual aid is never used as a basis for a decision, and is only used as an indication that the adjudicator needs to follow up with the original system. This process prevents data errors that might occur if the adjudicator were required to continually check between ELIS: Form I-90 and CIS to compare basic biographical data. Once the adjudicator clicks through this visual aid, it is not stored in ELIS: Form I-90.

Once the decision is final, ELIS: Form I-90 has automated processes that correspond with other existing USCIS IT systems to send approval or denial notices along with the actual replacement PRC. If the adjudicator decides to grant the applicant a replacement card, ELIS: Form I-90 temporarily displays the applicant's facial photograph via interface with BBSS to verify image quality. If the image quality is not sufficient for card printing, ELIS: Form I-90 allows the user to zoom, pan, lighten, or darken the photo for card production, and then certify for printing. ELIS: Form I-90 temporarily stores the photo until the card is successfully printed. Upon successful card printing, the facial photograph is automatically deleted from ELIS: Form I-90 and the final adjusted image is stored as part of the printed card record in the USCIS Customer Profile Management System (CPMS).¹⁰

System Privacy Impacts

Overall, ELIS: Form I-90 offers applicants several advantages with respect to data privacy protections. ELIS: Form I-90 applicants are able to enter their information directly into the system, whereas the paper legacy process requires contractors to key in data from paper filings. Allowing applicants to key their information directly in to ELIS: Form I-90 reduces the risk for typographical errors and generally improves the accuracy, timeliness, and completeness of information. ELIS: Form I-90 applicants also enjoy improved insight into the status of their applications, and better access to their data, because that data is available instantly by logging in to their online account. Applicants also may receive requests for additional information and other notices more quickly than they would have via paper because those notices are made available electronically, which is faster.

On the other hand, applicants may face some increased data security risk by virtue of submitting data via the Internet. To mitigate this risk, ELIS: Form I-90 employs several layered IT security and data quality measures, such as establishing a secure encrypted connection when an applicant is entering sensitive personally identifiable information (PII), requiring strong two-factor authentication.

¹⁰ Id. Note, CPMS replaced the Image Storage and Retrieval system referenced in DHS/USCIS/PIA-033, which is currently pending update to reflect this system change.



Section 1.0 Authorities and Other Requirements

1.1 What specific legal authorities and/or agreements permit and define the collection of information by the project in question?

The primary legal authority supporting the collection of the information provided to USCIS is 8 U.S.C. § 1101 *et seq.* Specifically, 8 U.S.C. § 1360 established a central file of information for the security and enforcement agencies of the Government of the United States that contains the names of all aliens admitted or denied admission to the United States and such other relevant information as required to aid in the proper enforcement of this chapter. The Homeland Security Act of 2002¹¹ and the Immigration Nationality Act (INA)¹² charge the Secretary of Homeland Security with administration and enforcement of the immigration and naturalization laws. The Secretary of Homeland Security has delegated duties to USCIS pursuant to DHS Management Directive MD 0150.1. DHS also has promulgated regulations that permit the collection and processing of applications, petitions, and requests online entitled, “Immigration Benefits Business Transformation, Increment I;¹³” and “Immigration Benefits Business Transformation, Increment I; Correction.¹⁴”

The Government Paperwork Elimination Act (GPEA)¹⁵ provides that, when possible, federal agencies use electronic forms, electronic filing, and electronic submissions to conduct agency business with the public. GPEA establishes the criteria and guidelines for the use of electronic signatures. Executive Order 13571¹⁶ requires federal agencies to develop plans to streamline delivery of services and improve customer service by exploring lower-cost, self-service options accessed by the Internet or mobile phone and improved processes that deliver services faster and more responsively, reducing the overall need for applicant inquiries and complaints.

1.2 What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?

The SORNs covering the previously-developed ELIS also apply to ELIS: Form I-90. In the future release, USCIS will update this PIA and those SORNs. The SORNs are as follows:

- DHS/USCIS-014 - Electronic Immigration System-1 Temporary Accounts and Draft Benefit Requests System of Records;¹⁷

¹¹ Pub. L. No.107-296, 116 Stat. 2135 (2002), 6 U.S.C. § 112.

¹² 8 U.S.C. § 1101 (2004) *et seq.*

¹³ 76 FR 53764 (August 29, 2011).

¹⁴ 76 FR 73475, (Nov. 29, 2011).

¹⁵ 44 U.S.C. § 3504 (2004).

¹⁶ 75 FR 24339 (Apr. 27, 2011).

¹⁷ 78 FR 20680 (Apr. 5, 2013).



- DHS/USCIS-015 - Electronic Immigration System-2 Account and Case Management System of Records;¹⁸ and
- DHS/USCIS-016 - Electronic Immigration System-3 Automated Background Functions System of Records.¹⁹

Additionally, the following SORN covers USCIS employees' and contractors' use of the system:

- DHS/ALL-004 - General Information Technology Access Account Records System (GITAARS).²⁰

1.3 Has a system security plan been completed for the information system(s) supporting the project?

Yes. ELIS: Form I-90 has been granted Authority to Operate (ATO), which is continually being monitored under the USCIS Ongoing Authorization process.

1.4 Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?

Yes: N1-566-11-02, (October 17, 2011) and N1-566-12-05, (April 17, 2013).

1.5 If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.

USCIS Form I-90, in both its paper format and as part of ELIS: Form I-90, is covered by OMB 1615-0082.

Section 2.0 Characterization of the Information

The following questions are intended to define the scope of the information requested and/or collected, as well as reasons for its collection.

2.1 Identify the information the project collects, uses, disseminates, or maintains.

ELIS: Form I-90 collects information from LPRs who are requesting replacement PRCs and who choose to make that request electronically during the seventy-two hour Limited Introduction period. This information includes account setup and login information (email

¹⁸ 78 FR 20673 (Apr. 5, 2013).

¹⁹ 76 FR 70735 (Nov. 15, 2011).

²⁰ 77 FR 70792 (Nov. 27, 2012).



address, password, security questions, mobile phone number, and carrier), information required to identify the LPR and adjudicate the request (the complete set of requested data can be viewed by referencing the paper Form I-90, *available at* <http://www.uscis.gov/i-90>), and e-signature (check-box attestation, password, Internet Protocol (IP) address, and time/date stamp). ELIS: Form I-90 collects background and security check information about the requesters from other Federal systems (described below), and temporarily stores facial photograph to allow for proper formatting for PRC printing by CPMS.

2.2 What are the sources of the information and how is the information collected for the project?

The majority of information ELIS: Form I-90 collects is directly from the applicant. Additionally, USCIS collects data from CBP TECS and USCIS BBSS in order to conduct background and security checks. USCIS employees and contractors using the system may generate data, such as notices, internal case processing notes, and decisions.

2.3 Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.

No.

2.4 Discuss how accuracy of the data is ensured.

Data accuracy is ensured within ELIS I-90 by collecting data directly from the individual applicants whenever possible. Initial applications filed with ELIS: Form I-90 are completed directly by the individual applicants. ELIS: Form I-90 allows an applicant to overwrite and correct any information in his or her application up to the point that he or she signs and submits the application. After it has been submitted, the applicant may log in to his or her account and automatically make changes that have no substantive bearing on the adjudication, such as change in email address or contact information.

Select data submitted by the individual applicants are run through the A-number validation process, described in the Overview section, to promote data integrity between ELIS: Form I-90 and legacy USCIS systems such as the Central Index System. ELIS: Form I-90 also provides a visual aid to the adjudicator to check biographical data entered by the applicant (e.g., name, date of birth, place of birth, gender) against data from CIS to assist the adjudicator in identifying inaccurate data supplied by the applicant (or correct inaccurate data on file in legacy systems.) Finally, USCIS automatically submits data to other CBP TECS and USCIS BBSS systems to verify identity and conduct background and security checks.



2.5 Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: Retaining data in an active, online platform via ELIS: Form I-90 poses a risk of unauthorized exposure because the system could be attacked by an external entity.

Mitigation: USCIS recognizes that retaining data online makes that data potentially more available to compromise, and therefore is building into its retention schedules a timeframe after which data may be retained offline by the agency but not available online with public access. This will allow the agency to preserve records that should be maintained for their historical value but adds some security from unauthorized access of outdated accounts.

Privacy Risk: Because ELIS: I-90 automatically saves draft applications, there is a risk that adjudicators could later see draft information that the applicant deleted or corrected before submitting his or her electronic Form I-90. This could negatively affect ELIS: I-90 applicants because they would not receive the same confidentiality online they receive via the paper process.

Mitigation: Although ELIS: Form I-90 initially saves draft data; the applicant may edit, delete, or update information when it is in draft state and the system does not keep copies of previous iterations. When the applicant submits his or her electronic Form I-90, ELIS: I-90 only saves the final, saved version, and any previous versions, including uploaded evidence that the applicant removed before finalizing, is permanently deleted. USCIS adjudicators only receive the information that was e-signed and submitted. Similarly, if the applicant begins drafting a request but never submits it (by e-signing and paying), then ELIS: Form I-90 automatically deletes the data after 30 days, per the approved retention schedule. If the applicant later files another Form I-90, the adjudicator has no indication of a previous draft.

Section 3.0 Uses of the Information

The following questions require a clear description of the project's use of information.

3.1 Describe how and why the project uses the information.

ELIS: Form I-90 collects only the minimum information necessary to fulfill the following purposes:

(1) Establish a secure online account through which to submit an application

Information collected for this purpose includes email address (used to contact applicant and also as username), password (used to authenticate the user), and either



mobile phone number or answers to security questions to be used as a second-factor in authenticating;

(2) Verify the identity of the requester

Information collected for this purpose includes A-Number, name, date of birth, place of birth, Social Security number, date and class of admission into the U.S., and mother's and father's names. These data are all used to locate the applicant in legacy systems. Also, the requirement to upload a copy of an identity document or copy of erroneous PRC is used to show proof of applicant identity;

(3) Facilitate criminal and national security background checks

Information collected for this purpose includes name, date of birth, and country of birth for use by CBP TECS and USCIS BBSS in running background checks, physical description (eye color, hair color, height, and weight) required by BBSS, mailing address to provide to USCIS NASS for biometric appointment scheduling, and results of criminal and national security background checks from CBP TECS and USCIS BBSS for referral to the USCIS Fraud Detection and National Security Directorate as needed;

(4) Justify the need for the replacement PRC

Information collected for this purpose includes the applicant's indication of why a replacement card is needed (e.g., card was lost or stolen, card is expiring, applicant's name legally changed, or card contains errors) along with documentation to support the reason, such as copy of erroneous card or marriage license indicating name change. The adjudicator uses all of this to follow existing SOPs on adjudicating the request for card replacement; and

(5) Authorize card production

Information collected for this purpose includes internal system indicators that record that every step of the adjudication process was followed, the adjudicator's decision and supervisory review, and the temporary storage of the facial photograph to allow for proper formatting. This also includes information from Pay.gov confirming that the applicant paid the applicable fee and e-signature information to record that the applicant attests that the information they put forth in the application is true.

3.2 Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how DHS plans to use such results.

No.



3.3 Are there other components with assigned roles and responsibilities within the system?

ELIS: Form I-90 generally only includes assigned roles for USCIS employees and contractors. However, ELIS: Form I-90 does share read-only information with the USCIS Enterprise Service Bus (ESB), which may share information from ELIS: Form I-90 to other components via the Person-Centric Query System (PCQS).²¹ The majority of PCQS users are internal to USCIS. However, PCQS does grant user access to CBP and Immigration and Customs Enforcement (ICE) if users from those components have an official need for read-only access to USCIS applicant data. There is no regular process by which CBP or ICE would rely upon the information in ELIS: Form I-90 for this first release, but it might occur in the event that CBP or ICE had a need to know all data about a particular immigrant as part of a law enforcement investigation, for example.

3.4 Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: There is a risk that increased availability of information that previously was only visible to one employee at a time (because it was in a paper file) could result in new, unauthorized uses of the information.

Mitigation: USCIS will mitigate this risk three ways. *First*, all users of ELIS: Form I-90 must receive role-based system training, which explains the purpose of the data and includes reminders of proper PII handling. *Second*, the system tracks all access and edits to applicant PII, and stores that activity in back-end audit logs available to the USCIS Office of Security Investigations (OSI) for monitoring and action. *Finally*, ELIS: Form I-90 employs a provisioning process that verifies every user requesting access to the system has a valid need to view requests for replacement PRCs and other system data used to adjudicate such requests.

Section 4.0 Notice

The following questions seek information about the project's notice to the individual about the information collected, the right to consent to uses of said information, and the right to decline to provide information.

4.1 How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.

USCIS provides a Privacy Act statement addressing the collection of their online account creation before any information is collected. USCIS also provides a Privacy Act statement

²¹ DHS/USCIS/PIA-010, Person-Centric Query System (PCQS) PIA (June 22, 2007), available at, http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_pcq.pdf.



covering their request for replacement PRC at the beginning of that collection (linked to the form instructions). ELIS: Form I-90 also sends paper and electronic notices pertaining to the applicant's request throughout the adjudication process and via this PIA.

4.2 What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?

Applicants may decline to use or opt-out of ELIS: Form I-90 and request a replacement PRC using the existing paper Form I-90. If the applicant chooses to use ELIS: Form I-90 but wants to decline to provide answers to some of the information requested, the system will generally allow the applicant to proceed with the request. However, the request may take longer to adjudicate because the adjudicator may need to request the information the applicant declined to submit with his or her application. If the applicant declines to provide the requested information, the adjudicator may consider the request to be abandoned and the applicant may be denied the replacement PRC.

4.3 Privacy Impact Analysis: Related to Notice

Privacy Risk: There is a risk that someone other than the LPR will use the system to fraudulently obtain a PRC, which could expose the LPR to identity theft for financial or immigration benefit purposes. This could occur without the LPR knowing.

Mitigation: In order to mitigate the risk of identity theft or fraud, USCIS has existing processes that requires most applicants²² requesting a replacement PRC to provide his or her biometrics at an ASC in order to have his or her identity verified. ELIS: Form I-90 leverages this in-person identity-proofing to ensure the individual who created the online account is who he or she claims to be.

Privacy Risk: There is a risk that applicants might not understand that ELIS: Form I-90 is a different system than the previously-developed ELIS system.

Mitigation: First, the two systems process different immigration benefit types, which means that applicants who are eligible for the type of immigration benefits processed in the previously-developed ELIS are unlikely to be eligible to use ELIS: Form I-90 during its Limited Introduction period. Therefore, it is unlikely that an applicant will have an account in both systems. An applicant with an account in one system might accidentally try to log in to the wrong system, but those login credentials would not work in the wrong system. The applicant could go back to previous email notifications and paper mail confirming his or her ELIS account to obtain the correct URL, as well as navigating to the correct URL using the USCIS website, according to applicable benefit type. Furthermore, USCIS applicant service representatives have information to help assist with applicant confusion that does arise. Finally, USCIS will be able to

²² Exceptions exist for applicants whose cards contain errors that are the fault of USCIS.



determine whether this risk was appropriately mitigated during its Limited Introduction of ELIS: Form I-90, and take additional steps to improve applicant notice based on that response.

Section 5.0 Data Retention by the project

The following questions are intended to outline how long the project retains the information after the initial collection.

5.1 Explain how long and for what reason the information is retained.

USCIS has drafted a series of retention schedules to cover different types of data in ELIS: Form I-90. Currently, two of those schedules have been finalized and signed by the Archivist. The remaining schedules are being actively worked with NARA.

The majority of applicant data in ELIS: Form I-90 is not yet covered by a finalized retention schedule, but is pending review at the National Archives. USCIS expects NARA to approve permanent retention for the ELIS: Form I-90 applicant data because it replaces data that would have been in the Alien File (A-file) if filed via paper, and the A-file is permanently retained for historical purposes. That data includes the account data of immigrants requesting replacement PRCs, as well as the case data pertaining to their replacement PRC request. Until a retention schedule is approved, ELIS: Form I-90 will retain that data. USCIS has finalized a proposed retention schedule that would require USCIS to permanently retain immigrant account data (first in active account state, then offline,²³ and eventually archived with NARA). This is the same retention schedule for paper A-files (which the account data replaces.) A-files are permanently retained because they hold historical value.

The approved retention schedules are as follows:

- 1. ELECTRONIC IMMIGRATION SYSTEM (USCIS ELIS) ABANDONED DRAFT ACCOUNT AND/OR DRAFT BENEFIT REQUEST DATA, N1-566-11-02, (October 17, 2011):** This schedule covers applicant accounts and draft applications that applicants do not submit to USCIS within a 30-day period. The schedule dictates that the data must be permanently deleted 30 days after creation of the account or initiation of a draft application.
- 2. USCIS ELECTRONIC IMMIGRATION SYSTEM (USCIS ELIS) TEMPORARY ACCOUNTS, N1-566-12-05, (April 17, 2013):** Covers internal user accounts for USCIS employees; such accounts will be deleted/destroyed 6

²³ USCIS would retain data offline in electronic format within its data center, such as in an archival file or backup tape. USCIS could obtain the data if needed for a specific purpose, but the data would not be accessible via the ELIS: Form I-90 online portal. This would protect the data from the risk of misuse by an external attack, but would keep it for its historical purposes.



years after the account is terminated or when no longer needed for investigative or security purposes, whichever is later.

5.2 Privacy Impact Analysis: Related to Retention

Privacy Risk: There is no risk because ELIS: Form I-90 records are retained permanently for their historical value, such as genealogical research, similar to the A-File.

Section 6.0 Information Sharing

The following questions are intended to describe the scope of the project information sharing external to the Department. External sharing encompasses sharing with other federal, state and local governments, and private sector entities.

6.1 Is information shared outside of DHS as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.

ELIS: Form I-90 information is shared outside of USCIS in a read-only state over the ESB and may be viewable by Department of State (DoS) via PCQS. Also, ELIS: Form I-90 feeds data to USCIS BBSS for background checks, and BBSS uses that data as part of the record that is forwarded to the Federal Bureau of Investigations (FBI) Integrated Automated Fingerprint Identification System (IAFIS) to conduct its criminal and national security checks.²⁴

6.2 Describe how the external sharing noted in 6.1 is compatible with the SORN noted in 1.2.

ELIS: Form I-90 data available via PCQS to the DoS is compatible with the purpose of the system because the DoS mission, like USCIS, includes ensuring lawful visits and immigration to the United States as dictated by the INA. This sharing is covered by the Routine Use “L”, of the DHS/USCIS-015 SORN,²⁵ which states that data may be shared with, “...DOS in the processing of requests 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.”

²⁴ All DHS PIAs and SORNs are available on www.dhs.gov/privacy. Please consult the PCQS and BCS SORNs for specific information about when information is shared, for what purposes, and with whom.

²⁵ 78 FR 20673



6.3 Does the project place limitations on re-dissemination?

In its first iteration, the new ELIS: Form I-90 system does not engage in sharing data outside the agency. However, ELIS: Form I-90 shares with other USCIS systems, PCQS and BBSS, which do share outside the agency (with DoS and FBI, respectively) and may re-disseminate data once it becomes part of their systems of record.

6.4 Describe how the project maintains a record of any disclosures outside of the Department.

BBSS and PCQS each automatically log external disclosures of information, as described in those systems' respective PIAs.²⁶ If external sharing is authorized, the USCIS employee who disclosed the information must record the disclosure. The employee records this by typing a note with the data shared, purpose, and date into the free-text comment field of the system.

6.5 Privacy Impact Analysis: Related to Information Sharing

Privacy Risk: There is a risk that data-sharing governance and recordkeeping designed for legacy paper processes, such as paper mechanisms for logging records of disclosure and physical restrictions on paper file sharing, might not translate to the electronic environment.

Mitigation: In the Limited Introduction period, USCIS is not mitigating this risk. USCIS recognizes this risk and is mitigating it by implementing a phased-system implementation approach. In this first iteration, ELIS: Form I-90 will not include other agency user accounts or regular data sharing. As the system is expanded to cover different form types, USCIS will increase data sharing incrementally so that processes for governance and recordkeeping can be adjusted on a specific basis and documented more formally, accordingly.

Section 7.0 Redress

The following questions seek information about processes in place for individuals to seek redress which may include access to records about themselves, ensuring the accuracy of the information collected about them, and/or filing complaints.

7.1 What are the procedures that allow individuals to access their information?

ELIS: Form I-90 provides USCIS applicants the opportunity to access their information online by logging in to their account. Applicants who create accounts during the seventy-two hour Limited Introduction and submit their electronic Form I-90 will continue to be able to login

²⁶ ²⁶ All DHS PIAs and SORNs are available on www.dhs.gov/privacy. Please consult the PCQS and BCS PIAs for specific information about how external disclosures are recorded.



to their accounts and check the status of their applications after the Limited Introduction is over. The information they access includes a copy of the application they submitted, any notices or notifications generated by USCIS, and information about the status of their application. Certain information generated by USCIS as part of a criminal or security check is not automatically accessible by the applicant. This information is exempt from disclosure under 5 U.S.C. § 552a(k)(2) of the Privacy Act.²⁷

An individual may also gain access to his or her USCIS records by filing a Privacy Act or Freedom of Information Act (FOIA) request. 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:

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

The information requested may, however, be exempt from disclosure under the Privacy Act because records related to fraud, with respect to an individual, may sometimes contain law enforcement sensitive information. The release of law enforcement sensitive information could possibly compromise ongoing criminal investigations. Further information for Privacy Act and FOIA requests for USCIS records can also be found at <http://www.uscis.gov>.

7.2 What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?

ELIS: Form I-90 allows an applicant to overwrite and correct any information in his or her application up to the point that he or she signs and submits the application. After it has been submitted, the applicant may log in to his or her account and automatically make changes that have no substantive bearing on the adjudication, such as change in email address or contact information. If the applicant wants to correct inaccurate information while the benefit is being adjudicated, he or she may submit the request in writing and upload the request into ELIS: Form I-90 as unsolicited evidence or by mail to the National Benefits Center. It is the adjudicator's decision to incorporate that corrected information, depending on the timing and validity of the information. For corrections after the application has been adjudicated, the applicant would use the existing correction processes employed by USCIS depending on the type and context of the correction requested.

²⁷ 76 FR 70638 (Nov. 15, 2011)



7.3 How does the project notify individuals about the procedures for correcting their information?

ELIS: Form I-90 makes multiple notifications to the applicant throughout his or her use of the system, indicating to the applicant when the case is in draft, how to update contact information, and several other methods of correction. Additionally, ELIS: Form I-90 will publish online Frequently Asked Questions that address when and how to make corrections. Finally, USCIS has an Applicant Contact Center contact listed that applicants are directed to if they have questions.

7.4 Privacy Impact Analysis: Related to Redress

Privacy Risk: There is a risk that the applicant may be unable to correct certain data, such as name and date of birth, after the application is submitted.

Mitigation: Making changes to certain essential information such as name or date of birth would require a new criminal and security check, as well as a new attestation of the accuracy of the data submitted. Therefore, the system cannot allow the applicant to automatically update this important information once the adjudication process has started. USCIS does mitigate this risk by allowing the adjudicator to consider written requests to change this information, or an in-person appointment, at his or her discretion within established SOPs. The risk that an applicant is unable to correct an error they generated is mitigated by the USCIS data quality and integrity procedures within the adjudication process. Ultimately, if a new PRC is generated in error, the applicant has the opportunity to file another I-90 via paper to correct the error.

Privacy Risk: There is a risk that applicants may be unable to access, correct, or amend their records because the systems used for criminal and national security background checks are exempt from the Privacy Act.

Mitigation: Due to the sensitive nature of criminal and national security background checks, applicants are not provided with direct access to such records. For the purposes of ELIS: Form I-90, the results of these checks will not impede the adjudication of the replacement PRC. Even if a result comes back that may be deemed derogatory; it would not likely impact the Form I-90 adjudication.



Section 8.0 Auditing and Accountability

The following questions are intended to describe technical and policy based safeguards and security measures.

8.1 How does the project ensure that the information is used in accordance with stated practices in this PIA?

ELIS: Form I-90 has a sophisticated role-based user access for operational users as well as read-only users. These include roles that separate duties for operators to ensure appropriate oversight of the PRC replacement process, as well as two levels of read-only roles to protect more sensitive data about an applicant from being accessible to internal users who have a need for some of their data but not all. Additionally, ELIS: Form I-90 captures all user activity, including information changed as well as viewed, in audit logs, which are reviewed by USCIS OSI.

8.2 Describe what privacy training is provided to users either generally or specifically relevant to the project.

USCIS trains each ELIS: Form I-90 user on proper handling of PII as well as appropriate use of data according to each role. Additionally, all USCIS employees receive Privacy and Security training annually.

8.3 What procedures are in place to determine which users may access the information and how does the project determine who has access?

ELIS: Form I-90 has several levels of operator roles as well as two levels of read-only roles. The operator roles are only available to individuals trained and currently occupying specific jobs within USCIS, and their supervisors are required to certify that their official duties align with the role before it is granted to those individuals. Likewise, USCIS will default to assigning the lower-level of read-only to users requesting that access, unless they certify with supervisor confirmation that they need to know certain sensitive data about applicants as part of their routine official duties.



8.4 How does the project review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within DHS and outside?

ELIS: Form I-90 data would be subject to the USCIS formal review process for any data sharing agreements. That process includes, at a minimum, review by the Privacy Office, Counsel, and program officials entrusted with security of the data.

Responsible Officials

Donald Hawkins
Privacy Officer, U.S. Citizenship and Immigration Services
Department of Homeland Security

Approval Signature

Original signed copy on file with DHS Privacy Office.

Karen L. Neuman
Chief Privacy Officer
Department of Homeland Security