



Privacy Impact Assessment Update
for the
Verification Information System

September 4, 2007

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Abstract

United States Citizenship and Immigration Services (USCIS) provides immigration status verification services for benefit determinations and employment authorization through its Verification Division. Presently, two programs exist to implement this mandate: the Systematic Alien Verification for Entitlements (SAVE) program for government benefits and the Employment Eligibility Verification/Basic Pilot Program, recently renamed “E-Verify,” for employment authorization for all newly hired employees. The Verification Information System (VIS) is a composite information system incorporating data from various Department of Homeland Security databases and functions as the underlying information technology that supports these programs. USCIS is amending the Privacy Impact Assessment (PIA) dated April 1, 2007 to describe updates to VIS that will improve the ability of USCIS to provide limited citizenship and immigration information to users of SAVE and E-Verify.

Introduction

The Verification Information System (VIS) is a nationally accessible database of selected immigration status information containing more than 100 million records. VIS is currently comprised of limited citizenship, immigration, and employment status information from several Department of Homeland Security (DHS) systems of records, including records contained in the Biometric Storage System (BSS), (72 FR 17172-01), the USCIS Central Index System (CIS) (72 FR 1755), and the USCIS Computer Linked Application Information Management System (CLAIMS 3) (62 FR 11919).

VIS enables USCIS’s Verification Division to operate the Systematic Alien Verification for Entitlements (SAVE) and E-Verify, formerly known as the Basic Pilot program. SAVE is used to verify limited citizenship and immigration status of individuals seeking government benefits, licensure, or credentials based on their citizenship and immigration status.

E-Verify is a free and voluntary program for any U.S. employer wishing to participate. The program is a collaboration between the Social Security Administration (SSA) and USCIS that allows employers to verify identity and employment authorization of their newly hired employees. E-Verify electronically compares information contained on the Form I-9 with records contained in SSA and DHS databases.

It is important to note that all U.S. employers are required to complete the Employment Eligibility Verification Form I-9 (herein referred to as Form I-9) and provide documents listed on the Form I-9 for all newly hired employees as evidence of their ability to work in the U.S, regardless of an employers’ participation in E-Verify. A completed Form I-9 requires the employee to present the required combination of documents as proof of identity and employment authorization to the employer¹

¹ As required by Section 403(a) (2) (A) (ii) of IIRIRA, employers are required to accept List B (Documents that Establish Identity) documents on



Participating E-Verify Employers must initiate an employment verification query for all new employees, after completion of the Form I-9, and within three employer business days of an employee's start date. Information will be routed first to SSA for verification of Social Security Number, and then for non-U.S. citizens (USCs), the information will be verified by USCIS.

In cases where SSA or DHS records are unable to confirm work authorization without further information, the employer receives a Tentative Nonconfirmation (TNC) response through the system. Employers must provide the system-generated referral notice of a TNC response to the employee, and provide the employee an opportunity to contest the response. If the employee chooses to contest the case, the employer electronically refers the case in the system to the appropriate agency (either DHS or SSA) to resolve the discrepancy in the employee's record.

Simultaneously, the employee is directed to contact the appropriate agency to resolve any information discrepancies. Thereafter, the employer either resubmits the query to receive a final confirmation that the employee has the appropriate work authorization and/or the agency automatically provides the response through the system. Should the employer receive a final nonconfirmation, indicating that the employee does not have the appropriate work authorization as determined by E-Verify, the employer may either terminate the employee, or notify DHS while the employee continues to work, subject to potential penalties for knowingly employing an unauthorized alien.

Reason for the PIA Update

This Privacy Impact Assessment Update provides analyses of the privacy impacts associated with the following:

1. Expansion of the Photo Screening Tool to all employers utilizing E-Verify;
2. Use of additional data by VIS to provide identity and immigration status (including employment eligibility) from the following systems of records:
 - a) U.S. Visitor and Immigrant Status Indication Technology (US-VISIT) Program's Arrival and Departure Information System (ADIS) (72 FR 47057), which will provide real time entry and some existing data;
 - b) USCIS Redesigned Naturalization Automated Casework System (RNACS) (67 FR 20996) which will provide an additional source of naturalization data;
 - c) USCIS Computer Linked Application Information Management System (CLAIMS 4) (62 FR 11919) for Verification of Naturalization status for E-Verify; and
 - d) Immigration and Custom Enforcement's (ICE) Student and Exchange Visitor Information System (SEVIS) (70 FR 1477) for verification of Student and Exchange

the Form I-9 only if they include a photo. If documents are used in the Photo Screening Tool, employers must retain photocopies of the List B documents presented by the newly hired employee along with the employee's Form I-9. Employees retain the right to present any List A (Documents that establish both identity and employment eligibility) or a combination of List B and List C (Documents that establish employment eligibility) to complete the Form I-9 process. Employers must neither encourage nor discourage employees from using acceptable Form I-9 documentation simply because they may be verified utilizing the Photo Screening Tool. Employers must not take adverse action against employees based upon their documents tendered with the Form I-9.



Visitor status for SAVE.

3. Use of Person Centric Query (PCQ) Service by Immigration Status Verifiers (ISVs). As noted in the PCQ Update PIA for Verification Services published at the same time as this PIA, ISVs will begin using the PCQ Service to query the following databases: Claims 3, Claims 4, AR11², and CIS in order to more efficiently and effectively check USCIS databases to determine identity and immigration status (including employment eligibility).

All of these enhancements should reduce the number of TNCs resulting from both E-Verify and SAVE queries as well as increase the accuracy and efficiency when a TNC must be researched by an ISV.

Expansion of the Photo Screening Tool to all employers utilizing E-Verify

Initially available to a limited number of participating employers, the Photo Screening Tool will require, in certain instances, all participating employers to compare the physical photograph contained on the proof of identity and/or employment authorization document with the photograph on record in the BSS. If the employer receives a TNC from SSA and/or DHS in the first two steps of the employment verification process, they will be directed to follow TNC procedures and will not be directed to use Photo Screening Tool.

The Photo Screening Tool serves several purposes to include enabling employers to identify a mismatch in documentation provided by the newly hired employee or against documentation in the system, to help verify an employee's identity, and to prevent identity theft. If the employer discovers that photos do not match, the employer should follow instructions for contacting DHS. DHS will be responsible for determining if a document provided is fraudulent.

An employer is mandated to use the Photo Screening Tool portion of E-Verify when the following occurs:

- an employee provides a Form I-551 Permanent Resident Card or Form I-766 Employment Authorization Document (EAD);
- the employer does not receive a TNC from SSA and/or DHS in the first two steps of the employment verification process, or the TNC is successfully resolved; and
- VIS contains a transmittable photo obtained from the BSS.

If all of these conditions are met, the employer must compare the photo returned upon query through E-Verify with the photo on the Permanent Resident Card or EAD provided by the employee for completion of Form I-9.

The employer is prompted to select "yes" if there is a match, "no" if it does not match or "cannot determine" if the employer cannot visibly determine if there is a match. If the employer selects "yes", E-Verify will return a work authorized response for the employee. If the employer selects "no" or "cannot determine", E-Verify will issue a TNC.

² AR-11 contains alien change of address information.



Employers must inform the employee of the TNC response, and provide the employee an opportunity to contest the response by providing the employee with a hard copy of the system-generated referral notice. The referral notice provides the employee with information on why the employer received a TNC and explains how to contact either SSA or DHS, depending on the reason for the TNC. If the employee chooses to contest the case, the employer electronically refers the case to DHS to resolve the discrepancy in the employee's record. The employer must also provide the disputed documentation to DHS to assist with the appeal, as discussed below.

When a contested "no" or "cannot determine" response occurs indicating there is not a photo match, the employer must send the employee-provided Permanent Resident Card or Employment Authorization Document to DHS, either by scanning and uploading the document electronically, or by mailing a photocopy of the document. ISVs at DHS will then determine whether there is a photo match or non-match. Employers who choose to mail in copies of the employee's documentation may use an express mail account furnished and paid for by DHS. The employer must notify the employee of the final determination made by DHS.

If the employee chooses not to contest his or her TNC response, he or she may be terminated by the employer. Additional outreach materials will be developed for notification of the Photo Screening Tool, similar to the existing posters which all participating employers are required to display at their hiring sites.

Use of Additional Data by VIS

In order to improve the accuracy of VIS and to reduce the number of TNCs, USCIS is adding data from four different DHS systems of records: USVISIT ADIS, USCIS RNAC, USCIS CLAIMS 4, and ICE SEVIS.

ADIS will provide VIS with foreign passport numbers and U.S.-issued visa numbers for individuals who choose to present an unexpired foreign passport in conjunction with a U.S.-issued visa for their Form I-9 documentation. ADIS will provide VIS real time status as opposed to a nightly download, thus increasing the accuracy of data that is used for both VIS programs, E-Verify and SAVE. E-Verify will benefit by a reduced number of TNCs issued to newly arrived non-citizens. Furthermore, when individuals present documents for benefits determinations, ADIS will reduce the high volume of Additional Verification Requests issued by the SAVE Program to federal, state and local benefit issuing agencies. Agencies such as the Social Security Administration will benefit from a significant reduction in the number of cases referred to DHS for resolution.

RNACS will provide VIS with information on individuals who applied for naturalization or citizenship, who applied to replace naturalization certificates under the Immigration and Nationality Act, as amended, and who have submitted fee payments with such applications, from 1986 through 1996. Use of RNACS will reduce the high volume of TNCs resulting from SSA's inability, in some cases, to confirm citizenship for naturalized citizens. After the initial query but before SSA returns a TNC based on inability to confirm citizenship, all naturalization databases will be queried (including CLAIMS 4, CIS and RNACS). Records in the system may include dated documents filed or received with the legacy INS, codes of admission, and locations of record. This additional information will improve VIS's ability to confirm employment authorization upon



initial verification for individuals with documents issued between 1986 and 1996.

CLAIMS 4 will provide VIS with verification of naturalization status through the PCQ Service.³ Currently this information is only reviewed and used if there is a TNC.

VIS will use SEVIS information to enable the SAVE program to locate accurate information regarding the immigration status of non-U.S. citizen students who are in the United States for a limited time period. VIS will interface against the SEVIS database and display the status and expiration date of the non-citizens' student status.

Use of PCQ Service by Immigration Status Verifiers

As discussed in a separate PIA, ISVs will begin using the PCQ Service to conduct additional research when a TNC is issued. The PCQ Service was designed to improve the existing business information sharing capabilities between DHS and the Department of State (DOS); however VIS access and use of the PCQ will not include any DOS data. The PCQ Service will provide authorized DHS/DOS users with a consolidated view of all information about an individual in selected USCIS and DOS data bases.

Through PCQ Service, ISVs will receive a consolidated response to a query from the following systems: Claims 3, Claims 4, CIS, and AR-11. This information is already used by ISVs but is not provided in a consolidated format. The consolidated format identifies inaccuracies and inconsistencies that might exist and therefore reduce the time for identifying and resolving TNCs.

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

E-Verify has added the Photo Screening Tool, which will present a photo to the employer using E-Verify. This will allow the employer and DHS to identify possible identity fraud. It will not allow the employer to retain the photo provided by the system.

VIS will add four data sets to its existing processing in order to increase the accuracy and reduce the number of TNCs processed. Upon reviewing the privacy documentation for all four sets of data (USVISIT ADIS, USCIS RNACS, USCIS CLAIMS 4, and ICE SEVIS), the notices related to the purposes for the collection are consistent with the uses of the information by VIS to determine identity and immigration status.

As discussed in the PCQ Service PIA Update, the addition of the PCQ Service for ISVs will identify inconsistencies between databases, which should reduce the time it takes to identify and resolve TNCs.

Uses of the System and the Information

³ See PCQ Service Update PIA for a further discussion of the use of the Service by VIS.



The availability of additional data sets should reduce the number of TNCs and should help identify possible identity fraud through forged documents. The uses of the additional data sets are consistent with the existing notices provided for those data sets in the applicable system of records notices.

New training materials and a Photo Screening Tool Pilot Program will mitigate against the wrongful disclosure of the photograph. In addition, E-Verify's Monitoring and Compliance Branch will enable the program office to detect misuse of the system and information contained therein.

Retention

The photos are not retained within the VIS database. Similarly, VIS will not retain ADIS database information. Once the web user views the photo, the image is discarded and not retained on the web user's computer. Photos are retained by DHS if mailed to DHS in response to a TNC. The retention of these photos and all other records remains consistent with Section 3.0 of the April 1, 2007 VIS PIA.

Internal Sharing and Disclosure

The internal sharing of VIS information with other components of DHS has not changed. As new components choose to use E-Verify, they will be required to sign a Memorandum of Understanding (MOU) stating the terms of participation with USCIS and SSA. USCIS is using information from other parts of DHS, in particular US-VISIT ADIS information and ICE SEVIS. The addition of this information to VIS is appropriate given the need to provide accurate information on identity and immigration status for the E-Verify and SAVE programs.

External Sharing and Disclosure

The information concerning external sharing and disclosure remains consistent with Section 5.0 of the April 1, 2007 VIS PIA and the SORN. Rather than sharing with new groups of individuals, E-Verify will share the photos on file with USCIS with participating employers as discussed in the previously published PIA.

USCIS will provide additional technical assistance through the online Photo Screening Tool Tutorial. DHS plans to develop additional outreach materials for employees as well, similar to the posters participating E-Verify employers must display at their hiring sites.

The Photo Screening Tool Pilot Program has not indicated any abuses of the system or information contained within the system. New training materials, such as the Photo Screening Tool Tutorial, will mitigate the risk of wrongful disclosure of information.

E-Verify will continue to provide only minimal information to the employer beyond whether the employee is employment eligible or not. The data sets from the other systems of records will not be disclosed, but rather assist the system or the ISV to make a determination about the individual.



Notice

DHS is publishing an updated Privacy Act system of records notice in VIS to describe the additional sets of data to be used by VIS. The new systems in this PIA will not be used until the SORN is published in the Federal Register and is effective.

A Federal Register notice update is pending publication to announce the use of the Photo Screening Tool function to employers and the public, and system enhancements and use of additional data by VIS. The Federal Register notice describes the background of VIS, the Photo Screening Tool Pilot Program, how the Photo Screening Tool works and the implementation of Photo Screening Tool.

Individual Access, Redress, and Correction

Access, redress and correction have not changed with this update. Therefore, the procedures set forth within Section 7.0 of the April 1, 2007 VIS PIA remain in effect. Individuals may request access to their information by submitting a Privacy Act request to USCIS in writing clearly marked "Privacy Act Request" to the following address:

National Records Center
FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010

Requestors are required to provide their Alien Registration Number and/or full name, date and place of birth and return address.

Technical Access and Security

Use of the Enterprise Service Bus (ESB) will enable USCIS to implement greater security and privacy measures into the data usage and transfer process by providing a centralized mechanism for authenticating and authorizing service access and interface access. The ESB security service accomplishes common authentication and authorization to services deployed on its infrastructure. Unlike a Single Sign-On (SSO) infrastructure, this security infrastructure provides a common role-based security framework for the ESB-hosted services. SSO is a specialized form of software authentication that enables a user to authenticate one time and gain access to the resources of multiple software systems.⁴

Technical Access and Security remains consistent with Section 8.0 of the April 1, 2007 VIS PIA. VIS will interface with the ADIS system to return the information needed. VIS will access RNACS through a data extract (download) into VIS for 90 days from deployment. After the 90 days has lapsed, VIS will have access to RNACS via the PCQ Service.

Technology

⁴ See Privacy Impact Assessment for the USCIS Enterprise Service Bus, June 22, 2007, submitted by the USCIS Office of Information Technology.



All connections for data passing between systems via the ESB have been designed and implemented using secure communications mechanisms as provided for in the DHS Sensitive Systems Policy Directive 4300A and the DHS 4300A Sensitive Systems Handbook. Therefore, Technology remains consistent with Section 9.0 of the April 1, 2007 VIS PIA.

For the two systems that will not use the PCQ Service to deliver the information, the following controls have been placed on the information to ensure a secure transfer.

The RNACS data will be extracted on a one-time only basis and transmitted via File Transfer Protocol (FTP) from RNACS to VIS. A chain of custody log will be maintained for the RNACS data extract as it is transferred from RNACS to the VIS. The chain of custody log will include the name of the custodian who received the data, date, and record count. The extracted data will be stored at an off-site contractor location that meets the facility requirements in accordance with DHS 4300A. Additionally, the data may only be used by USCIS-cleared contractors and federal employees. The USCIS Information Technology Security Branch will have unilateral and complete visibility into the complete environment that stores the extracted data. This includes the off-site facility, server, application, and firewall logs, as well as any independent security verification relative to the security of the data. USCIS will fund and support a mitigation strategy towards a new solution to eliminate off-site data transfer and use of this one-time extract.⁵

For ADIS, Transmission Control Protocol/Internet Protocol (TCP/IP) traffic must be encrypted using application-level SSL protocols. The web interfaces with HTTPS, and the TCP/IP batch interfaces use Secure FTP via Secure Shell (SSH). In addition, where such software encryption is not possible, the network connection to the external clients have to be tunneled using encrypted virtual private network (VPN) sessions.

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⁵ A Memorandum of Agreement for use of RNAC Data Extract has been issued by the USCIS Office of Information Technology.



Approval Signature Page

Original signed and on file with the DHS Privacy Office

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