

DISCLOSURE OF SECTION 1367 INFORMATION TO NATIONAL SECURITY OFFICIALS FOR NATIONAL SECURITY PURPOSES

I. Purpose

This Directive serves as the principal reference for disclosing any information related to applicants for or beneficiaries of T Visa, U Visa, or Violence Against Women Act (VAWA) protections (“Section 1367 information”) for National Intelligence (including Foreign Intelligence and Counterintelligence) purposes to elements of the Intelligence Community or for counterterrorism purposes to elements of the Intelligence Community, other Federal departments and agencies, and foreign government entities.

II. Scope

This Directive applies throughout the Department of Homeland Security (DHS). It does not affect the disclosure of Section 1367 information in accordance with Title 8, United States Code (U.S.C.), Section 1367(b)(1)-(7).

III. Authorities

- A. Title 6, United States Code (U.S.C.), Section 112, “Secretary; functions”
- B. Title 8 U.S.C., Sections 1101(a)(15)(T), (a)(15)(U), (a)(51)
- C. Title 8, U.S.C., Section 1103, “Powers and duties of the Secretary, the Under Secretary, and the Attorney General”
- D. Title 8, U.S.C., Section 1367, “Penalties for Disclosure”
- E. Title 50, U.S.C., Chapter 15, “National Security Act of 1947,” as amended
- F. Executive Order (E.O.) 12,333, “U.S. Intelligence Activities,” as amended
- G. E.O. 13,388, “Further Strengthening the Sharing of Terrorism Information to Protect Americans”

- H. Privacy Incident Handling Guidance (Jan. 26, 2012)
- I. DHS Directive 002-02, "Implementation of Section 1367 Information Provisions"
- J. DHS Instruction 002-02-001, "Implementation of Section 1367 Information Provisions"

IV. Responsibilities

- A. The **Officer for Civil Rights and Civil Liberties (CRCL)** directs and oversees the implementation of the integration of civil rights and civil liberties across the Department, serving as the foundational DHS organization through which all Department-wide civil rights and civil liberties activities are overseen, defined, and measured, including the disclosure of Section 1367 Information. The Officer for CRCL manages the execution of this Directive.
- B. The **Under Secretary for Intelligence and Analysis (I&A)** serves as the Chief Intelligence Officer for the Department, exercising leadership and authority over intelligence policy and programs throughout the Department and, acting in conjunction with, and without preempting the authorities of the DHS Chief Information Officer and the DHS Chief Security Officer, exercising leadership over information sharing and safeguarding policy and programs throughout the Department in partnership with the Heads of Components, including with respect to the disclosure of information related to applicants for or beneficiaries of T Visa, U Visa or VAWA protections.
- C. The **Director of U.S. Citizenship and Immigration Services (USCIS)** oversees lawful immigration to the United States by establishing national immigration services policies and priorities, including with respect to the maintenance and disclosure of information related to applicants for or beneficiaries of T Visa, U Visa or VAWA protections.
- D. The **Chief Privacy Officer** is the senior official within the Department with primary responsibility for privacy compliance and policy, including with respect to the disclosure of information related to applicants for or beneficiaries of T Visa, U Visa or VAWA protections.
- E. The **Heads of Components** implement and execute all applicable policies and procedures set forth in this Directive and any implementing instructions or other policy guidance to the extent permitted by and consistent with their authorities and any restrictions imposed by statute, executive order, presidential or other directive, or national or departmental

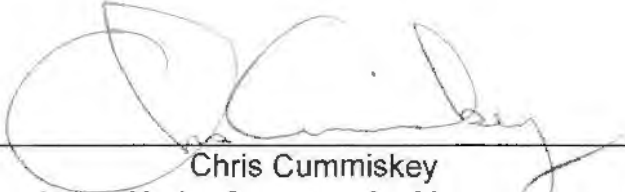
policy.

V. Policy and Requirements

- A. Consistent with applicable law, presidential directive, regulation, and national and departmental policy, Component Heads or their designees, in coordination with the Director of USCIS or his designees, disclose Section 1367 information to other Federal departments or agencies and foreign entities solely in furtherance of those entities' authorized counterterrorism functions, or to elements of the Intelligence Community for authorized intelligence functions in support of national missions or counterterrorism functions, and only in accordance with procedures for the Component jointly developed by the Component, I&A, USCIS, and CRCL.
- B. Only Section 1367 information that constitutes terrorism information (or, with respect to elements of the Intelligence Community outside the Department, as information determined to be relevant to the element's authorized intelligence function(s) in support of national missions) is permanently retained by the entity to which the information is disclosed.

VI. Questions

Address any questions or concerns regarding this Directive to CRCL.


Chris Cummiskey
Acting Under Secretary for Management

11/6/13
Date