



Privacy Impact Assessment Update

for the

I-94 Website Application

DHS Reference No. DHS/CBP/PIA-016(b)

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Homeland
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Abstract

The Department of Homeland Security (DHS), Customs and Border Protection (CBP), uses Form I-94 (Arrival/Departure Record) to provide nonimmigrant noncitizens documentation of their approved length of admission and record their departure from the United States. Customs and Border Protection is publishing this updated Privacy Impact Assessment (PIA) to provide notice of the ability for nonimmigrant noncitizens to use the CBP One™ mobile application¹ to access the same I-94 functionality and information that is available through the CBP I-94 website application (e.g., apply for a provisional I-94 in advance of arrival, search for their most recent I-94, view travel history, and view compliance). Additionally, this Privacy Impact Assessment update discusses a technical system change which allows some nonimmigrant noncitizens who entered without a foreign passport, such as those processed under the Migrant Protection Protocols (MPP) program,² the ability to utilize their A-number to search for their most recent I-94 through both the I-94 Website and the CBP One™ mobile application in order to retrieve and print their most recent electronic Form I-94. This is used by nonimmigrant travelers (to include Migrant Protection Protocols travelers) as a means to provide proof of their legal admission (or parole) into the United States. Finally, the “View travel history” module for both I-94 website and CBP One™ mobile application now returns 10 years of travel history versus only returning 5 years of travel history previously.

Overview

Upon admission to the United States, Customs and Border Protection issues Form I-94 (Arrival/Departure Record)³ to certain nonimmigrant noncitizens,⁴ refugees, asylees, 1367 protected classes, and parolees. Customs and Border Protection uses this form to collect certain information from nonimmigrant noncitizens as well as to set their term of admission into the United States. Customs and Border Protection previously published the I-94 Website Application

¹ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE CBP ONE™ MOBILE APPLICATION, DHS/CBP/PIA-068 (May 2021), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

² See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE PROCESSING INDIVIDUALS SUBJECT TO MIGRANT PROTECTION PROTOCOLS, DHS/CBP/PIA-070 (May 2021), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

³ See CBP Form I-94 Arrival/Departure Record, available at: <https://www.cbp.gov/sites/default/files/documents/CBP%20Form%20I-94%20English%20SAMPLE%20Watermark.pdf>.

⁴ Nonimmigrant noncitizens are foreign nationals admitted temporarily to the United States within classes of admission that are defined in section 101(a)(15) of the Immigration and Nationality Act (INA). Examples of nonimmigrant classes of admission include foreign government officials, temporary visitors for business and pleasure, noncitizens in transit, treaty traders and investors, academic and vocational students, temporary workers, exchange visitors, athletes and entertainers, victims of certain crimes, and certain family members of United States citizens and lawful permanent residents (LPR).



Privacy Impact Assessment⁵ which described new features in the I-94 website⁶ that: 1) allowed nonimmigrant noncitizens to access their travel history from the past five years (entry and exit from the United States); 2) allowed nonimmigrant noncitizens entering the United States at land ports of entry to pay their I-94 processing fee in advance; and 3) allowed certain travelers to check the status of their admission in the United States.

In the previous Privacy Impact Assessment, Customs and Border Protection outlined that the Nonimmigrant Information System (NIIS)⁷ stores all I-94 arrival and departure records collected via the CBP.gov public website. In November 2020, the I-94 data, processes, and associated interfaces in the Nonimmigrant Information System were migrated to the Arrival and Departure Information System (ADIS)⁸ and the Arrival and Departure Information System became the system of record for all I-94 data. The Arrival and Departure Information System is a repository of biographic, biometric indicator, and encounter data, consolidated from various systems, on nonimmigrant noncitizens who have applied for entry, entered, or departed the United States. The Arrival and Departure Information System is designed to track overstays⁹ by compiling information from a variety of federal systems to create a complete travel profile of an individual using his or her travel history. Customs and Border Protection uses the Arrival and Departure Information System to primarily facilitate the investigation of subjects of interest who may have violated their immigration status by remaining in the United States beyond their authorized stay. The Arrival and Departure Information System also assists Customs and Border Protection and other Department of Homeland Security components in determining a nonimmigrant noncitizen's immigration benefits eligibility and violations of immigration statutes and regulations. It also assists other federal agencies (such as the Department of State (DOS)) in determining a nonimmigrant noncitizen's visa eligibility. The Arrival and Departure Information System also provides information in support of law enforcement, intelligence, and national security

⁵ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE I-94 WEBSITE APPLICATION, DHS/CBP/PIA-016(a) (2017), available at <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp016-i94automation-september2017.pdf>.

⁶ See I-94 Website Application, available at: <http://i94.cbp.dhs.gov>.

⁷ See DHS/CBP-016 Nonimmigrant Information System, 80 FR 13398 (March 13, 2015), available at <https://www.dhs.gov/system-records-notices-sorns>. The Nonimmigrant Information System is a subsystem housed on the CBP TECS platform; U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE TECS SYSTEM: PLATFORM, DHS/CBP/PIA-021 (August 2016), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

⁸ See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE ARRIVAL AND DEPARTURE INFORMATION SYSTEM, DHS/CBP/PIA-024(c) (December 2020), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

⁹ An overstay is a nonimmigrant who was lawfully admitted to the United States for an authorized period but remained in the United States beyond his or her authorized period of admission. The authorized admission period can be a fixed period; or for the duration of a certain activity, such as the period during which a student is pursuing a full course of study or any authorized technical/practical training.



investigations. In 2013, as part of I-94 Automation, Customs and Border Protection automated the I-94 form in the air and sea environment and launched the I-94 website at the same time. Most recently, I-94 Automation led to the elimination of the paper I-94 form at the land border aligning Customs and Border Protection's I-94 processes across the land, sea, and air environments. I-94 Automation means only electronic I-94 records are issued to a nonimmigrant noncitizen upon arrival at land, air, or seaports of entry, except in limited circumstances.

Reason for the PIA Update

Customs and Border Protection is publishing this updated Privacy Impact Assessment to provide notice that the I-94 website functionality and information is now available through the CBP One™ mobile application. Users are now able to provide the same biographic, travel document and trip information from nonimmigrant noncitizens that they provide through the Customs and Border Protection I-94 website to CBP One™ and the mobile application will be able to perform the same functionality and display the same information. Additionally, those who use the CBP One™ mobile application to apply for an I-94 in advance will be able to quickly scan their travel document information, using a Machine Readable Zone (MRZ) scan capability built into the mobile application, which will read the biographic data from the traveler's documents and enter it into the corresponding data fields in the mobile application, streamlining the data entry process when applying for an I-94 in advance of arrival. All other steps in the I-94 application process will remain the same, and users will still be required to submit their payment through Pay.gov.¹⁰ Additionally, this Privacy Impact Assessment update discusses a technical system change for nonimmigrant noncitizens who were issued a Form I-94 without having a foreign passport, such as those processed under the Migrant Protection Protocols, who have been lawfully admitted (or paroled) into the United States — they can now use CBP One™ and the Customs and Border Protection I-94 website to retrieve and print their most recent electronic Form I-94 by using their A-number to locate their records.

CBP One™ Mobile Application, I-94 Functionality

In October 2020, Customs and Border Protection launched a mobile application, CBP One™, which serves as the single point of entry for travelers and stakeholders to access Customs and Border Protection mobile applications and services. Customs and Border Protection is now integrating I-94 website functions into CBP One™, providing a mobile version of the Customs and Border Protection I-94 website to nonimmigrant noncitizens. This new mobile tool helps Customs and Border Protection facilitate lawful travel to the United States via land by providing a more convenient way for nonimmigrant noncitizens to request an I-94 prior to arrival, review their current I-94 and past travel history, and check their I-94 expiration date from their mobile

¹⁰ See Treasury Financial Management Service Pay.gov PIA, available at https://www.fms.treas.gov/pia/paygov_pia%20.pdf.



device. Certain nonimmigrant noncitizens who are issued Form I-94s during the admission process at the port of entry are able to utilize these features by entering their biographic and admission document information into the queries.

In order to access the CBP One™ mobile application I-94 functionality, the user must select “Traveler” from the list of options on the landing page. This will lead the user to the “Select Travel Method” screen which offers a choice of land, air, or sea. Currently, a user can only access the I-94 functionality by selecting “Land.” After selecting “Land”, the “Traveler” screen will appear, and the user can select from the following I-94 options: “Apply for an I-94 in Advance,” “Get My Recent I-94,” “View My Travel History,” and “View My Compliance.”

CBP One™ collects and uses the same biographic and travel document information as the Customs and Border Protection I-94 website. The only change is that CBP One™ can also collect this information via Machine Readable Zone scan feature embedded into the mobile application. The Machine Readable Zone scan feature is used to scan the machine-readable zone on the travel document (e.g., passport, Border Crossing Card) to auto-populate the travel document information into the travel document text fields on the submission screen. The Machine Readable Zone scan does not capture a photograph from the user’s travel document.

Fair Information Practice Principles (FIPPs)

The Privacy Act of 1974 articulates concepts of how the federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information (PII). The Homeland Security Act of 2002 Section 222(a)(2) states that the Chief Privacy Officer shall assure that information is handled in full compliance with the fair information practices as set out in the Privacy Act of 1974.

In response to this obligation, the DHS Privacy Office developed a set of Fair Information Practice Principles (FIPPs) from the underlying concepts of the Privacy Act to encompass the full breadth and diversity of the information and interactions of DHS. The Fair Information Practice Principles account for the nature and purpose of the information being collected in relation to DHS’s mission to preserve, protect, and secure.

DHS conducts Privacy Impact Assessments on both programs and information technology systems, pursuant to the E-Government Act of 2002 Section 208 and the Homeland Security Act of 2002 Section 222. Given that the I-94 Automation is a phased program, rather than a particular information technology system, this Privacy Impact Assessment is conducted as it relates to the DHS construct of the Fair Information Practice Principles. This Privacy Impact Assessment Update examines the privacy impact of adding the I-94 functions available on the I-94 website to the CBP One™ mobile application as they relate to the Fair Information Practice Principles.



1. Principle of Transparency

Principle: DHS should be transparent and provide notice to the individual regarding its collection, use, dissemination, and maintenance of personally identifiable information. Technologies or systems using personally identifiable information must be described in a SORN and PIA, as appropriate. There should be no system the existence of which is a secret.

Customs and Border Protection continues to provide arriving travelers with information about the I-94 website through press releases, signage, and industry outreach. Users of the I-94 website must still consent to a Terms of Service notice prior to being authorized to enter any information. In addition, a privacy policy, titled “Terms and Conditions,” is embedded into CBP One™ and appears prior to logging into CBP One™. The mobile application user must consent to this notice prior to logging into the mobile application. Customs and Border Protection reserves the right to make changes to the mobile application privacy policy by giving notice to its user on its “Terms and Conditions” front page, and by ensuring protection of personally identifiable information in all cases. Customs and Border Protection strongly recommends visiting this page often and referring to the dates of the modification.

CBP One™ mobile and I-94 website application users submitting information on behalf of another traveler(s), are responsible for notifying each traveler about information collected and submitted to Customs and Border Protection through CBP One™ and the I-94 website. Users may not, under any circumstances, submit or query information on either CBP One™ or the I-94 website about a traveler other than themselves, unless they are an authorized agent for the other traveler.

2. Principle of Individual Participation

Principle: DHS should involve the individual in the process of using personally identifiable information. DHS should, to the extent practical, seek individual consent for the collection, use, dissemination, and maintenance of personally identifiable information and should provide mechanisms for appropriate access, correction, and redress regarding DHS’s use of personally identifiable information.

With the launch of CBP One™, travelers can now use this mobile application as another tool to access the same information provided on the I-94 website (e.g., apply for a new I-94, get their most recent I-94, view their travel history and compliance status). Additionally, those nonimmigrant noncitizens who utilized an A number to apply for Form I-94, such as individuals processed under the Migrant Protection Protocols, may now input their A-number to retrieve and print their most recent electronic I-94 form to show proof of admission (or parole) into the United States. There have been no other changes to individual participation since the last Privacy Impact Assessment.



3. Principle of Purpose Specification

Principle: DHS should specifically articulate the authority which permits the collection of personally identifiable information and specifically articulate the purpose or purposes for which the personally identifiable information is intended to be used.

The authorities governing the collection or sharing of I-94 information remain the same as the original Privacy Impact Assessment.

The development of CBP One™ is consistent with Customs and Border Protection's original purpose of collection and constitutes enhancements to Customs and Border Protection's ability to process incoming travelers and facilitate travelers' access to relevant information.

4. Principle of Data Minimization

Principle: DHS should only collect personally identifiable information that is directly relevant and necessary to accomplish the specified purpose(s) and only retain personally identifiable information for as long as is necessary to fulfill the specified purpose(s). Personally identifiable information should be disposed of in accordance with DHS records disposition schedules as approved by the National Archives and Records Administration (NARA).

Customs and Border Protection collects the same biographic, travel document and trip information from the traveler through the CBP One™ mobile application and I-94 website. Customs and Border Protection One™ does not store any information in the CBP One™ application itself. Traveler and document data is stored on a user's personal device in local storage. Customs and Border Protection has no access to this data. Customs and Border Protection uses information collected from CBP One™ to create I-94 provisional applications and to query an individual's most recent I-94 or prior ten-year travel history within the Arrival and Departure Information System. The Arrival and Departure Information System stores all information related to arrival and departure records. The Arrival and Departure Information System System of Records Notice states the following, "Testing and training data will be purged when the data is no longer required. Electronic records for which the statute of limitations has expired for all criminal violations or that are older than 75 years, whichever is longer, will be purged."¹¹

5. Principle of Use Limitation

Principle: DHS should use personally identifiable information solely for the purpose(s) specified in the notice. Sharing personally identifiable information outside the Department should be for a purpose compatible with the purpose for which the personally identifiable information was collected.

Customs and Border Protection uses Login.gov to provide a secure and credentialed way for travelers to use the CBP One™ application to access the I-94 functionality. Users can access

¹¹ See DHS/CBP-021 Arrival and Departure Information System (ADIS), 80 FR 72081 (November 18, 2015), available at <https://www.dhs.gov/system-records-notice-sorns>.



the same information available on the I-94 website through CBP One™. There have been no changes to use limitation since the last Privacy Impact Assessment.

6. Principle of Data Quality and Integrity

Principle: DHS should, to the extent practical, ensure that personally identifiable information is accurate, relevant, timely, and complete, within the context of each use of the personally identifiable information.

There have been no changes to data quality and integrity since the last Privacy Impact Assessment.

7. Principle of Security

Principle: DHS should protect personally identifiable information (in all forms) through appropriate security safeguards against risks such as loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure.

There have been no changes to security since the last Privacy Impact Assessment.

8. Principle of Accountability and Auditing

Principle: DHS should be accountable for complying with these principles, providing training to all employees and contractors who use personally identifiable information, and should audit the actual use of personally identifiable information to demonstrate compliance with these principles and all applicable privacy protection requirements.

There have been no changes to accountability and auditing since the last Privacy Impact Assessment.

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Approval Signature

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

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