



# Privacy Impact Assessment

for the

## Processing Individuals Subject to Migrant Protection Protocols (MPP)

**DHS Reference No. DHS/CBP/PIA-070**

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**Homeland  
Security**



## Abstract

U.S. Customs and Border Protection (CBP) is tasked with safeguarding America's borders while enhancing the nation's global economic competitiveness by enabling legitimate trade and travel. As of February 2021, there were approximately 25,000 individuals enrolled in Migrant Protection Protocols (MPP) outside of the United States awaiting adjudication of their removal proceedings. CBP will leverage technology solutions, including facial recognition technology, to verify MPP enrollment and case status, and streamline these individuals' processing into the United States. CBP is conducting this Privacy Impact Assessment (PIA) to assess the privacy risks and mitigations associated with the biometric and biographic information collected to process individuals enrolled in MPP.

## Overview

On January 21, 2021, the U.S. Department of Homeland Security (DHS) suspended new enrollments in the MPP. Currently, it is estimated that there are approximately 25,000 individuals enrolled in MPP outside the United States awaiting removal proceedings before the U.S. Department of Justice (DOJ), Executive Office for Immigration Review (EOIR).<sup>1,2</sup> Under MPP, certain individuals attempting to enter the United States illegally or without documentation, were not permitted to enter the United States to await the status of their immigration claim. Instead, these individuals were provided with a Notice to Appear (NTA) for their immigration court hearing and returned to Mexico until their hearing date. The Mexican government allowed individuals to stay in Mexico while awaiting their hearing dates, and many non-governmental and international organizations are providing those individuals legal and humanitarian assistance during their time in Mexico.

As announced by DHS on February 19, 2021, DHS, including CBP, began phase one of a program to begin processing people out of MPP.<sup>3</sup> In coordination with the U.S. Department of State (State), DOJ, the Government of Mexico (GoM), and various non-governmental and international organizations, CBP has developed a technical and operational solution to safely and

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<sup>1</sup> The Department of Justice's Executive Office for Immigration Review (EOIR) administers the Nation's immigration court system. After DHS charges a noncitizen with violating immigration laws, EOIR decides whether that individual is removable from the country and if found removable, whether the individual qualifies for protection or relief from removal. To make these determinations, EOIR's Office of the Chief Immigration Judge (OCIJ) has approximately 350 immigration judges who conduct removal hearings and other administrative court proceedings in approximately 60 immigration courts nationwide. See [https://www.justice.gov/eoir/page/file/eoir\\_an\\_agency\\_guide/download](https://www.justice.gov/eoir/page/file/eoir_an_agency_guide/download).

<sup>2</sup> See "Migrant Protection Protocols Metrics and Measures," available at [https://www.dhs.gov/sites/default/files/publications/migrant\\_protection\\_protocols\\_metrics\\_and\\_measures\\_3.pdf](https://www.dhs.gov/sites/default/files/publications/migrant_protection_protocols_metrics_and_measures_3.pdf).

<sup>3</sup> See DHS Press Release, DHS Announces Process to Address Individuals in Mexico with Active MPP Cases (February 11, 2021), available at <https://www.dhs.gov/news/2021/02/11/dhs-announces-process-address-individuals-mexico-active-mpp-cases>.



efficiently process eligible MPP enrollees for parole into the United States.

## Background

In 2019, facing a growing security and humanitarian crisis on the southwest border due to an unprecedented number of migrants and family units attempting to enter the United States,<sup>4</sup> then-Secretary of Homeland Security Kirstjen Nielsen issued a memorandum<sup>5</sup> creating the “Migrant Protection Protocols.” MPP are a U.S. Government (USG) action whereby citizens and nationals of countries other than Mexico arriving in the United States by land from Mexico—whether or not at a port of entry—may be returned to Mexico pursuant to Section 235(b)(2)(C) of the Immigration and Nationality Act (INA) while their U.S. removal proceedings are pending under Section 240 of the INA. This means that under MPP, noncitizens entering or seeking admission to the United States from Mexico—whether at a port of entry without proper documentation or between the ports of entry—were returned to Mexico and required to wait outside of the United States for the duration of their immigration proceedings.

## Initial Processing by CBP

Noncitizens subject to MPP originally arrived at a United States port of entry or were apprehended by U.S. Border Patrol between the ports of entry, and as such were initially processed under standard CBP processing procedures. CBP officers use the TECS-based primary system<sup>6</sup> while U.S. Border Patrol agents use the E3<sup>7</sup> system for the initial intake of information from noncitizens. CBP officers use Unified Secondary<sup>8</sup> (prior to July 2020, officers used the Secure Integrated Government Mainframe Access (SIGMA) system) for secondary inspection immigration event management and a module of the Automated Targeting System (ATS)<sup>9</sup> to generate immigration referrals.<sup>10</sup>

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<sup>4</sup> In October, November, and December of 2018, DHS encountered an average of 2,000 inadmissible individuals a day at the Southern border. While not an all-time high in terms of overall numbers, record increases were seen in particular types of migrants, such as family units, travelling to the border.

<sup>5</sup> See Policy Guidance for Implementation of the Migrant Protection Protocols (January 25, 2019), *available at* <https://www.dhs.gov/publication/policy-guidance-implementation-migrant-protection-protocols>.

<sup>6</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE TECS SYSTEM, DHS/CBP/PIA-009 (2010 and subsequent updates), *available at* <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

<sup>7</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE CBP PORTAL (E3) TO ENFORCE/IDENT, DHS/CBP/PIA-012 (2012 and subsequent updates), *available at* <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

<sup>8</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR UNIFIED SECONDARY, DHS/CBP/PIA-067 (2020), *available at* <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

<sup>9</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE AUTOMATED TARGETING SYSTEM, DHS/CBP/PIA-006 (2007 and subsequent updates), *available at* <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

<sup>10</sup> Of note, CBP has recently deployed Unified Secondary, which replaces some of the functionality of SIGMA and



Individuals found to be inadmissible and placed into removal proceedings were done so because they were either apprehended between the ports of entry, or they lacked proper documentation. Individuals subject to processing pursuant to MPP enrollment were processed for an immigration adverse action. Processing included sworn statements, the specific legal charges/violations, the final determination of inadmissibility, and other documentation necessary to address admissibility determinations and immigration status.

The CBP officer or agent could complete specific forms and documents related to admissibility and immigration status that were added to the subject's Alien File (A-File), which noted the inspection and results that led to the CBP officer or agent determination. This information was electronically recorded and generated for the A-File using SIGMA (until retired), Unified Secondary, or E3. Individuals processed pursuant to MPP were identified as being enrolled in MPP using a specific disposition code. All MPP dispositions are treated as adverse or administrative immigration actions and were automatically sent to and stored in the U.S. Immigration and Customs Enforcement (ICE) Enforcement Integrated Database (EID).<sup>11</sup> Since all MPP enrollees are in active removal proceedings, their information was also shared from ICE EID to the DOJ EOIR.

### *Biometric Enrollment*

All persons encountered by CBP attempting to enter or exit the United States, including noncitizens attempting unlawful admission and those who are subject to removal, are subject to data collection requirements and processes that include providing biometric data.<sup>12</sup> CBP uses the E3 biometrics portal to capture, transmit, and store fingerprints, photographs, and iris data (if available) to ICE EID and the DHS Automated Biometric Identification System (IDENT), and its successor Homeland Advanced Recognition Technology System (HART),<sup>13</sup> for processing, identification, and biometric verification of identity for individuals encountered or apprehended at

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legacy secondary processing systems. For a full description of Unified Secondary and its privacy risks and mitigations, please see U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR UNIFIED SECONDARY, DHS/CBP/PIA-067 (2020), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

<sup>11</sup> EID is a DHS shared common database repository used by several DHS law enforcement and homeland security applications. EID stores and maintains information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by ICE, U.S. Citizenship and Immigration Services (USCIS), and CBP. EID supports ICE's processing and removal of noncitizens from the United States. See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, PRIVACY IMPACT ASSESSMENT FOR THE ENFORCEMENT INTEGRATED DATABASE (EID), DHS/ICE/PIA-015 (2010 and subsequent updates), available at <https://www.dhs.gov/privacy-documents-ice>.

<sup>12</sup> 8 CFR 235.1(f)(1)(ii) & (iii) upon entry (provide biometric identifiers).

<sup>13</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE OF BIOMETRIC IDENTITY MANAGEMENT, PRIVACY IMPACT ASSESSMENT FOR THE AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM, DHS/OBIM/PIA-001 (2012), and HOMELAND ADVANCED RECOGNITION TECHNOLOGY SYSTEM INCREMENT 1, DHS/OBIM/PIA-004 (2020), available at <https://www.dhs.gov/privacy-documents-office-biometric-identity-management-obim>.



the border.

During biometric enrollment, CBP officers and agents verified the identity of the MPP enrollees considered to be in-scope for biometric collection—or on a case-by-case basis for those individuals considered out of scope for biometric collection—by capturing enrollee photographs and fingerprints in the applicable system (listed above) and transmitting them in real-time to IDENT. IDENT automatically searched for possible matches among its repository of fingerprint images. IDENT either matches the fingerprint image to a previously encountered individual's scanned fingerprint or enrolls the fingerprint image in its database by assigning a Fingerprint Identification Number (FIN), since the individual had no biometric records already stored in the databases.

Following biometric enrollment, CBP processes and provides enrollees with a Notice to Appear, Form I-862. The notice contains the date, time, and location of the enrollee's initial court hearing and includes an informational "tear sheet"—provided in English, Spanish, or Portuguese, as appropriate—stating the date, time, and port of entry at which to appear, so they might be transported or escorted to their immigration court hearing.<sup>14</sup>

In coordination with the Mexican government, many non-governmental and international organizations, to include the United Nations High Commission on Refugees (UNHCR), have been providing humanitarian and legal assistance to individuals in Mexico awaiting their immigration hearings. To assist in processing these individuals out of MPP, these organizations are expected to identify MPP enrollees, verify their identity and MPP status, and transport them to a designated port of entry.<sup>15</sup>

### Processing Individuals out of MPP

As of February 2021, there were approximately 25,000 individuals enrolled in MPP located outside of the United States awaiting adjudication of their immigration claims. CBP is leveraging technology solutions, including facial recognition technology, to minimize interaction between officers and migrants, eliminate the need for short or long-term introduction of migrants into congregate settings, and facilitate the enrollee's parole into the United States, unless known risk factors are present.

CBP processing for migrants previously placed in MPP will be limited to:

1. Verifying identity using biometrics and biographic data;
2. Verifying that the migrant was processed pursuant to MPP and removal

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<sup>14</sup> For a sample Form I-862, see <https://www.justice.gov/eoir/dhs-notice-appear-form-i-862>.

<sup>15</sup> These organizations may send information to the ports of entry via email regarding the number of individuals they intend to bring that day, as well as limited biographic information. CBP does not store this information in any IT systems.



proceedings are ongoing with no final order issued in the case by an immigration judge;

3. Verifying that the migrant does not present risk factors consistent with terrorism or criminal activity; and
4. Generating electronic I-94<sup>16</sup> with Class of Admission “Port of Entry Parole.” Migrants must provide CBP with a valid address including street name and country of residence to generate the I-94.

### *Biometric Verification of Enrollees using the Traveler Verification Service (TVS)*

CBP is working with various international organizations identified by State as having established roles supporting the Government of Mexico to provide services to MPP enrollees. International organizations will verify that individuals are enrolled in MPP and have ongoing removal proceedings to streamline their processing into the United States. Individuals working for an international organization will serve as agents for the returning MPP population during this process and are authorized to submit information to CBP on behalf of the MPP enrollees.

Using the existing CBP One™ Mobile Application,<sup>17</sup> CBP has created a function whereby international organizations can conduct a biometric and biographic-based records check of DHS information to confirm whether an individual is eligible for processing into the United States as part of the returning MPP population. Once approved by State, CBP will grant participation access to the CBP One™ Mobile Application to the international organization, and the function will not be available unless the user creates a Login.gov account using an email address from an approved domain (e.g., @unicef.org).

Once international organization users have access to the functionality in CBP One™ they will be able to use the application to determine if individuals are enrolled in MPP, as well as if they have an active immigration proceeding (i.e., with no final adjudication or termination). To do this, the international organization user will take a photograph of the individual using the CBP One™ mobile application. Once the user submits the photograph, CBP One™ will attempt to match the image against a pre-staged Traveler Verification Service (TVS)<sup>18</sup> gallery that is populated with approximately 70,000 images from the MPP EID database. CBP will generate a gallery based on images collected during the initial encounter with the MPP enrollee by CBP. If a

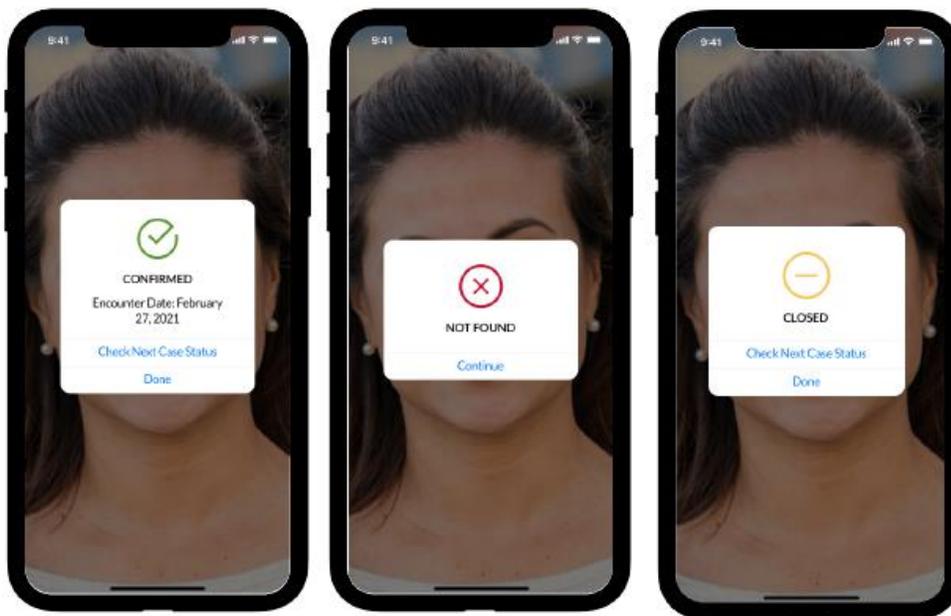
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<sup>16</sup> Form I-94 is the arrival/departure record issued to noncitizens who are admitted to the United States, who are adjusting status while in the United States, or extending their status, among other uses.

<sup>17</sup> 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 (2021), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

<sup>18</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION, PRIVACY IMPACT ASSESSMENT FOR THE TRAVELER VERIFICATION SERVICE, DHS/CBP/PIA-056 (2018), available at <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.

match is made, CBP will send the biographic information (e.g., first and last name, date of birth) associated with the EID image to the U.S. Citizenship and Immigration Services' Person Centric Query System (PCQS)<sup>19</sup> to verify that the individual still has a pending case before an immigration judge. Individuals with a final immigration adjudication are not eligible to continue MPP processing. Once both the EID and PCQS search are complete, CBP sends a response back to the international organization user. The response is either a green check mark, a yellow bar, or a red "X". Additionally, the user may receive a system error message.



**Figure 1: CBP One™**

A green check mark indicates that the individual, whose picture the user submitted to CBP, is enrolled in MPP and has a pending case before an immigration judge. A yellow bar indicates that the individual is enrolled in MPP, but the individual's immigration case is now closed, which makes them ineligible for processing into the United States as an MPP enrollee, or that CBP was unable to locate an immigration case for the individual. The international organization user can then check the DOJ EOIR website to determine the case status and if the information CBP provided through CBP One™ is accurate. A red "X" means that CBP was unable to locate MPP enrollee information in CBP's MPP database in EID.

<sup>19</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR THE PERSON CENTRIC QUERY SERVICE, DHS/USCIS/PIA-010 (2016 and subsequent updates), available at <https://www.dhs.gov/uscis-pias-and-sorns>.



If they receive a red “X” the international organization user can submit an alien identification number (A-Number) as an alternative method of search. Additionally, the user can select a “decline to provide” button when asked to provide a photograph of the individual, which will allow the user to submit the individual’s A-Number, with the individual’s consent. The A-Number query will be sent to EID and PCQS to try and locate information in those systems associated with the A-Number. Like with the photograph submission, CBP then sends a response back to the user with either a green check mark, yellow bar, or a red “X” based on the record located. If the user receives another red “X,” the final option will be to collect biographic information (e.g., first and last name, date of birth) from the individual using CBP One™.<sup>20</sup> The biographic information is also submitted to EID and PCQS to locate matching records. As with the previous queries, CBP then sends a response back to the user with either a green check mark, a yellow bar, or a red “X.” Along with the green check mark, CBP will also provide the date the MPP enrollee was enrolled in MPP. This will assist the user in prioritizing MPP enrollees to present to CBP for processing into the United States.

### *Prioritization and Vulnerability Assessments*

With thousands of MPP enrollees external to the United States awaiting immigration court hearings as of February 2021, CBP cannot operationally process all individuals at once. CBP will not make priority determinations regarding the order in which individuals are transported to the port of entry for processing. CBP will make final decisions about who is permitted to enter the United States and how they are processed.

External stakeholders and partner organizations have robust processes, guided by prioritization recommendations from DHS and State, for making their own prioritization decisions of this population, including assessing individuals who may be in situations of special vulnerability. These organizations will use their own tools and criteria for determining who they intend to bring to the ports of entry first.<sup>21</sup>

International organizations are expected to ensure that all MPP enrollees have received a recent negative COVID-19 antigen test before identifying and transporting them to the port of entry for CBP processing. If possible, the international organization should use COVID-19 rapid antigen tests, ensuring individuals are tested and immediately brought to the port of entry upon receipt of negative test results to limit the potential of further COVID-19 introduction into the United States.

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<sup>20</sup> Initially, the option to input biographic information will not be available and IOs will only be able to use facial comparison and A-Number inputs. CBP plans to quickly implement the biographic input option upon roll-out of this initiative.

<sup>21</sup> For example, see the United Nations High Commission on Refugees “Vulnerability Screening Tool,” *available at* <https://www.unhcr.org/en-us/protection/detention/57fe30b14/unhcr-idx-vulnerability-screening-tool-identifying-addressing-vulnerability.html>.

### *Arrival at the Port of Entry*

External stakeholders and partner organizations in Mexico are expected to transport eligible migrants to pre-determined ports of entry where the migrants will be escorted to the international boundary for CBP processing. All processing of this population will take place in a pedestrian environment.

CBP will process arriving MPP enrollees using existing CBP Simplified Arrival<sup>22</sup> facial comparison technology. Simplified Arrival uses biometrics to initiate the inspection and system checks, using facial comparison as the primary biometric verification modality. Simplified Arrival is not available at all ports of entry but is in operation at all ports processing MPP enrollees. Using the same galleries populated with images from all MPP enrollees collected during the initial CBP encounter with the MPP enrollees, CBP will conduct a facial comparison of the individual's photograph taken at primary inspection and the 70,000 individuals in the MPP gallery.

CBP will use dedicated lanes and officers to initiate the MPP enrollee inspection and system checks. This shift from a biographic, document-based system to biometrically initiated transactions requires travelers to provide facial photos for identity verification purposes.

Using CBP Simplified Arrival, CBP will verify that the individual being inspected is enrolled in MPP and has active, ongoing removal proceedings. Simplified Arrival will return EOIR details, to include the immigration judge decision, decision date, and latest hearing date. Absent risk factors, the processing officer will generate the electronic I-94 with Class of Admission "Port of Entry Parole," which will require the entry of an address field, street name, and country of residence. Generally, CBP conducts a full primary inspection and may refer the individual to secondary screening for any reason that requires further inspection. Following inspection, CBP will release the individual from primary inspection and may direct them to ICE for further determinations. If there are risk factors present, the individual will not be eligible for parole using this process and will be taken into custody and referred to ICE for mandatory detention.

### *Post-Entry Requirements*

Absent relevant risk factors that would require referral to ICE for mandatory detention, CBP may parole the individual into the United States under INA § 212(d)(5), generate an electronic I-94, release the individual from primary, and direct them to ICE.

Following admission to the United States, individuals who are enrolled in MPP likely will not have a valid travel document to present to the Transportation Security Administration (TSA) for identity verification. Therefore, once MPP enrollees are admitted to the United States, they will be unable to board domestic flights to their various destinations. CBP has created a new user role

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<sup>22</sup> Simplified Arrival is described in full in the published Traveler Verification Service PIA, *available at* <https://www.dhs.gov/privacy-documents-us-customs-and-border-protection>.



in CBP One™ to allow TSA supervisors the ability to take a new photograph of the MPP enrollee, and using the TVS facial comparison technology, match the individual seeking entry to the airport sterile area with a photograph in the existing pre-staged MPP gallery. This photograph and subsequent match using CBP One™ will serve as identity verification for TSA Travel Document Checkers to permit an individual into the sterile airport environment. Only TSA personnel at certain airports near the border will be permitted to access CBP One™ for this purpose, and will only be permitted to take the photo with a government device.

### *Principles for Health and Safety Protocols*

Paramount in all planning activities is the safety of DHS employees, the American public, and the noncitizens themselves. COVID-19 presents challenges, but DHS believes that a safe, speedy, and orderly process has been established consistent with appropriate safety protocols. The plan includes administering COVID-19 testing for individuals in MPP prior to their arrival at the ports of entry, continuous use of facial coverings for all parties during processing, maintenance of medically-recommended physical distancing, utilization of technology to limit interaction between DHS personnel and the eligible MPP individuals being processed, and full compliance with federal, state, and local health orders.

## **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?**

CBP's authority to conduct inspections and detentions at the border is codified in: 8 U.S.C. §§ 1225 and 1357; 19 U.S.C. §§ 482, 507, 1461, 1496, 1499, 1581, 1582, and 1595a(d); 22 U.S.C. § 401; 31 U.S.C. § 5317; the Homeland Security Act of 2002 (Pub. L. 107-296), as amended by the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-456, 118 Stat. 3638); the Tariff Act of 1930, as amended; and the Immigration and Nationality Act ("INA"), codified at 8 U.S.C. § 1101 et seq., as well as the attending regulations of CBP promulgated at Titles 8 and 19 of the Code of Federal Regulations.

In addition, MPP was implemented pursuant to Section 235 of the INA which addresses the inspection of individuals seeking admission into the United States and provides specific procedures regarding the treatment of those not clearly entitled to admission. Section 235(b)(2)(C) provides that "[i]n the case of an alien...who is arriving on land (whether or not at a designated port of arrival) from a foreign territory contiguous to the [U.S.]," the Secretary of Homeland Security "may return the alien to that territory pending a [removal] proceeding under [Section 240 of the INA]." Individuals in such removal proceedings have the ability to seek relief or protection from removal, including asylum.



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

SORN coverage is provided by DHS/CBP-011 TECS (for the Office of Field Operations) and DHS/CBP-023 Border Patrol Enforcement Records (BPER) (for U.S. Border Patrol), which allow for the collection of biometric and biographic information to determine the admissibility of individuals into the United States.<sup>23</sup>

Additional SORN coverage is provided by DHS/CBP-006 Automated Targeting System, which contains information on vetting admissibility and on admissibility determinations.<sup>24</sup> Information related to watchlists is covered by the ATS SORN.

SORN coverage for the information that comes from and goes into A-Files is provided by DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records.<sup>25</sup>

Information that goes into ICE EID is covered by DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER) System of Records.<sup>26</sup>

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

Encounter and enrollment information originally collected from migrants is stored in CBP transaction systems TECS, E3, and ATS. All have been granted an Authority to Operate and completed system security plans. New biometrics and biographic information collected via the CBP One™ Mobile Application are within the CBP Cloud Mobility Package (C2MP) security authorization boundary, which has also been granted an Authority to Operate.

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

For the initial enrollment and subsequent re-processing by CBP officers at designated ports of entry, all adverse immigration action information is retained for 75 years in accordance with the Records Control Schedule DAA-0563-2013-0006.<sup>27</sup> This schedule maintains records regarding the

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<sup>23</sup> See DHS/CBP-011 U.S. Customs and Border Protection TECS, 73 Fed. Reg. 77778 (December 19, 2008), and DHS/CBP-023 Border Patrol Enforcement Records (BPER), 81 Fed. Reg. 72601 (October 20, 2016), available at <https://www.dhs.gov/system-records-notices-sorns>.

<sup>24</sup> See DHS/CBP-006 Automated Targeting System, 77 Fed. Reg. 30297 (May 22, 2012), available at <https://www.dhs.gov/system-records-notices-sorns>.

<sup>25</sup> See *supra* note 7.

<sup>26</sup> See DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), 81 Fed. Reg. 72080 (October 19, 2016), available at [www.dhs.gov/system-records-notices-sorns](https://www.dhs.gov/system-records-notices-sorns).

<sup>27</sup> The retention schedule can be found here:

[https://www.archives.gov/files/recordsmgmt/rcs/schedules/departments/department-of-homeland-security/rg-0563/daa-0563-2013-0001\\_sf115.pdf](https://www.archives.gov/files/recordsmgmt/rcs/schedules/departments/department-of-homeland-security/rg-0563/daa-0563-2013-0001_sf115.pdf).



identification, investigation, apprehension, and/or removal of individuals unlawfully entering or residing in the United States. Under this schedule, records are retained for 75 years after the end of the calendar year in which the data is gathered. This ensures that the records are kept for at least the lifetime of the individuals to whom they pertain because they document the arrest, detention, and possible removal of individuals from the United States.

**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.**

The MPP processing procedures do not create or collect any new information. Therefore, the PRA does not apply.

## **Section 2.0 Characterization of the Information**

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

CBP collected biographic and biometric information from MPP enrollees during the initial encounter to determine MPP eligibility and generate an MPP disposition of their immigration event. Specific to the MPP enrollee processing program, CBP will not collect any new information from MPP enrollees.

To ensure the safety of the MPP enrollees and the CBP personnel at the ports of entry, CBP expects the following three criteria have been met prior to processing MPP enrollees:

1. Confirmation of valid MPP enrollment (via the CBP One™ Mobile Application);
2. Confirmation of a valid open immigration case (via the CBP One™ Mobile Application); and
3. Negative COVID-19 test, administered by the international organization and not collected by CBP.

Generally, for all adverse immigration determinations, CBP collects the following information:

- Name (returned to TECS and/or EID);
- Date of birth;
- Gender;
- Citizenship;
- Conveyance used to get to port of entry;



- Travel document information;
- Birth Certificate (if applicable);
- Driver's License number (if applicable);
- Photograph; and
- Date of Entry.

In addition to the specific data elements listed above, CBP maintains the final disposition of the case, including that the applicant has been enrolled in the MPP, and remarks and/or comments documented by the officer resulting from interviews conducted during the inspection process. This could include information related to the individual's travels, the individual's reasons for entering the United States, and any other information deemed necessary and appropriate by CBP officers for determining admissibility or investigating a potential violation of customs or other U.S. laws enforced by CBP at the border.

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

Most information about MPP enrollees is collected directly from the subject at the initial encounter with CBP, including biometrics, travel documentation, or information provided verbally pursuant to an interview. CBP may also collect information during secondary inspection related to responses to health or other interview questions. International organizations also collect information from individuals to submit to CBP through CBP One™ Mobile Application on behalf of the individual.

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

It is not anticipated that CBP will use commercial or publicly available information for MPP processing. However, to the extent that an MPP enrollee matches derogatory information in CBP holdings, CBP officers may conduct additional research using publicly available information, including social media, as part of the inspection process. If commercial sources or publicly available data are accessed and the information is relevant to the inspection, it is documented in Unified Secondary or E3 as part of the inspection and/or immigration event.

## **2.4 Discuss how accuracy of the data is ensured.**

Most information regarding MPP enrollees is collected directly from the applicants. To the extent an MPP applicant was a match to a law enforcement check or has a previous removal, for example, they would not be eligible for MPP. Most information about MPP enrollees is based on



their documents (if any), including information obtained from the any visa applications (if any), and the interview.

In order to use of the TVS facial comparison tool, CBP will build a gallery of nearly 70,000 photographs based on previous encounters with the MPP enrollees. CBP compiles photographs from existing CBP sources in the ATS Unified Passenger Module (UPAX) system<sup>28</sup> to populate the MPP gallery with photographs, which contain the photographs originally collected by CBP when the MPP enrollee was processed at primary. TVS will then generate biometric templates<sup>29</sup> for each gallery photograph and store the template, but not the actual photograph, in the TVS virtual private cloud (VPC)<sup>30</sup> for matching when the traveler arrives or departs.

A CBP officer may conduct system queries to determine whether information provided by a traveler is accurate. CBP may also conduct open source research to ensure travelers are giving accurate statements about their stated activities while in the United States. CBP officers and agents may conduct multiple searches on different data sources to ensure that information in one system is corroborated by other systems. Additionally, some information documented is based on CBP officer or agent observations and actions, such as information on medications and meals given to travelers in custody.

## **2.5 Privacy Impact Analysis: Related to Characterization of the Information**

**Privacy Risk:** There is a risk that a partner organization using the CBP One™ Mobile Application may enter inaccurate information about an MPP enrollee.

**Mitigation:** This risk is mitigated. Although CBP cannot prevent users from submitting inaccurate information on behalf of themselves or other people through CBP One™, CBP can verify the information before retaining it as accurate. It is unlikely that a user will submit inaccurate information on or about another person, primarily because there is no benefit in submitting inaccurate information through CBP One™. In some cases, the submission of the inaccurate information could subject the user to monetary or legal penalties. CBP verifies that the biographic information is correct, and depending on the function, can verify the identity of a person and their location.

**Privacy Risk:** There is a risk of overcollection that CBP will collect biometrics and biographic information from individuals who are not MPP enrollees.

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<sup>28</sup> See *supra* note 9.

<sup>29</sup> A biometric template is a digital representation of a biometric trait of an individual generated from a biometric image and processed by an algorithm. The template is usually represented as a sequence of characters and numbers. For TVS, templates cannot be reverse-engineered to recreate a biometric image. The templates generated for TVS are proprietary to a specific vendor's algorithm and cannot be used with other vendor's algorithms.

<sup>30</sup> CBP uses a commercial Virtual Private Cloud that is a logically isolated (walled-off) virtual network over which CBP administers control.



**Mitigation:** This risk is mitigated. Until an individual presents him or herself at a port of entry for primary inspection, CBP will not collect any new information. CBP does not receive any information from international organizations as part of the biometric and biographic checks beyond information already contained in CBP holdings. If CBP does not already have a biometric or biographic encounter recorded for an individual attempting to verify their identity via the CBP One™ Mobile Application, CBP will not collect any additional information.

**Privacy Risk:** There is a risk that CBP will collect health information from MPP enrollees to verify whether they have COVID-19.

**Mitigation:** This risk is mitigated. CBP will not collect any medical information regarding MPP enrollees from the international organizations or other external stakeholders. CBP will rely on the international organizations administering COVID-19 antigen tests before an individual is processed by CBP. The international organizations will administer COVID-19 rapid antigen tests, ensuring individuals are tested and immediately presented for inspection at the ports of entry upon receipt of negative test results to limit potential of further COVID-19 introduction into the United States. If an enrollee has a positive COVID-19 antigen test the individual will not be eligible for MPP processing and may return when the result is negative.

**Privacy Risk:** There is a risk that the CBP One™ Mobile Application facial comparison tool may return an “X” indicating a no-match, particularly for young children, when they are in fact a match.

**Mitigation:** This risk is mitigated. By limiting the gallery search to only individuals who are enrolled in MPP, the accuracy of the facial comparison match is much higher. All positive facial comparisons are between individuals who have been encountered by CBP before. Further, if a red “X” is returned, the international organizations can submit an A-Number as an alternative method of search.

In addition, CBP is continually testing and evaluating the accuracy of the camera technology and the algorithms. Further, DHS Science & Technology (S&T) tests the effectiveness of commercial, academic, and government algorithms in matching facial images. S&T identifies how each algorithm performed as a true positive rate, false positive rate, false match rate, and false non-match rate. CBP continues to partner with S&T, Office of Biometric Identify Management (OBIM), and the National Institute of Standards and Technology (NIST) to evaluate algorithms and test biometric technologies developed by specified vendors.

## Section 3.0 Uses of the Information

### 3.1 Describe how and why the project uses the information.

CBP will leverage technology solutions, including facial recognition technology, to biometrically verify MPP enrollee identities; minimize interaction between officers and migrants;



eliminate the need for short- or long-term introduction of migrants into congregate settings; and facilitate the enrollee's immediate parole unless known risk factors are present. External stakeholders and approved international organizations will leverage CBP facial comparison technology via the CBP One™ Mobile Application to biometrically (if possible) confirm the identity of an MPP enrollee. While CBP technology is used for this initial identity verification by the international organizations, CBP does not collect any new information about individuals and will not use the match results for immigration or enforcement action.

Once biometrically verified (or biographic if biometric match is negative), MPP enrollees are transported to designated ports of entry by the external stakeholders or international organizations. CBP conducts a full primary inspection for all migrants previously placed in MPP which includes:

- Verifying identity using biometrics and biographic data;
- Verifying that the migrant was processed pursuant to MPP and removal proceedings are ongoing with no final order issued in the case by an immigration judge;
- Verifying that the migrant does not present risk factors consistent with terrorism or criminal activity; and
- Generating an electronic I-94.

CBP is using technology such as CBP Simplified Arrival and TVS to conduct biometric facial comparisons for MPP identity verification at the port of entry. Individuals whose biometric and biographic checks verify they are approved for the MPP processing will be directed through dedicated processing areas at select ports of entry.

CBP is prioritizing individuals who have been waiting in Mexico for their court hearing. MPP respondent migrants processed for return to the United States are expected to have received a recent negative COVID-19 antigen test result. If possible, the international organization should use COVID-19 rapid antigen tests, ensuring individuals are tested and immediately presented at the port of entry upon receipt of negative test results to limit potential further COVID-19 introduction into the United States.

Should DHS determine that this population does not require referral to ICE for detention, CBP may parole the migrant into the United States under INA § 212(d)(5), generate an electronic I-94, and release the migrant from primary.



### **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. CBP processing of MPP enrollees does not analyze any data in the database for purposes of discovering or locating a predictive pattern or an anomaly.

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

Any biometric information collected from MPP enrollees during their initial encounter with CBP is enrolled in IDENT and made available to other DHS Components, such as ICE, USCIS, and other CBP offices on a need-to-know basis. In addition, information stored in an MPP enrollee A-File is accessible by CBP, ICE, and USCIS. However, only CBP officers and agents have the ability to edit or change CBP information within CBP systems.

### **3.4 Privacy Impact Analysis: Related to the Uses of Information**

**Privacy Risk**: There is a risk that international organizations will use biometric or biographic information collected from MPP enrollees for their own purposes.

**Mitigation**: This risk is mitigated. Any information collected via the CBP One™ Mobile Application for identity verification is either not stored or confirms information already in CBP holdings. It is not accessible to the international organizations once submitted to CBP. International organizations regularly provide assistance to migrant populations and conduct their own information collections for vulnerability assessments and other assistance, and as such are responsible for their own data safeguarding.

**Privacy Risk**: There is a risk that international organizations users will use the CBP One™ Mobile Application inappropriately or access information for which they do not have a need-to-know.

**Mitigation**: This risk is mitigated. Information entered through CBP One™ is not stored on the mobile application, and international organization personnel are only able to view a red, yellow, or green check mark indicating case status. International organization personnel cannot use CBP One™ to access any sensitive information about MPP enrollees.



## Section 4.0 Notice

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

CBP issued all MPP enrollees an Notice to Appear with the date, time, and location of their initial court hearing, in addition to an informational “tear sheet”—provided in English, Spanish, or Portuguese, as appropriate—instructing them of the date and time to appear at the designated port of entry where they will be transported or escorted to their immigration court hearing.

For efficient processing of the MPP enrollees, CBP is relying on external stakeholders in Mexico (e.g., Government of Mexico, international organizations) to locate and positively identify MPP enrollees. Possible ways that external stakeholders may identify an eligible MPP enrollee include the migrant’s presentation of a Notice of Hearing or CBP-issued MPP tear sheet, biographic verification, use of the EOIR Automated Case Information Hotline, or the EOIR Automated Case Information portal. Those stakeholders will coordinate the enrollee’s presentation at designated times and locations for CBP processing.

DHS has also provided additional information about this process through public outreach efforts and on the DHS website: <https://www.dhs.gov/migrant-protection-protocols>.

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

Participation in the MPP is voluntary; however, enrollees must provide information to CBP to initiate the admissibility process and any subsequent immigration status proceedings in order to participate.

### **4.3 Privacy Impact Analysis: Related to Notice**

**Privacy Risk:** There is a risk that MPP enrollees will believe that they must submit information via an international organization to be processed under MPP with CBP.

**Mitigation:** This risk is mitigated. The international organizations have created a public-facing website called “Conecta” which has up-to-date information about how enrollees should register for triage and transportation to the ports of entry. Conecta<sup>31</sup> is managed by the UN Refugee Agency (UNHCR), the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), UNICEF, and civil society organizations

To ensure orderly operations at the ports of entry, all MPP enrollees are expected (but not

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<sup>31</sup> See <https://conecta.acnur.org/>.



required) to use the international organization screening and triage process. This permits the MPP enrollees to access the dedicated MPP processing lanes at the dedicated ports of entry. IOs are expected to bring the MPP enrollees to the designated ports of entry, and MPP enrollees will not be processed using the MPP lane unless they are transported to the port of entry by an authorized international organization.

International organizations are doing extensive outreach to individuals enrolled in MPP. If an individual does not coordinate with an international organization for transportation to the ports of entry, individuals enrolled in MPP may approach the port of entry on their hearing date as they would have done normally.

## Section 5.0 Data Retention by the Project

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

For the initial enrollment and subsequent re-processing by CBP officers at designated ports of entry, all adverse immigration action information is retained for 75 years in accordance with the Records Control Schedule DAA-0563-2013-0006. This schedule maintains records regarding the identification, investigation, apprehension, and/or removal of individuals unlawfully entering or residing in the United States. Under this schedule, records are retained for 75 years after the end of the calendar year in which the data is gathered. This ensures that the records are kept for at least the lifetime of the individuals to whom they pertain because they document the arrest, detention, and possible removal of individuals from the United States.

Regarding the biometric and biographic searches using CBP One™ Mobile Application, CBP does not store any information on a user's device. CBP does not store the photo but will store the A-Number and biographic data, if provided, in a CBP Amazon Web Services Cloud Service (CACE) database for 365 days. This data will be retrievable by CBP employees in the Office of Information Technology to provide CBP leadership with anonymized statistics related to workload and record location ability (e.g., number of submissions, number of biometric submissions that also required submitting the A-Number and biographic data).

For information that is included in an official A-File, records are retained permanently, consistent with the A-File SORN. The official A-File record may take three possible forms: (1) records contained within the paper A-File; (2) records contained within the electronic record from USCIS Enterprise Document Management System (EDMS)<sup>32</sup> or USCIS Electronic Immigration System (ELIS);<sup>33</sup> or (3) a combination of paper and electronic records and supporting

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<sup>32</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY IMPACT ASSESSMENT FOR THE INTEGRATED DIGITIZATION DOCUMENT MANAGEMENT SYSTEM, DHS/USCIS/PIA-003 (2007 and subsequent updates), available at <https://www.dhs.gov/uscis-pias-and-sorns>.

<sup>33</sup> See U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, PRIVACY



documentation. A-File records are maintained in accordance with N1-566-08-11. DHS/USCIS transfers A-Files to the custody of NARA 100 years after the individual's date of birth.

## 5.2 Privacy Impact Analysis: Related to Retention

**Privacy Risk:** There is a risk that international organizations or external stakeholders will maintain information collected on behalf of CBP for purposes beyond MPP processing.

**Mitigation:** This risk is partially mitigated. Any information collected via the CBP One™ Mobile Application for identity verification is either not stored or confirms information already in CBP holdings. CBP is not collecting information during the pre-processing phase of MPP processing. International organizations regularly provide assistance to migrant populations and conduct their own information collections for vulnerability assessments and other assistance, and as such are responsible for their own data safeguarding and retention.

## Section 6.0 Information Sharing

### 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.

As with any other individuals encountered by CBP, information collected from enrollees in the MPP is shared on a case-by-case basis with appropriate federal, state, local, tribal, and foreign governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, or when CBP believes the information would assist enforcement of civil or criminal laws. CBP shares information from various transactional systems covered by multiple SORNs; all sharing is done according to the appropriate system of record.

DHS counterterrorism, law enforcement, and public security communities may be provided with information about suspected or known violators of the law and other persons of concern identified through secondary inspections documented in Unified Secondary or E3. CBP may share the inspection information documented in Unified Secondary or E3 with other components within DHS when there is a need-to-know in accordance with their official responsibilities, including collecting law enforcement intelligence information (whether civil or criminal) and/or investigating, prosecuting, enforcing, or implementing civil and/or criminal laws, related rules, regulations, or orders. This sharing is done according to the appropriate system of record, for example, TECS and BPER.



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

CBP will share information about MPP enrollees with external organizations consistent with the published routine uses in the SORNs (listed in Section 1.2), which are compatible with the original purpose of collection. In the event that CBP shares MPP enrollee information outside of CBP, CBP will detail the established data sharing practices in Memoranda of Understanding/Agreement (MOU/A) and Interconnection Security Agreements (ISA), when appropriate, which govern the sharing of information residing in E3, ATTS, or TECS. Under the terms of these MOU/As and ISAs, other agencies will secure CBP information consistent with approved security practices that meet DHS standards. Recipients from other agencies will be required by the terms of the information sharing agreement to employ security features to safeguard the shared information.

## **6.3 Does the project place limitations on re-dissemination?**

Access to records is governed by a need-to-know criteria that demands the receiving entity demonstrate the mission-related need for the data before access is granted. In the terms of a negotiated agreement or the language of an authorization providing information to an external agency, CBP includes justification for collecting the data and an acknowledgement that the receiving agency will not share the information without CBP's permission, as applicable.

Information that is shared with other federal, state, local, tribal, or foreign agencies outside of the context of any MOU/A or prior written agreement generally requires a written request by the requesting agency specifically identifying the type of information sought and purpose for which the information will be used. Authorization to share information in this request scenario is subject to approval by the CBP Privacy and Diversity Office.

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

MOU/As and other written agreements defining roles and responsibilities are executed between CBP and each agency that receives data from CBP on a systematic basis. The information may be transmitted either electronically or as printed materials to authorized personnel. Electronic communication with other non-CBP systems may be enabled via message/query-based protocols delivered and received over secure point-to-point network connections between CBP systems and the non-CBP system. CBP's external sharing of the data complies with statutory requirements for national security and law enforcement systems.

Information that is shared with other federal, state, local, tribal, or foreign agencies outside



of the context of any MOU/A or other prior written arrangement generally requires a written request by the agency specifically identifying the type of information sought and purpose for which the information will be used. Authorization to share information in this request scenario is subject to approval by the CBP Privacy and Diversity Office and documented in DHS Form 191.

## 6.5 Privacy Impact Analysis: Related to Information Sharing

**Privacy Risk:** There is a risk that information about MPP enrollees will be inappropriately shared to external partners.

**Mitigation:** This risk is partially mitigated. When sharing information about MPP enrollees with parties outside of DHS, the same specifications related to security and privacy that are in place for CBP and DHS apply to the outside entity. Access to CBP systems is governed by a need-to-know criterion that demands the receiving entity demonstrate the mission-related need for the data before access is granted. The reason for the access, a specific mission purpose, and an intended use consistent with the receiving agency's purpose and CBP's justification for collecting the data are also included in either the terms of a negotiated MOU/A and ISA or the language of an authorization providing facilitated access to an external agency. The MOU/A specifies the general terms and conditions that govern the use of the functionality or data, including limitations on use. The ISA specifies the data elements, format, and interface type, including the operational considerations of the interface. MOU/As and ISAs are periodically reviewed, and outside entities must agree to use, security, and privacy standards before sharing can continue.

## Section 7.0 Redress

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

Individuals seeking notification of and access to information collected as part of their MPP enrollment and subsequent processing, may request access to certain information by filing a Freedom of Information Act (FOIA) request with CBP at <https://foia.cbp.gov/palMain.aspx>, or by mailing a request to:

U.S. Customs and Border Protection (CBP)  
Freedom of Information Act (FOIA) Division  
1300 Pennsylvania Avenue NW, Room 3.3D  
Washington, D.C. 20229  
Fax Number: (202) 325-1476

U.S. citizens, lawful permanent residents, and individuals who have records covered under the Judicial Redress Act (JRA) may file a Privacy Act request to access their information.



All Privacy Act and FOIA requests must be in writing and include the requestor's daytime phone number, email address, and as much information as possible of the subject matter to expedite the search process. Requests for information are evaluated by CBP to ensure that the release of information is lawful; will not impede an investigation of an actual or potential criminal, civil, or regulatory violation; and will not reveal the existence of an investigation or investigative interest on the part of DHS or another agency.

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

Individuals are able to seek correction of inaccurate or erroneous information as part of the MPP enrollment process and subsequent processing. In particular, all MPP enrollees will have their claims heard before an immigration judge, typically in coordination with local pro bono counsel. The administrative immigration process ensures accurate information and offers individuals an opportunity to correct an erroneous record.

A person who believes that CBP's actions are the result of incorrect or inaccurate information may request information about his or her records pursuant to procedures provided by FOIA. U.S. citizens, lawful permanent residents, and individuals who have records covered under the Judicial Redress Act who believe that CBP's actions are the result of incorrect or inaccurate information may request correction of that data under the amendment provisions of the Privacy Act by writing to the address above. The CBP Privacy and Diversity Office reviews all requests for correction and amendment regardless of status.

Travelers may also contact the DHS Traveler Redress Inquiry Program (TRIP) at 601 South 12th Street, TSA-901, Arlington, VA, 22202-4220 or online at [www.dhs.gov/trip](http://www.dhs.gov/trip). Individuals making inquiries should provide as much identifying information as possible to identify the record(s) at issue.

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

Individuals are notified of the procedures for correcting their information through the SORNs describing each of the underlying systems from CBP users to process MPP enrollees. This PIA also serves as notification. In addition, travelers may request information from the on-site CBP officer or agent.

## **7.4 Privacy Impact Analysis: Related to Redress**

**Privacy Risk:** There is a risk that MPP enrollees will not know how to request redress or what types of redress are available to them.

**Mitigation:** This risk is partially mitigated. This PIA provides information on how to



request access and amendments to information collected as part of the MPP enrollment and subsequent processing. Additionally, MPP enrollees can seek relief from removal in their section 240 proceedings from an immigration judge. MPP enrollees who wish to access information about themselves or challenge a determination can submit a FOIA request to CBP or a TRIP request via the addresses above.

## **Section 8.0 Auditing and Accountability**

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

Access is limited to those personnel with a job-related requirement to access the information. In addition, CBP users must sign rules of behavior that are established for each major CBP application. These rules of behavior require users to be adequately trained with regard to the security of their systems. These rules also require a periodic assessment of technical, administrative, and managerial controls to enhance data integrity and accountability. All CBP system users must sign statements acknowledging that they have been trained and understand the security aspects of their systems. Security, including access-related controls, will be certified initially and at specified intervals through the Security Authorization Process of the Unified Secondary system.

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

All CBP officers and agents that process MPP enrollees are required to complete and pass an annual TECS Privacy and Security Awareness Course to maintain their access to the various inspection systems. The training course presents Privacy Act responsibilities and CBP policy regarding the security, sharing, and safeguarding of both official and personally identifiable information. The course also presents several sharing and access scenarios to test the user's understanding of appropriate controls put in place to protect privacy as they are presented. A user must pass the test scenarios to retain access to CBP systems. This training is regularly updated.

CBP employees are also required to sign statements acknowledging that they have been trained and understand the security aspects of their systems and comply with the following requirements:

- Access records containing personal information only when the information is needed to carry out their official duties.
- Disclose personal information only for legitimate business purposes and in accordance with applicable laws, regulations, and Unified Secondary policies and procedures.



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

The personally identifiable information documented during primary and secondary processing will be accessed primarily by CBP officers working at a designated port of entry for MPP processing. CBP systems have provisions and roles to determine what access is provided to users. CBP is able to limit what ports users view so that they are only able to see the travelers waiting for inspection at their current duty station port and not all travelers across the country.

### **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?**

Any information sharing agreements for this data will define the nature of access, the scope of information subject to the sharing agreement, and the privacy, security, safeguarding, and other requirements. All information sharing arrangements are reviewed by the CBP Privacy Officer and the CBP Office of Chief Counsel in accordance with existing CBP and DHS policy.

#### **Contact Official**

Stephen Maloney  
Deputy Executive Director  
Admissibility and Passenger Programs  
Office of Field Operations  
U.S. Customs and Border Protection

#### **Responsible Official**

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#### **Approval Signature**

[Original copy signed and on file with the DHS Privacy Office]

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