



**Privacy Impact Assessment Update
for the**

**Student and Exchange Visitor System
Admissibility Indicator**

(SEVIS-AI)

DHS/ICE/PIA-001(b)

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Abstract

The Student and Exchange Visitor Information System (SEVIS), owned and operated by U.S. Immigration and Customs Enforcement (ICE), Student and Exchange Visitor Program (SEVP), is an internet-based system that maintains real-time information on nonimmigrant students and exchange visitors, their dependents, and the approved schools and designated U.S. sponsors that host these nonimmigrants. The original Privacy Impact Assessment (PIA) for SEVIS was published on February 5, 2005. This update is to provide notice of ICE's implementation of a new method to routinely share SEVIS information with U.S. Customs and Border Protection (CBP) to assist CBP at primary inspection points with information on admissibility for nonimmigrants seeking to enter the United States in the F, M, and J classes of admission.

Introduction

U.S. Immigration and Customs Enforcement (ICE), Student and Exchange Visitor Program (SEVP) operates the Student and Exchange Visitor Information System (SEVIS) under the authority of 8 U.S.C. § 1372 in coordination with the U.S. Departments of State (DOS), which oversees the operation of the Exchange Visitor (EV) program.¹ Section 1372 requires DHS to develop and conduct a program to collect electronically, from approved educational institutions and designated EV programs in the United States, certain information about aliens who have or are applying for F, M, or J nonimmigrant status.² Section 1372 also requires that particular information be collected, such as identifying information about the alien; field of study, status, and compliance information from educational institutions and EV programs; and the alien's date and port of entry.

SEVIS is an internet-based system that maintains real-time information on nonimmigrant students (F-1 and M-1 classes of admission), exchange visitors (J-1 class of admission), and their dependents and spouses (F-2, M-2, and J-2 classes of admission). Designated school officials of SEVP-certified schools and responsible officers of DOS-approved programs use SEVIS to transmit mandatory information and event notifications about nonimmigrants, exchange visitors, and their dependents and spouses via the internet to DHS and DOS.³

¹ Congress mandated that DHS, in consultation with the U.S. Departments of State (DOS) and Education, develop a national system to collect and maintain pertinent information on nonimmigrant students and exchange visitors, and the school and exchange visitor sponsors that host these individuals in the United States.

² When nonimmigrants apply for admission to the United States, they must declare their primary purpose for visiting. Based upon that purpose, U.S. immigration law recognizes a number of classes of admission, such as those for tourists and business travelers. For foreign students and exchange visitors, the U.S. immigration law recognizes the following three classes of admission: nonimmigrant students (F-1 and M-1 classes of admission), exchange visitors (J-1 class of admission), and their dependents and spouses (F-2, M-2, and J-2 classes of admission).

³ All SEVIS data elements are described in full in the original SEVIS PIA, DHS/ICE/PIA-001 Student And



CBP officers use SEVIS information and information from the Certificates of Eligibility (Forms I-20 and DS-2019⁴) to ensure that nonimmigrants seeking admission in the F, M, or J classes of admission have a SEVIS record that supports eligibility to enter the United States. Using the SEVIS Admissibility Indicator Service (SEVIS-AI), a new web service and subsystem to SEVIS, ICE transmits select SEVIS data and admissibility indicators, determined by regulation-based business rules,⁵ to CBP's Traveler Primary Arrival Client (TPAC),⁶ which aggregates data on individuals from a number of systems to support admissibility decisions at primary inspection. CBP stores limited SEVIS and admissibility data in the TECS database and also makes this data available to officers at secondary inspection through the Consolidated Secondary Inspection System (CSIS).⁷ SEVIS-AI is intended to (1) streamline the process of furnishing SEVIS information to CBP; (2) reduce the reliance on paper documents for making admission decisions; (3) provide a way of assessing the current SEVIS data against the current regulatory requirements for admission as an F, M, or J nonimmigrant; and (4) assist CBP officers in making faster, more informed decisions that greatly reduce the risk of fraudulent entry.

Reason for the PIA Update

DHS/ICE is updating the existing SEVIS PIA⁸ to account for a new method for sharing select SEVIS data with CBP. Prior to this update, CBP officers at ports of entry relied on the paper-based Form I-20, Form DS-2019, and CBP's TECS⁹ system when making admission decisions for the F, M, and J classes of admission. There was no direct feed from SEVIS, which has the latest information on eligibility for entry, to CBP systems. This created a risk that nonimmigrants could

Exchange Visitor Information System (SEVIS) (February 5, 2005), *available at* http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_sevis.pdf and the corresponding DHS/ICE-001 SEVIS SORN (75 FR 412, January 5, 2010), *available at* <https://www.gpo.gov/fdsys/pkg/FR-2010-01-05/html/E9-31268.htm>.

⁴ I-20, "Certificate of Eligibility for Nonimmigrant Student Status" and DS-2019, "Certificate of Eligibility for Exchange Visitor (J-1) Status" The I-20 is used by SEVP for F-1 and M-1 nonimmigrants, while the DS-2019 is used by Department of State for J-1 nonimmigrants. These forms are not publicly available; they are provided only by designated school officials or sponsors.

⁵ See SEVP's governing regulations for students and schools, *available at* <https://www.ice.gov/sevis/schools/reg#f>.

⁶ TPAC is a functionality of TECS related to primary processing. See DHS/CBP/PIA-009 TECS System: CBP Primary and Secondary Processing p. 6, *available at* <http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf>.

⁷ CSIS is a functionality of TECS related to secondary processing. See DHS/CBP/PIA-009 TECS System: CBP Primary and Secondary Processing at p. 13, *available at* <http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf>.

⁸ See *supra* note 3.

⁹ See DHS/CBP/PIA-009 TECS System: CBP Primary and Secondary Processing *available at* <http://www.dhs.gov/xlibrary/assets/privacy/privacy-pia-cbp-tecs.pdf> and DHS/CBP-011 TECS SORN (73 FR 77778, December 19, 2008), *available at* <http://www.gpo.gov/fdsys/pkg/FR-2008-12-19/html/E8-29807.htm>.



gain entry into the United States even if their Certificate of Eligibility had been terminated, or otherwise were no longer valid. For example, an international student whose Form I-20 was terminated in SEVIS could still be admitted by CBP officers at primary inspection if the student presented a seemingly legitimate paper-based Form I-20.

Though CBP officers are authorized to access the SEVIS system directly, such access has not been practical for officers performing primary inspections who must make quick decisions to prevent long wait times, particularly at air ports of entry. Logging into SEVIS, searching for a record, and then interpreting it properly takes more time than is available for the admission decision. This update will address this issue by making SEVIS data available through TPAC, and subsequently CSIS, via SEVIS-AI.

SEVIS-AI provides CBP officers performing inspections at ports of entry rapid, real-time SEVIS data admissibility indicator, and limited biographic and program-related data (e.g., SEVIS ID, school/program name, and school/program start and end dates) to TECS. An admissibility indicator, consisting of a reason code and narrative description,¹⁰ is generated only after SEVIS data is vetted against regulation-based business rules and the results show an issue that requires referral of the nonimmigrant to CBP secondary inspection. If after vetting there is no issue, then SEVIS-AI will not generate an admissibility indicator. As a baseline, the SEVIS-AI business rules assume all nonimmigrants are inadmissible until their SEVIS records show they meet admissibility requirements.

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

There are no changes to the information collected and stored within SEVIS. ICE continues to collect the following information from nonimmigrant students, exchange visitors, and dependents: the nonimmigrant's name, country of birth, date of birth, country of citizenship, educational background, information on the education/program activity for which the nonimmigrant is seeking admittance, and passport and visa information. A list of the information collected and maintained in SEVIS on all nonimmigrant students, exchange visitors, and their dependents is in Appendix C of the 2005 SEVIS PIA and the SEVIS System of Records Notice (SORN).¹¹

¹⁰ Together, the reason code and narrative description identify and alert CBP officers to the reason behind the SEVIS-AI vetting result only if the result is that the nonimmigrant may be inadmissible to the United States.

¹¹ DHS/ICE-001 SEVIS SORN (75 FR 412, January 5, 2010), available at <https://www.gpo.gov/fdsys/pkg/FR-2010-01-05/html/E9-31268.htm>.



Existing SEVIS data is compared against automated, regulation-based business rules to determine whether admissibility indicators need to be generated in the SEVIS-AI subsystem. Admissibility indicators, along with the following data elements already collected in SEVIS, are shared through SEVIS-AI with CBP's TPAC and CSIS: SEVIS ID, nonimmigrant's name, date of birth, school/program name, and school/program start and end dates. CBP does not send any information regarding final admissions decisions or related actions back to SEVIS-AI or the primary SEVIS system.

As a web service, SEVIS-AI supports real-time responses to queries from CBP officers at primary inspection based on existing SEVIS data. SEVIS-AI does not have a user interface, but has a database instance that stores (1) SEVIS data to run the business rules and generate the admissibility indicator, (2) admissibility indicators, and (3) transactional information (e.g., date and time of response to CBP). The SEVIS-AI subsystem does not return any information to the primary SEVIS database. The admissibility indicator and transactional information is not stored in the primary SEVIS database.

SEVIS-AI also generates reports that allow ICE SEVP to view data in order to manage the business rules, measure responsiveness, and to respond to inquiries about specific cases in support of requests, such as data correction requests, Freedom of Information Act requests, congressional inquiries, or DHS Traveler Redress Inquiry Program questions.

Uses of the System and the Information

Using SEVIS-AI, ICE transmits SEVIS data and associated admissibility indicators to CBP officers at ports of entry to streamline the admissions process and inform admissions decisions for nonimmigrants seeking to enter the United States in the F, M, or J classes of admissions.

SEVIS-AI sends a request to the primary SEVIS system for new or updated SEVIS records.

SEVIS-AI receives a daily feed of SEVIS records that have been added or updated since the last feed. It runs a set of business rules against each record to determine whether a nonimmigrant meets the criteria for admissibility in the F/M/J class of admission. When SEVIS records support a decision to admit, no admissibility indicator is generated. When SEVIS records show an issue that requires referral of the nonimmigrant to CBP secondary inspection, SEVIS-AI generates an admissibility indicator, consisting of a reason code and narrative description. SEVIS-AI sends admissibility indicators to CBP only upon receiving a query from an officer at primary inspection using TPAC.



When a nonimmigrant seeks admission at a port of entry, a CBP officer selects the class of admission (i.e., F, M, or J) in CBP's TPAC system and enters the nonimmigrant's SEVIS ID.¹² Using the SEVIS ID, TPAC queries SEVIS-AI, and SEVIS-AI sends a response back to TPAC that includes select SEVIS data and the admissibility indicator, if there is one. For example, an admissibility indicator may indicate that a nonimmigrant has a terminated SEVIS record or is attempting to enter the United States prior to his or her authorized date of entry.

CBP officers at primary inspection view SEVIS data and admissibility indicators only in TPAC. Most nonimmigrants with admissibility indicators are referred for secondary inspection. Officers in secondary have additional time to determine if there is mitigating information. Similar to officers in primary using TPAC, officers in secondary use CSIS to access the same SEVIS data and admissibility indicators, but they can also log directly into SEVIS to access full SEVIS records to make final entry decisions.

SEVIS-AI does not contain a user interface, thereby eliminating the risk that ICE or CBP personnel may alter the admissibility indicators for F/M/J nonimmigrants attempting to enter the United States. In addition, all SEVIS-AI transmissions are logged and auditable, and include the CBP ID for the officer who initiated the query from TPAC. Lastly, though CBP officers in secondary inspection may access – in addition to the data included with the SEVIS-AI transmission – additional SEVIS data directly in the primary system, ICE granted these CBP users access to SEVIS prior to implementation of the SEVIS-AI process.

SEVIS-AI Business Rules

The basis for the SEVIS-AI business rules are the existing regulations governing F, M, and J status and admissibility.¹³ These rules help ensure consistent application of the regulations. As a baseline, the SEVIS-AI rules assume all nonimmigrants are inadmissible until their SEVIS records show they meet admissibility requirements.

The SEVIS-AI subsystem has the capability for SEVP to make some modifications to the business rules. Rules can be updated to change: the requirement for fee payment; the length of time an F, M, or J nonimmigrant is admissible before and after the program start date; and the length of time an F-1 or M-1 nonimmigrant is admissible after his or her program or employment ends (i.e. to add or delete a grace period).

Privacy Risk: There is a risk that the business rules, when run against the SEVIS data each day, may incorrectly identify a nonimmigrant as eligible or ineligible to enter the United States or

¹² CBP officers may access SEVIS IDs through an existing interface between TPAC and the Department of State's Nonimmigrant Visa system or from the Certificates of Eligibility forms (Forms I-20 and DS 2019).

¹³ See 8 CFR Part 214.2.



that the nonimmigrant's eligibility status may change from the time the business rules were applied to the SEVIS data and the nonimmigrant attempts to enter the country.

Mitigation: SEVIS-AI is configured so that the business rules are run in real-time, meaning that when CBP officers query TPAC to determine a nonimmigrant's eligibility status, the business rules are re-applied to the SEVIS data at the time of the query, and the resultant admissibility indicator is transmitted from through SEVIS-AI to TPAC. This re-application of business rules is further explained in the Technology section of this PIA Update.

Privacy Risk: There is a risk that the business rules may be modified inappropriately.

Mitigation: SEVP established an oversight process for requesting changes to business rules. Business rules are based on regulations. Only new regulations would result in new business rules. Business rules may be changed in SEVIS-AI only at SEVP's request, and require approval by the system owner. Once approved, the planned change goes through the change control process, which includes documenting the details of and reason behind the change and culminates in the change being implemented by the system developer.

Retention

There is no change to the retention of SEVIS data. The SEVIS records schedule will apply, which call for retention of the data for 75 years. The retention of SEVIS and admissibility indicator data accessed and viewed by CBP in TPAC and CSIS and stored in TECS will be addressed in CBP's Privacy Impact Assessment related to the TECS Platform.

Internal Sharing and Disclosure

As described above, ICE is implementing a new method for sharing SEVIS data and admissibility indicators with CBP. CBP officers at ports of entry use this data to inform their admissions decisions for nonimmigrants seeking to enter the United States in the F, M, or J classes of admissions. CBP officers at primary inspection access select SEVIS data (e.g., SEVIS ID, nonimmigrant's name, date of birth, school/program name, and school/program start and end dates) and admissibility indicators, if present, through TPAC, which aggregates data on individuals from a number of systems to support admissibility decisions. CBP stores the SEVIS ID and admissibility indicator, including reason code and description, in the TECS database. If a nonimmigrant is referred to secondary inspection, CBP officers will access the data through CSIS, to better understand why the nonimmigrant was referred.

Privacy Risk: There is a risk that CBP officers will use admissibility indicators to refuse entry without conducting the appropriate investigations.



Mitigation: CBP officers at primary inspection use admissibility indicators only as the basis for referring a nonimmigrant to secondary inspection. At secondary inspection, a separate CBP officer will make a final determination regarding admissibility after reviewing any referred admissibility indicators and all other relevant information concerning the indicators and the nonimmigrant. The purpose of the admissibility indicator at primary inspection is to alert the CBP officer to refer the nonimmigrant to secondary inspection for the admissions decisions.

Privacy Risk: There is a risk that SEVIS information will be improperly disseminated to the TECS users, outside the scope of the SEVIS SORN.

Mitigation: The information from SEVIS-AI that is captured and saved into TECS is limited to the SEVIS ID and admissibility indicator. Other information, such as name and date of birth, are already captured in other systems that use the TECS platform for data storage. Information on the TECS platform is limited to need to know access and have security controls in place to protect sensitive information. A new TECS user must also complete the TECS Security and Privacy Awareness course and pass the associated test before CBP grants initial TECS access. The course presents Privacy Act responsibilities and Agency policy regarding security, sharing, and safeguarding of official information and PII on the TECS Platform. The course also provides a number of sharing and access scenarios to test the prospective user's understanding of appropriate controls put in place to protect privacy. This training is regularly updated and TECS users are required to take the course annually.

External Sharing and Disclosure

External sharing and disclosure of SEVIS data will not change with this update.

Notice

There are no changes to the notice required or provided to individuals whose information may be maintained in the SEVIS database or shared via the SEVIS-AI service. General notice about the information maintained in the system and how it is shared is provided by the DHS/ICE/PIA-001 SEVIS PIA (February 5, 2005), this update, and the DHS/ICE-001 SEVIS System of Records Notice (SORN).¹⁴

¹⁴ DHS/ICE-001 SEVIS SORN (75 FR 412, January 5, 2010), available at <https://www.gpo.gov/fdsys/pkg/FR-2010-01-05/html/E9-31268.htm>.



Individual Access, Redress, and Correction

This PIA update does not change the ability of an individual to request access, redress, and correction of his or her information. As the primary SEVIS database is the source of information for the SEVIS-AI, there is no need to change in the existing methods for redress and correction.

Additionally, SEVP can quickly update the business rules in SEVIS-AI subsystem if experience shows that a particular business rule causes a misinterpretation of the regulations and thus generates an incorrect admissibility indication.

Technical Access and Security

As the SEVIS-AI subsystem does not have a user interface, there is no direct user access to SEVIS-AI. A database instance of SEVIS-AI stores the select SEVIS data and admissibility indicators passed to CBP, including the date and time of the transactions; the location of the workstation that received the information; and the CBP requestor's ID. This information is not returned to the primary SEVIS database. Select SEVP users have access to this stored data for the purpose of managing and auditing SEVIS-AI.

All ICE and CBP users who have access to SEVIS, SEVIS-AI, TPAC, and CSIS are required to complete annual privacy and security training.

Technology

SEVIS-AI changes the technology ICE uses to share SEVIS information with CBP. Since SEVIS-AI is a subsystem of SEVIS, it is covered by the SEVIS Authority to Operate (ATO). The SEVIS ATO was granted on July 18, 2013, and will expire on July 18, 2016.

Each day, SEVIS-AI sends a request to the primary SEVIS system for new or updated SEVIS records. Upon receipt of these records from SEVIS, SEVIS-AI applies the business rules to each SEVIS ID to determine whether an admissibility indicator needs to be generated. When CBP officers at primary inspection points use TPAC to process a nonimmigrant seeking entry in an F, M, or J class of admission, TPAC sends a request via a secure Internet connection to SEVIS-AI. SEVIS-AI finds the record, re-applies the business rules, and sends the response via the secure Internet connection where it is displayed to the CBP officer in TPAC.

SEVIS-AI reapplies the business rules when responding to a CBP query because many of the business rules are based on the relationship between the date of entry and a date on the SEVIS record. For example, SEVIS may send a new record to the SEVIS-AI subsystem for a J-1 nonimmigrant with a SEVIS record status of "Initial." On the day the record is sent to the SEVIS-AI subsystem, an admissibility indicator would display if the nonimmigrant's program start date is more than 30 days in the future. However, when the nonimmigrant appears at the port of entry,



the program start date might be less than 30 days in the future, so after recalculation, no admissibility indicator would display by SEVIS-AI. TECS ingests the SEVIS ID as part of the I-94 form completed via TPAC and CSIS, and the admissibility indicator reason code and description as part of the TECS audit log.

Responsible Official

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Approval Signature

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

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