



Privacy Impact Assessment  
for the

# Administrative Appeals Office (AAO)

## Case Management System

**DHS/USCIS/PIA-062**

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## Abstract

The United States Citizenship and Immigration Services (USCIS) Administrative Appeals Office (AAO) developed a case management system (CMS) to capture information related to appeals, motions, and certifications the AAO adjudicates and to improve its ability to track appeals and case processing. The AAO CMS is a person-centric case management system used to track appeals, motions, and certifications filed with or processed by USCIS AAO that are under the AAO's jurisdiction. USCIS is conducting this Privacy Impact Assessment to document, analyze, and assess its current practices with respect to the personally identifiable information (PII) collected, used, and maintained by the AAO CMS.

## Overview

The USCIS Administrative Appeals Office (AAO) conducts administrative review of immigration benefit decisions to ensure consistency and accuracy in USCIS' interpretation of immigration law and policy. The AAO generally issues non-precedential decisions that apply existing law and policy to the facts of a given case. Non-precedential decisions are binding on the parties involved in the case, but do not create or modify USCIS policy or practice. The AAO does not announce new interpretations of law or establish agency policy through non-precedential decisions.

The AAO adjudicates three primary categories of cases:

1. **Appeals** are requests to a higher authority to review a decision. When an applicant or petitioner appeals a decision to the AAO, the officer who made the original decision will first review the record. A review of the record will determine whether the evidence or argument submitted in the appeal warrants reopening or reconsidering the decision. If the adjudicating officer determines that reopening or reconsidering the decision is not warranted, the officer will forward the case for further review to the AAO or the Department of Justice (DOJ) Board of Immigration Appeals (BIA). The AAO exercises appellate jurisdiction over approximately fifty different immigration case types.

Not every type of denied immigration benefit request may be appealed, and some appeals fall under the jurisdiction of the BIA.<sup>1</sup>

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<sup>1</sup> It is important to note that the BIA and the AAO are separate administrative appellate entities that have jurisdiction over different types of immigration cases. The BIA is located within the DOJ's Executive Office for Immigration Review (EOIR). The majority of appeals to the BIA involve decisions that EOIR immigration judges made in removal proceedings. The BIA also reviews USCIS decisions on immigrant petitions for alien relatives. The BIA has the authority to designate its decisions as precedent. BIA precedential decisions are binding on immigration judges and DHS officers and employees in cases involving the same issue(s).



2. **Motions** are requests to the original decision maker to review a decision. The AAO has jurisdiction over motions to reopen and motions to reconsider its own decisions. If AAO issues an unfavorable decision, the appellant may file a motion to reopen or a motion to reconsider that decision. The AAO may also reopen or reconsider one of its prior decisions on its own motion.

A “motion to reopen” is based on documentary evidence of new facts. Alternatively, a “motion to reconsider” is based on a claim of incorrect application of law or policy to the prior decision.

3. **Certifications** are when a USCIS officer wants someone else to weigh in before issuing a new interpretation of law. USCIS officers may ask the AAO to review an initial decision for a case that has an unusually complex or novel issue of law or fact. This administrative procedure is known as “certification.” Except for case types that fall under the BIA’s appellate jurisdiction, USCIS officers may certify any decision type to the AAO, including decisions that do not convey appeal rights.

## **Management of Appeals, Motions, and Certifications**

USCIS AAO developed the AAO Case Management System (CMS) to track adjudicative work performed by the AAO using the Salesforce Government Cloud. The purpose of the Salesforce Government Cloud is to provide a secure means for data from different government systems to be aggregated and served to government employees on a platform that can overlay effective tracking mechanisms that legacy systems may lack. The AAO CMS is a person-centric case management system used to track appeals, motions, and certifications filed with or processed by USCIS AAO that are under the AAO’s jurisdiction.

All incoming appeals, motions, and certifications are initially receipted, accepted, and entered into Computer Linked Application Information Management System 3 (CLAIMS 3) for processing. CLAIMS 3 is the official system for dates and actions on appeals, motions, and certifications and displays basic information about each application or petition. Though the official events are recorded in CLAIMS 3, the system does not support workflow and case management functionalities that AAO needs to effectively manage the workload, which is why AAO is leveraging Salesforce to build the AAO CMS.

USCIS developed the AAO CMS to efficiently and effectively track receipts, assignments of work to officers, adjudications, and administrative actions. Because of the challenges involved in importing final decisions into CLAIMS 3, as well as other administrative challenges, the AAO continues to manually update CLAIMS 3 with the final decision. CLAIMS 3 serves as the authoritative system for official USCIS actions and is viewable across USCIS.



## *Appeal or Motion Initiation*

USCIS oversees lawful immigration to the United States by adjudicating immigration benefit requests. When USCIS denies an individual an immigration benefit, USCIS sends a letter to the petitioner or applicant that explains the reason(s) for the denial and, if applicable, how to file a motion or appeal. When the individual is notified of an unfavorable decision that may be appealed, the individual also receives information as to how to properly file a motion to reopen, a motion to reconsider, or an appeal. The individual may appeal the decision to the AAO when a USCIS field office issues an unfavorable decision for an application or petition that falls under the AAO's jurisdiction.

Applicants and petitioners for certain categories of immigration benefits may appeal an adverse decision on an immigrant petition or application to the AAO. Only the individual who submitted the petition or application may file an appeal or motion. This means the beneficiary of a visa petition lacks legal standing to file such an appeal. For example, a woman who would be the beneficiary of her husband's visa petition on her behalf may not file an appeal if the petition is denied, only the husband who filed the original documentation may file the appeal.

Most appeals must be filed on Form I-290B, *Notice of Appeal or Motion*,<sup>2</sup> with a fee and within 30 days of the initial denial. The purpose of Form I-290B is to allow an individual to file an appeal or motion to reopen or reconsider certain decisions under the Immigration and Nationality Act (INA). An appeal must specifically identify any erroneous conclusion of law or statement of fact in the unfavorable decision on Form I-290B, in a written statement attached to Form I-290B, in a brief, or both. Individuals may, but are not required to, submit supplemental briefs or additional evidence. If the individual elects not to file a brief, the appeal must otherwise specifically identify any erroneous conclusion of law or fact. If the individual chooses to have legal representation, he or she must also file a Form G-28, *Notice of Entry or Appearance as Attorney or Representative*<sup>3</sup> along with the appeal notice.

Form I-290B collects information about the applicant or petitioner and information about the appeal/motion. Information collected about the petitioner/applicant includes: full name, A-Number, USCIS Online Account Number, receipt number, mailing address, daytime telephone number, mobile telephone number, email address, attorney or accredited representative name, and signature. Form I-290B also requests information regarding the basis of the appeal or motion request, USCIS form under appeal or motion, date of adverse decision, and the office that issued the adverse decision.

Individuals or representatives mail forms, supporting documents, and the applicable fee payment or waiver to either a USCIS Service Center or USCIS Lockbox facility based on his or

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<sup>2</sup> See <https://www.uscis.gov/sites/default/files/files/form/i-290b.pdf>.

<sup>3</sup> See <https://www.uscis.gov/sites/default/files/files/form/g-28.pdf>.



her region and the type of benefit request appealed.<sup>4</sup> Individuals or representatives file the appeal form according to the specific instructions provided on Form I-290B or the denial notice.

Incoming paper-based forms are received and reviewed by USCIS personnel at a Service Center or Lockbox facility. USCIS personnel review the benefit request form and supporting evidence for completeness. Every form must include complete information in all required blocks, be signed, and – unless the fee is waived – include the correct fee. The information from the Form I-290B is entered into CLAIMS 3 to establish the authoritative electronic record at USCIS regarding the case.<sup>5</sup>

### *Appeals: Initial Field Review*

Accepted appeals are sent from the USCIS Service Center or Lockbox facility to the appropriate USCIS field office for review. Initially, the USCIS field office that denied the immigration benefit request reviews the appeal and determines whether or not to take favorable action and grant the benefit request. A review of the record determines whether the evidence or argument submitted in the appeal warrants reopening or reconsidering the decision. During this initial field review, the field office may:

- Treat the appeal as a motion to reopen or reconsider and approve the application or petition; or
- Forward the appeal and the related record of proceeding to the AAO.

### *Motions:*

Accepted motions on decisions made in the field are sent from the USCIS Service Center or Lockbox facility to the appropriate USCIS field office for review. A review of the record determines whether the evidence or argument submitted in the appeal warrants reopening or reconsidering the decision. The field office may:

- Reopen and/or reconsider and approve the application or petition; or
- Deny the motion to reopen and/or reconsider.

If the field office or Service Center denies the Motion, applicants may then appeal the decision to the AAO.

Accepted motions on decisions made by the AAO are sent from the USCIS Service Center or Lockbox facility to the AAO for review. A review of the record by the AAO determines whether the evidence or argument submitted in the appeal warrants reopening or reconsidering the decision. The AAO may:

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<sup>4</sup> See DHS/USCIS/PIA-061 Benefit Request Intake Process PIA, available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>5</sup> See DHS/USCIS/PIA-016(a) - Computer Linked Application Information Management System (CLAIMS 3) and Associated Systems, available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



- Reopen or reconsider and sustain the previously dismissed appeal;
- Reopen or reconsider and remand the underlying benefit to the field office that issued the adverse decision for it to issue a new decision;
- Reject the motion to reopen or reconsider; or
- Deny the motion to reopen or reconsider.

The AAO manually creates an initial record using an A-Number or Receipt Number in the AAO CMS for all appeals, motions, and certifications that are referred by the originating USCIS office. Once a record is created, Person Centric Query Service (PCQS)<sup>6</sup> retrieves and updates the customer biographic information from CLAIMS 3 when prompted by an AAO CMS user. The AAO CMS then assigns an appeal file number for each case. Each record includes limited biographic data on the appellant and derivatives; the originating USCIS office; the A-Number or receipt number; the date the application was received at USCIS; the date the application was received at the AAO; attorney or preparer information; the assigned officer, editor, and supervisor; and the AAO's adjudication. Originating offices are also required to forward either the complete A-File or the complete receipt file to AAO. To request the A-File or Receipt File, AAO must log into the National File Tracking System (NFTS)<sup>7</sup> to track the location of files.

When the AAO requires the A-File or receipt file, the AAO officer logs into the Central Index System (CIS)<sup>8</sup> and electronically requests the file. CIS has a direct interface with NFTS. To ensure that the AAO has all necessary evidence for the adjudication of the appeal, certification, or motion, officers may not remove documents from an A-File to create a separate Record of Proceedings (ROP).<sup>9</sup> As a USCIS File Control Office (FCO), the AAO may receive and review the complete A-File, as necessary.<sup>10</sup> AAO users may also request and receive file location updates through the AAO CMS. NFTS sends file status location to the AAO CMS.

AAO personnel assigned to an appeal, motion, or certification reviews all case-related information provided by the individual, including supplementary evidence and reviews the A-File or receipt file to determine the benefit eligibility of the individual. If the evidence in the record does not establish eligibility for the requested immigration benefit, the AAO may:

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<sup>6</sup> See the DHS/USCIS/PIA-010 Person Centric Query Service (PCQS) PIA, available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>7</sup> See DHS/USCIS/PIA-032 National File Tracking System (NFTS), available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>8</sup> See the DHS/USCIS/PIA-009 Central Index System PIA, available at [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

<sup>9</sup> A ROP is the official history of any hearing, examination, legal proceeding, order to show cause, or adjudicative action in conjunction with any immigration action taken by DHS. The ROP serves as a comprehensive record of all the information considered when making a decision. The ROP may include: the initiating application, petition, or other initiating document, supporting documents, a transcript of the hearing or interview, USCIS decisions, notice of appeal, and documents in support of appeals or motions.

<sup>10</sup> A FCO is an office that is authorized to manage A-Files and Receipt Files. These offices can create, store, transfer, receive, maintain, and retire A-Files. FCOs are the only offices permitted to transfer in and out files involving external offices.



- Dismiss the appeal;
- Request more information or evidence from the individual; or
- Notify the individual of its intent to dismiss the appeal.

Requests for evidence (RFE)<sup>11</sup> and notices of intent to dismiss or deny (NOID)<sup>12</sup> specify the type of evidence required or the bases for the proposed dismissal. The RFE or NOID states the deadline for responding: up to a maximum of twelve weeks from the issuance of an RFE or thirty days for a NOID. All correspondence sent to the appellant is tracked in the AAO CMS.

After all the above steps have been taken, AAO personnel make a determination on the appeal. Case decision actions are tracked and recorded in CLAIMS 3. During the decision-making process, the following may occur:

- If an appellant establishes eligibility for the requested immigration benefit, the AAO may sustain the appeal and order the approval of the application or petition;
- If an appellant fails to establish eligibility for the requested immigration benefit, the AAO may dismiss the appeal;
- If the appellant has overcome the grounds of the unfavorable decision on appeal, the AAO may remand a decision to the office that made the unfavorable decision to take further action and to enter a new decision;
- If the appellant improperly filed the appeal, the AAO may reject it.<sup>13</sup>

AAO staff may also allow the appellant to withdraw his or her appeal.

The AAO creates the appeal decision and sends the notice to the appellant and any representative of record by mail. The appeal decision is effective and final on the date that the AAO issues it, unless and until the AAO reopens or reconsiders the decision on motion or a federal court modifies or overrules it. The filing of a subsequent motion to reopen or reconsider the AAO's decision does not affect the finality of the decision. USCIS consolidates notices sent to the applicant and his or her representative into the A-File or receipt file. Final decisions are also recorded in the AAO CMS and CLAIMS 3, the primary USCIS data system.

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<sup>11</sup> USCIS uses an RFE when an application lacks required documentation or the AAO officer needs additional evidence to determine an appellant's eligibility for the benefit sought. The request will indicate what evidence or information is needed for USCIS to fully evaluate the appeal under review.

<sup>12</sup> A NOID is a formal statement from USCIS that it has determined that the appellant is ineligible for the immigrant benefit requested. The issuance of a NOID is required when derogatory information is uncovered during the course of the adjudication that is not known to the individual. However, USCIS will grant the appellant an opportunity to overcome this determination and demonstrate that he or she is eligible.

<sup>13</sup> Examples of improperly filed appeals may include, but are not limited to: untimely filed, missing or incorrect filing fee, case types that do not fall under the AAO's jurisdiction, and a Form I-290B is not signed.



## *Post-Decision Reporting*

AAO uses the information contained in the AAO CMS to generate a number of statistical reports to measure and evaluate workload for proper resource allocation. USCIS generates reports to identify pending cases, to measure productivity trends, and to calculate average processing times. USCIS also generates granular level reports to identify types, number, and status of cases located in a particular office or assigned to a particular USCIS staff member, which allows supervisors to identify the oldest cases in queue for processing.

## **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?**

8 CFR §§ 103.3 and 103.5 authorize USCIS to collect the information and the associated evidence on each benefit application.<sup>14</sup> The AAO uses the information the applicant provides on the Form I-290B to adjudicate appeals or motions on decisions under immigration laws.

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

The following Privacy Act System of Records Notices apply to the collection, use, maintenance, and dissemination of information:

- Benefits Information System,<sup>15</sup> which covers the collection and use of appeal and motion applications, decisional data, and associated fees; and
- Alien File, Index, and National File Tracking System of Records,<sup>16</sup> which covers the collection, use, maintenance of appeals, motions, certifications, and supplemental evidence.

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<sup>14</sup> The AAO's appellate authority was afforded by the Secretary of DHS in 2003. The Delegation Memo (0150.1, 3/1/2003) references 8 CFR 103.1(f)(3)(E)(iii), which is no longer in effect (but does lend itself to understanding the AAO's authority). The Delegation Memo gives AAO appellate authority, not the INA or anything specific in Title 8 of the Code of Federal Regulations. Authority to collect is as stated both here in this PIA and the Privacy Act Statement on the I-290B form instructions.

<sup>15</sup> DHS/USCIS-007 Benefits Information System, 73 FR 56596 (Sept. 29, 2008).

<sup>16</sup> DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, 78 FR 69864 (Nov. 21, 2013).



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

Yes. The AAO CMS is covered as a minor application under the Salesforce Hosting Environment.<sup>17</sup> USCIS completed the Salesforce Hosting Environment security assessment and authorization documentation on April 29, 2016, and was subsequently enrolled in the USCIS Ongoing Authorization Program.

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

No. USCIS is working with NARA to develop a records retention schedule to cover the appeals and decision records. AAO proposes to delete and destroy the information 25 years from the last completed action.

### **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.**

Yes. Form I-290B is subject to OMB Control Number 1615-0095.

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

The following questions are intended to define the scope of the information requested and/or collected, as well as reasons for its collection.

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

The AAO CMS contains data from the Form I-290B, *Notice of Appeal or Motion*, as maintained in CLAIMS 3. The following data elements will be manually entered into the system as an extract from CLAIMS 3:

- Appeal, Motion, or Certification;
- Date received by USCIS;

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<sup>17</sup> The AAO will build its CMS using the Salesforce Government Cloud. The purpose of the Salesforce Government Cloud is to provide a trusted and secure service to the U.S. Government to quickly and securely deliver applications to meet customers' business needs. Customers are able to build their own custom applications on the Salesforce platform. Salesforce has a FedRAMP Agency ATO with the Department of Health and Human Services. USCIS applications built on the Salesforce platform will need a separate ATO.



- Date received by the AAO;
- Originating Office;
- Assigned Officer;
- Reopen date (in case of AAO reopen or service motion);
- Appeal file number;
- Underlying petition receipt number;
- A-Number (when applicable);
- Appellant name;
- Appellant country of birth;
- Appellant citizenship;
- Appellant country of origin;
- Form type;
- Form appealed;
- Business name (when applicable);
- Attorney name;
- Preparer name; and
- Appellant address.

The following data elements will be entered into the CMS by users at the AAO:

- A-File or Receipt File Location;
- Case status (i.e., pending, on hold adjudication complete, decision issued);
- Decision;
- Date adjudicated;
- Case history (i.e., in triage, on file shelf, assigned to officer);
- Comments, may include an explanation of the decision;
- Correspondence tracking; and
- Appellant “Clocks” (i.e., time from receipt of appeal at USCIS until adjudication; time from receipt at the AAO until adjudication; time from when appeal is first able



to be adjudicated until adjudication; total time an appeal spends in the Fraud Detection and National Security Directorate (FDNS) process at the AAO<sup>18</sup>).

The AAO CMS creates reports on the timeliness of various steps in the adjudication process. In addition, it creates workload reports to measure the number of receipts, completions, and pending cases. These reports will help AAO leadership manage the office effectively and report on timeliness.

An extract of CLAIMS 3 is uploaded into the AAO CMS to ensure accuracy of information contained in the system. Generally, information ingested into the AAO from CLAIMS 3 will not change (in CLAIMS 3) while under review by the AAO. In future iterations, the AAO CMS plans to upload information back into CLAIMS 3, such as decision and adjudication date, but at present the process is manual.

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

The AAO CMS collects information submitted by the applicant on the Form I-290B and by the attorney or representative on the Form G-28, from CLAIMS 3 and from NFTS. The AAO collects information from CLAIMS 3 to reduce the amount of manual data entry and potential errors. The AAO collects information from NFTS to determine the responsible party for the physical file.

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

No.

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

USCIS relies on individuals and their accredited representative, to provide accurate information. The aforementioned individuals are required to sign a statement certifying, under penalty of perjury, that the information included in the appeal and motion form and any submitted documents are complete, true, and correct.

Incoming Forms I-290B are reviewed by USCIS staff at either a Service Center or Lockbox facility. AAO staff also checks the accuracy of the data entered into CLAIMS 3 at various points throughout the process. USCIS has detailed Standard Operating Procedures (SOP) for handling information collected for Form I-290B. This SOP includes detailed quality control reviews that help to ensure that the information has been accurately transferred from the paper forms submitted

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<sup>18</sup> See DHS/USCIS/PIA-013-01 Fraud Detection and National Security Directorate (FDNS), *available at* [www.dhs.gov/privacy](http://www.dhs.gov/privacy).



by individuals into CLAIMS 3 and the AAO CMS. These procedures ensure that all data fields are completed and describe how data entry personnel handle inconsistencies during data entry. The SOP covers every stage of data entry from the time the envelope is opened until the time the data is entered into CLAIMS 3 and saved.

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

**Privacy Risk:** There is privacy risk that data is not fully minimized because the AAO CMS copies information from CLAIMS 3.

**Mitigation:** This privacy risk is partially mitigated because data copied from CLAIMS 3 are limited to basic biographic data necessary to track appeals and appellants. CLAIMS 3 will continue to serve as the official system of records for dates and actions on appeals, motions, and certifications. Although the official events are recorded in CLAIMS 3, the system does not support workflow and case management functionalities the AAO needs to effectively manage its workload, which is the reason for developing the AAO CMS. USCIS developed the AAO CMS to efficiently and effectively track receipts, assignments of work to officers, adjudications, and administrative actions. CLAIMS 3 remains the system in which the official actions are recorded and viewed across USCIS.

**Privacy Risk:** There is a risk that CLAIMS 3 will be manually updated with the incorrect AAO decision code and adjudication date. This will have an effect on data quality in CLAIMS 3.

**Mitigation:** USCIS has mitigated this risk of by developing separate, detailed SOPs for handling information collected in each of the numerous USCIS forms completed by benefit requestors. These SOPs include detailed quality control reviews that help to ensure that the information has been accurately transferred from the paper forms submitted by individuals into the associated case management systems. These procedures also instruct how data entry personnel handle inconsistencies during data entry. USCIS also requires a second level review and quality assurance check to verify the accuracy of the information in CLAIMS 3 against the information on the form. In future iterations, the AAO CMS will interconnect with CLAIMS 3 and each system will be updated electronically to reduce the risk of inaccurate data due to typological issues.

**Privacy Risk:** There is privacy risk of overcollection because appellants have to resubmit benefit request information to USCIS for an appeal that was already submitted as part of their original application.

**Mitigation:** This risk is minimal. In order to appeal a denied benefit, appellants must submit minimal biographic information required by the Form I-290B. Without that information, AAO adjudicators would not be able to know that a benefit denial was appealed, nor would they know for which denied benefit (and on what grounds) that appeal was made unless this information was collected on a Form I-290B. AAO adjudicators avail themselves of the entire Record of



Proceedings (ROP) and only send RFE when the ROP lacks the information necessary for the appeal to be properly adjudicated. This RFE information is new to the ROP; therefore, it represents additional evidence (not duplicate evidence). While it is always a risk that an adjudicator may request information that is not necessary to the proper adjudication of an appeal; such actions would fall in the realm of misconduct by a USCIS officer with adverse consequences.

## Section 3.0 Uses of the Information

The following questions require a clear description of the project's use of information.

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

The AAO CMS supports and manages the administration and adjudication of all appeals, motions, and certifications under AAO jurisdiction. Although basic information on appeals, motions, and certifications is available from existing USCIS systems, the AAO CMS brings the ability to closely manage the lifecycle of AAO cases (segmenting the AAO portfolio, assigning work, assigning and managing tasks and deadlines, etc.) The information is used to assist AAO leadership in managing and reporting on the office's caseload.

### 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.

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

No.

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

**Privacy Risk:** There is a risk that authorized users could exceed their authority and use the data for unofficial purposes.

**Mitigation:** All records are protected from unauthorized access and use through appropriate administrative, physical, and technical safeguards that include restricting access to authorized personnel who have a need-to-know. USCIS limits access to PII by employing role-based access. All USCIS employees and contractors are thoroughly trained regarding the use of the database and the sensitivity of the information. Additionally, all USCIS employees and contractors are required take the annual security and privacy awareness training.



## Section 4.0 Notice

The following questions seek information about the project's notice to the individual about the information collected, the right to consent to uses of said information, and the right to decline to provide information.

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

All immigration form instructions contain a Privacy Act Statement. Each Privacy Act Statement provides notice to individuals about the agency's authority to collect information, the purposes of data collection, routine uses of the information, and the consequences of declining to provide the requested information to USCIS. Additionally, individuals are provided general notice through the publication of this PIA and the associated SORNs.

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

The submission of an appeal of a denial of an immigration benefit is voluntary. The denial notice provides information about whether the decision may be appealed and where to file an appeal. To appeal an unfavorable decision, individuals must provide certain biographic information in addition to other information. This information is critical in making an informed adjudication decision to grant or deny an immigration benefit. Failure to provide the requested information prohibits USCIS from processing and properly adjudicating the appeal and thus precludes the applicant from receiving the benefit.

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

**Privacy Risk:** None.

## Section 5.0 Data Retention by the project

The following questions are intended to outline how long the project retains the information after the initial collection.

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

USCIS is working with NARA to develop a records retention schedule to cover the appeals and decision records. The AAO proposes to delete and destroy the information 25 years from the last completed action.



## 5.2 Privacy Impact Analysis: Related to Retention

**Privacy Risk:** Without an approved retention schedule, there is a risk that information may be retained longer than necessary and may increase the potential of an unauthorized disclosure.

**Mitigation:** USCIS is working to mitigate this risk. USCIS developed a retention schedule for the AAO CMS. The proposed NARA schedule is consistent with the concept of retaining data only for as long as necessary to support USCIS's mission. Until USCIS completes a NARA-approved retention schedule, USCIS will maintain all records indefinitely.

## Section 6.0 Information Sharing

The following questions are intended to describe the scope of the project information sharing external to the Department. External sharing encompasses sharing with other federal, state and local government, and private sector entities.

### 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.

The AAO does not engage in any regular information sharing outside of DHS.

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

The AAO does not engage in any regular information sharing outside of DHS.

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

The AAO does not engage in any regular information sharing outside of DHS.

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

The AAO does not engage in any regular information sharing outside of DHS.

### 6.5 Privacy Impact Analysis: Related to Information Sharing

There is a minimal privacy risk related to external information sharing because AAO does not share information outside of DHS.



## Section 7.0 Redress

The following questions seek information about processes in place for individuals to seek redress which may include access to records about themselves, ensuring the accuracy of the information collected about them, and/or filing complaints.

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

Individuals seeking to access or amend their USCIS records may file Freedom of Information Act (FOIA) or Privacy Act request. Any individual seeking to access his or her USCIS record may submit a request to following address:

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

The process for requesting records can be found at 6 CFR § 5.21. The request should state clearly the information that is being requested. The procedures for making a request for access to one's records can also be found on the USCIS web site, located at [www.uscis.gov](http://www.uscis.gov).

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

Individuals should submit requests to contest or amend information contained in the AAO CMS as discussed in Section 7.1. The requestor should clearly and concisely state the information being contested, the reason for contesting or amending it, and the proposed amendment. The requestor should also clearly mark the envelope, "Privacy Act Amendment Request." The record must be identified in the same manner as described for making a request for access.

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

USCIS notifies individuals of the procedures for correcting their information through this PIA and the associated SORN, Privacy Act Statements, and through USCIS personnel who interact with individuals and their representatives.

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

There is minimal privacy risk related to redress. USCIS provides individuals with access, amendment, or correction to their records when requested through a FOIA or Privacy Act request.



## Section 8.0 Auditing and Accountability

The following questions are intended to describe technical and policy based safeguards and security measures.

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

USCIS ensures that practices stated in this PIA comply with internal USCIS policies, including the USCIS privacy policies, SOPs, orientation and training, rules of behavior, and auditing and accountability.

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

All USCIS employees and contractors are required to complete the annual privacy and security awareness training to ensure their understanding of properly handling and securing PII. The Privacy Awareness training addresses appropriate privacy concerns, including Privacy Act obligations (e.g., SORNs, Privacy Act Statements). The Computer Security Awareness training examines appropriate technical, physical, personnel, and administrative controls to safeguard information.

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

USCIS limits access to the AAO CMS to authorized USCIS employees and contractors with a valid need-to-know. Access privileges are limited by establishing role-based user accounts to minimize access to information that the user does not need to perform essential job functions. The employee's current job functions determine his or her need-to-know. The employee's supervisor must validate that the employee needs access to the information. Moreover, USCIS limits access privileges for users by ensuring they have authorized logon credentials (i.e., DHS-issued user ID and password) and have an established role-based user account.

### **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?**

USCIS has a formal review and approval process in place for new information sharing access agreements. Any new use of information and/or new access requests for the system must go through the USCIS change control process and must be approved by the proper authorities of



this process, such as the USCIS Privacy Officer, Chief of Information Security Officer, Office of Chief Counsel, and the respective Program Office.

## **Responsible Officials**

Donald K. Hawkins  
Privacy Officer  
United States Citizenship and Immigration Services

## **Approval Signature**

Original signed copy on file with the DHS Privacy Office.

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Karen L. Neuman  
Chief Privacy Officer  
Department of Homeland Security