



**Privacy Impact Assessment Update
for the
Deferred Action for Childhood Arrivals
(DACA)**

DHS/USCIS/PIA-045(a)

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Abstract

The Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS) is updating the Privacy Impact Assessment (PIA) for Deferred Action for Childhood Arrivals (DACA), published on August 15, 2013.¹ The purpose of this update is to discuss changes to Form I-821D, *Consideration for Deferred Action for Childhood Arrivals*, primarily in support of the DACA renewal requests. USCIS has revised Form I-821D to allow for both initial and renewal DACA requests.

Overview

Under the Deferred Action for Childhood Arrivals (DACA) process, certain young people who came to the United States as children and meet several key guidelines may request consideration of initial deferred action or renewal of deferred action. Deferred action is a discretionary determination to defer removal action of an individual as an act of prosecutorial discretion.² Individuals whose case is deferred under this process are not placed into removal proceedings or removed from the United States for a period of two years, unless terminated. Deferred action does not confer lawful status. A person may be considered for renewal of DACA if he or she met the guidelines for consideration of initial DACA and he or she:

- did not depart the U.S. on or after August 15, 2012, without first having been granted advance parole;
- has continuously resided in the U.S. from the time he or she submitted his or her most recent request for DACA that was approved up until the present time; and
- has not been convicted of a felony, a significant misdemeanor, or three or more misdemeanors, and does not otherwise pose a threat to national security or public safety.

Individuals granted DACA by U.S. Immigration and Customs Enforcement (ICE) and USCIS may request consideration for a two-year extension of deferred action through the renewal process.³ Like requests for initial DACA, each request for a renewal of DACA will be considered on a case-by-case basis.

USCIS updated the Form I-821D, *Consideration for Deferred Action for Childhood Arrivals*, to include the collection of information in support of renewal requests, such as residence and travel information for the period of time since the individual submitted his or her initial DACA request. The Form I-821D now collects ethnicity, race, height, and weight to

¹ See DHS/USCIS/PIA-045 Deferred Action for Childhood Arrivals (DACA), available at www.dhs.gov/privacy.

² See Consideration of Deferred Action for Childhood Arrivals Process, available at www.uscis.gov/childhoodarrivals.

³ See ICE-Granted DACA Renewal Guidance, available at <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/ice-granted-daca-renewal-guidance>.



facilitate processing of initial and renewal requestors at USCIS's Application Support Centers (ASC). USCIS also updated the Form I-821D to collect preparer and interpreter business information, which enables USCIS to contact the preparer or interpreter with any questions regarding his or her preparation of and assistance with the benefit request.

In addition, Form I-821D must be completed, properly signed, and accompanied by a Form I-765, *Application for Employment Authorization*, and a Form I-765WS, Worksheet, establishing economic need for employment. If the individual fails to submit a completed Form I-765 (along with the accompanying filing fees for that form), USCIS will not consider the request for deferred action.

Reason for the PIA Update

USCIS revised Form I-821D, *Consideration of Deferred Action for Childhood Arrivals* to include the collection of additional information for DACA renewal requests, such as residence and travel information for the period of time since the requestor submitted his or her most recent DACA request. Applicable to both initial and renewal DACA requests, the form now also captures additional processing information including ethnicity, race, height, and weight to facilitate processing of initial and renewal requestors at an ASC. USCIS also updated the Form I-821D to collect preparer and interpreter business contact information to allow USCIS to contact the preparer or interpreter with any questions regarding his or her preparation of and assistance with the benefit request.

Privacy Impact Analysis

In each of the below sections consider how the system has changed and what impact it has on the below fair information principles. In some cases there may be no changes and indicate as such.

Authorities and Other Requirements

The Secretary of Homeland Security is charged under section 103(a)(1) of the Immigration and Nationality Act (INA) with the enforcement of the immigration laws, and may exercise prosecutorial discretion to further that responsibility.⁴ USCIS is collecting the information in this form in accordance with the authority provided by INA, to prescribe forms and instructions necessary to carry out the Secretary's authority under the provisions of the INA.⁵

The following system of records notices cover the collection, maintenance, and use of DACA requests:

⁴ See 8 U.S.C. § 1103(a)(1).

⁵ See 8 U.S.C. § 1103(a)(3).



- DHS/USCIS/ICE/CBP-001 - Alien File, Index, and National File Tracking System of Records⁶ covers the consideration for DACA requests, employment authorization applications, and supplemental evidence;
- DHS/USCIS-002 - Background Check Service⁷ covers the status and results of background checks;
- DHS/USCIS-003 - Biometric Storage System⁸ covers the collection, use, and storage of biometric data; and
- DHS/USCIS-007 - Benefits Information System⁹ covers the consideration of deferred action for childhood arrivals request data, employment authorization application data, decision data, and fee exemption data.

Computer Linked Adjudication Information Management System 3 (CLAIMS 3)¹⁰ is the information technology system used to support the processing of DACA requests. CLAIMS 3 received its authority to operate on March 30, 2012, for a period of three years.

The Alien File (A-File) [N1-566-08-11] and CLAIMS 3 [N1-566-08-13] have National Archives and Records Administration (NARA) approved retention schedules. USCIS retains information captured in CLAIMS 3 is retained for 15 years after the last completed action with respect to the request. Supplemental evidence submitted along with the application is stored in the A-File. A-File records are permanent and DHS transfers them to NARA 100 years after the individual's date of birth.

The collection of information for DACA is subject to the Paperwork Reduction Act. USCIS obtained approval from OMB for Form I-821D (OMB No. 1615-0124) and Form I-765 (OMB No. 1615-0040).

Characterization of the Information

USCIS collects the information provided on Form I-821D and the associated evidence directly from the individual or his or her representative. Form I-821D was updated to allow for both initial and renewal DACA requests. The Form captures additional data elements are captured from the requestor, interpreter, and preparer. The following requestor information is collected to facilitate the processing of initial and renewal requests: signature; expiration date of current deferred action; immigration status; ethnicity; race; height; weight; hair and eye color;

⁶ See DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records, 78 FR 69864 (November 21, 2013).

⁷ See DHS/USCIS-002 - Background Check Service, 72 FR 31082 (June 5, 2007).

⁸ See DHS/USCIS-003 - Biometric Storage System, 72 FR 17172 (April 6, 2007).

⁹ See DHS/USCIS-007 - Benefits Information System, 73 FR 56596 (September 29, 2008).

¹⁰ See DHS/USCIS/PIA-016 - Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum (CLAIMS 3), available at www.dhs.gov/privacy.



residence and travel information; education information; criminal history; passport number; country of issuance and expiration date; border crossing card number, if any; and certification of requestor, interpreter and preparer. Form I-821D now collects preparer fax number and interpreter organization, mailing address, phone number, and email address. USCIS collects interpreter and preparer business information to contact the individual with any questions regarding their preparation and assistance of the benefit request.

Although there is a privacy risk that USCIS may collect more PII than necessary, USCIS reviewed the additional data elements to ensure that it increases processing efficiency, provides better customer service, and ensures DACA is provided to only those who are qualified to receive it. Data that does not meet these guidelines is not included in the form. USCIS also minimized the information required for renewal requests in order to avoid duplication of information already in the individual's A-File to every extent possible. Renewal requestors are able to skip a portion of the form and do not need to resubmit supporting evidence already submitted in the previous DACA requests.

Uses of the Information

There is no change to the uses of information described in the DACA PIA.¹¹ The main purpose for collecting additional information is to process renewal and initial DACA requests more efficiently. All information collected from the individual requesting deferred action that is processed by CLAIMS 3 is necessary to establish the individual's identity and history with USCIS, as well as appropriateness for consideration of deferred action. In addition, USCIS uses the information to determine whether there are any criminal, immigration, or national security concerns.

Notice

USCIS is providing notice about this change through this PIA update. The A-File, Background Check Service, Biometric Storage System, and Benefits Information System SORNs cover the collection, use, and maintenance of data with this update.¹² Additionally, USCIS provides a Privacy Act Statement on the form instructions to individuals who request deferred action under DACA or the renewal of a previous DACA application prior to the collection of information. The Privacy Act Statement explains the (1) authority to collect the information; (2) purpose for which the information is used; (3) how the information is going to be used outside of the agency; and (4) whether providing the information is mandatory.

¹¹ See DHS/USCIS/PIA-045 Deferred Action for Childhood Arrivals (DACA), available at www.dhs.gov/privacy.

¹² See DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records, 78 FR 69864 (November 21, 2013); DHS/USCIS-002 - Background Check Service, 72 FR 31082 (June 5, 2007); DHS/USCIS-003 - Biometric Storage System, 72 FR 17172 (April 6, 2007); DHS/USCIS-007 - Benefits Information System, 73 FR 56596 (September 29, 2008).



Data Retention by the project

There is no change in the data retention as described in DHS/USCIS/PIA-045 DACA PIA. USCIS continues to enter the information from the completed Form I-821D, *Consideration for Deferred Action for Childhood Arrivals*, into CLAIMS 3 for processing and adjudication. Information in CLAIMS 3 is destroyed 15 years after the last completed action with respect to the request. Supplemental evidence submitted along with the DACA request is stored in the A-File. The A-File records are permanent, whether hard copy or electronic. DHS transfers the A-Files to the custody of the National Archives 100 years after the individual's date of birth.

Information Sharing

There is no change in the DHS external sharing and disclosure of information as described in the DHS/USCIS/PIA-045 DACA PIA. USCIS continues to share and disclose information with external agencies for law enforcement purposes when USCIS detects possible fraud and/or misuse, on a case-by-case basis. This external sharing and disclosure of information remains consistent with information sharing discussed in the original DACA PIA.

Redress

There is no change in the DHS internal sharing and disclosure as described in the DHS/USCIS/PIA-045 DACA PIA. The individual right to access, redress, and correction has not changed with this update. Customers maintain the right to file a Freedom of Information Act (FOIA) and/or Privacy Act (PA) request to gain access to or amend their USCIS records. Any individual seeking to access information maintained in CLAIMS 3 should direct his or her request to USCIS National Records Center (NRC), P.O. Box 648010, Lee's Summit, MO 64064-8010.



Auditing and Accountability

There is no change in the auditing and accountability as described in the DHS/USCIS/PIA-045 DACA PIA. USCIS continues to employ technical and security controls to preserve the confidentiality, integrity, and availability of the systems used to process DACA requests, which are validated during the security authorization process.¹³ These technical and security controls mitigate privacy risks associated with unauthorized access and disclosure.

Responsible Official

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Approval Signature

[Original signed copy on file with DHS Privacy Office.]

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¹³ The security authorization process substantiates the implementation of security standards and guidelines for information systems.