



Privacy Impact Assessment
for the

Fraud Detection and National Security Directorate

DHS/USCIS/PIA-013(a)

Appendix B

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APPENDIX B

Security Checks for Temporary Protected Status (TPS) Applicants

Background:

Pursuant to 8 U.S.C. § 1254a, the Secretary of Homeland Security may designate a foreign country for Temporary Protected Status (TPS) due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. USCIS may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the United States. Eligible individuals without nationality who last resided in the designated country may also be granted TPS. See DHS/USCIS/PIA-016 - Benefits Processing of Applicants other than Petitions for Naturalization, Refugee Status, and Asylum (CLAIMS 3) for more information on the processing of benefits at USCIS.¹

The Secretary may designate a country for TPS due to the following temporary conditions in the country:

- Ongoing armed conflict (such as civil war);
- An environmental disaster (such as earthquake or hurricane) or an epidemic; or
- Other extraordinary and temporary conditions.

During a designated period, individuals who are TPS beneficiaries or who are found preliminarily eligible for TPS upon initial review of their cases (*prima facie* eligible):

- Are not removable from the United States;
- Can obtain an employment authorization document (EAD); and
- May be granted travel authorization.

Once granted TPS, an individual also cannot be detained by DHS on the basis of his or her immigration status in the United States. TPS is a temporary benefit that does not lead to lawful permanent resident status or give any other immigration status. However, registration for TPS does not prevent an applicant from:

- Applying for nonimmigrant status;
- Filing for adjustment of status based on an immigrant petition; and/or
- Applying for any other immigration benefit or protection for which you may be eligible.

TPS designation is time-bound and requires the Secretary to extend designation (re-designate) for a country's TPS status. Re-designation allows USCIS to accept new applications for TPS. Once granted TPS, an individual must re-register during each re-registration period to maintain TPS benefits. Please see table below for a full list of countries that have been designated as TPS by the Secretary of Homeland Security and their effective dates.

¹ The CLAIMS 3 PIA is available at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_cis_claims3.pdf.



Designated Country	Most Recent Designation Date	Current Expiration Date	Current Registration Period	Re-Registration Period	Initial Registration Period	Employment Authorization Document (EAD) Automatically Extended Through
El Salvador	March 9, 2001	March 9, 2015	May 30, 2013 through July 29, 2013	N/A		March 9, 2014
Haiti	July 23, 2011	July 22, 2014	October 1, 2012 through November 30, 2012	N/A		July 22, 2013
Honduras	January 5, 1999	January 5, 2015	April 3, 2013 through June 3, 2013	N/A		January 5, 2014
Nicaragua	January 5, 1999	January 5, 2015	April 3, 2013 through June 3, 2013	N/A		January 5, 2014
Somalia	September 18, 2012	March 17, 2014	May 1, 2012 through July 2, 2012	May 1, 2012 through October 29, 2012		NO Automatic Extension* *Sufficient time was deemed available to issue new EADs.
Sudan	May 3, 2013	November 2, 2014	January 9, 2013 through March 11, 2013	January 9, 2013 through July 8, 2013		NO Automatic Extension* *Sufficient time was deemed available to issue new EADs.
South Sudan	May 3, 2013	November 2, 2014	January 9, 2013 through March 11, 2013	January 9, 2013 through July 8, 2013		NO Automatic Extension* *Sufficient time was deemed available to issue new EADs.



Designated Country	Most Recent Designation Date	Current Expiration Date	Current Registration Period	Re-Registration Period	Initial Registration Period	Employment Authorization Document (EAD) Automatically Extended Through
Syria	October 1, 2013	March 31, 2015	June 17, 2013 through August 16, 2013		June 17, 2013 through December 16, 2013	N/A

Applicants for immigration benefits from USCIS, including TPS, receive background and identity checks as part of the adjudication process. Currently, all applicants for TPS receive a biographic check using the Customs and Border Protection’s TECS, as well as a biometric check using the Federal Bureau of Investigation Fingerprint Check. In addition to these checks, USCIS will conduct additional screening on individuals who may be eligible for TPS based off their country of citizenship or to stateless persons who last resided in the designated country. This additional check will be conducted by the Fraud Detection and National Security (FDNS) Division in conjunction with the National Counterterrorism Center (NCTC). FDNS facilitates the additional screening of TPS applicants; however, the Service Center Operations Program (SCOPS) manages the TPS adjudication process.

Screening of TPS Applicants from Designated Countries:

As part of its administration and enforcement of the Immigration and Nationality Act, USCIS reviews TPS applications for “inadmissibilities” under the Immigration and Nationality Act that may affect a TPS applicant’s eligibility for the benefit. For example, USCIS’s review for inadmissibilities includes national security and terrorism-related inadmissibilities as described in Sections 212(a)(3)(A), (B), or (F), or 237(a)(4) (A) or (B) of the Immigration and Nationality Act.

To support USCIS’s identification of terrorism-related inadmissibilities, USCIS is partnering with the NCTC to determine if Terrorism Information exists in TPS applications from designated countries. Terrorism Information is defined as,

(A)... all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to— (i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism; (ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations; (iii) communications of or by such groups or individuals; or (iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and (B) includes weapons of mass destruction information.²

² As defined in 6 USC § 485.



Using CLAIMS 3, USCIS will extract TPS applicant data and provide that list to the NCTC via encrypted electronic transmission in accordance with information security standards.³ NCTC will analyze the TPS applicant data in conjunction with other data that NCTC holds, such as the Terrorist Identities Datamart Environment (TIDE), to determine if the TPS applicant data constitutes Terrorism Information.⁴ In the event that NCTC identifies Terrorism Information associated with a TPS applicant, USCIS will review all available, relevant information and will adjudicate the application pursuant to USCIS's legal authorities.

Data Elements:

USCIS will provide NCTC with the biographic information derived from TPS applications, such as name, date of birth, country of birth, or other biographic data elements relevant to screening. DHS will not collect, generate, or retain any personally identifiable information beyond that which is collected, generated, or retained during the routine adjudication of TPS applications.

Population:

Currently, the only population of individuals that are undergoing this screening are Syrian TPS Applicants. This PIA Appendix will be updated as additional countries are required to have this additional check.

Privacy Mitigation:

DHS and NCTC have entered a letter of intent (LOI) that establishes the terms and conditions of NCTC's access, use, and retention of Syrian TPS information. The LOI limits NCTC's retention of TPS information so that NCTC only retains the information USCIS provides for analysis for as long as required to complete the mission. Under the LOI, NCTC may temporarily retain TPS information until no later than April 30, 2015. The purpose of this extended retention is to enable NCTC to continue to use the Syrian TPS Data in its counterterrorism analysis and to inform DHS of any subsequent terrorism-related concerns that may be identified after NCTC has performed the initial vetting of the Syrian TPS Data. The LOI also requires NCTC to delete the TPS information after it is no longer needed. After April 30, 2015, if the TPS information has not been identified as Terrorism Information, then NCTC will purge the records. If, during the course of the temporary retention period, NCTC identifies TPS information that is Terrorism Information, NCTC may retain, use, and disseminate the information consistent with its authorities.

The LOI also features protections against unauthorized dissemination of TPS information. Pursuant to the LOI, NCTC may disseminate Syrian TPS Data identified as Terrorism Information

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

⁴ TIDE is the central repository of identities information for known and suspected terrorists (KST). TIDE supports the U.S. Government's terrorist screening systems and the Intelligence Community's overall counterterrorism mission. The NCTC developed TIDE as part of the post-9/11 reform of the United States' watchlisting process, which consolidated multiple databases of international terrorist identities. The NCTC can perform batch queries of TIDE and other classified holdings, to determine if Terrorism Information exists for a subject.



consistent with its authorities without the need for DHS approval, provided such dissemination is to other appropriate federal departments and agencies with counterterrorism responsibilities for counterterrorism purposes. NCTC may not otherwise disseminate Syrian TPS Data absent written permission from DHS, including review and approval by USCIS, the DHS Privacy Office, Office for Civil Rights and Civil Liberties, Office of the General Counsel, and Policy Office.