

additional verification, which includes why additional verification is requested by the employer user.

- Information collected directly from individuals who have been the victim of identity theft who wish to prevent or deter further use of stolen identities in E-Verify, including: police reports, name, Social Security Number, street address, e-mail address, and other identity authentication information relevant to preventing or deterring further use of stolen identities.

#### **F. Inclusive Dates of the Matching Program**

The matching program will become effective 30 days after publication of this notice in the **Federal Register**. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

Dated: May 27, 2009.

**Mary Ellen Callahan,**

*Chief Privacy Officer, U.S. Department of Homeland Security.*

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Office of the Secretary**

[Docket No. DHS-2009-0010]

#### **Privacy Act of 1974, as Amended; Computer Matching Program (Department of Homeland Security United States Citizenship and Immigration Services (DHS/USCIS)-Massachusetts Division of Unemployment Assistance (MA-DUA))**

**AGENCY:** United States Citizenship and Immigration Services, DHS.

**ACTION:** Notice of the renewal of an existing computer matching program, which is scheduled to expire on July 6, 2009.

**SUMMARY:** In accordance with the provisions of the Privacy Act, as amended, this notice announces the renewal of a computer matching program that Department of Homeland Security United States Citizenship and Immigration Services (DHS/USCIS) is currently conducting with MA-DUA.

**DATES:** The matching program will become effective 30 days after publication of this notice in the **Federal Register**. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

**ADDRESSES:** Interested parties may comment on this notice by either telefaxing to (703) 483-2999 or writing to the Privacy Office, Department of Homeland Security, Washington, DC 20528. All comments received will be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** For general questions please contact Donald Hawkins (202-272-8000), USCIS Privacy Officer, 20 Massachusetts Avenue, NW., Washington, DC 20529. For privacy issues please contact: Mary Ellen Callahan (703-235-0780), Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. General**

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100-503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for individuals applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such individuals.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

- (1) Negotiate written agreements with the other agency or agencies participating in the matching programs;
- (2) Obtain the approval of the matching agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;
- (3) Publish notice of the computer matching program in the **Federal Register**;

- (4) Furnish detailed reports about matching programs to Congress and OMB;

- (5) Notify applicants and beneficiaries that their records are subject to matching; and

- (6) Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

##### **B. DHS Computer Matches Subject to the Privacy Act**

DHS/USCIS has taken action to ensure that all of DHS's computer

matching programs comply with the requirements of the Privacy Act, as amended.

##### **C. Purpose of the Matching Program**

The purpose of this Agreement is to provide the MA-DUA with electronic access to immigration status information contained within DHS/USCIS' Verification Information System (VIS). This access will enable the MA-DUA to determine whether an applicant is eligible for benefits under the Unemployment Compensation (UC) program administered by MA-DUA.

##### **D. Authority for Conducting the Matching Program**

MA-DUA seeks access to the information contained in the DHS-USCIS VIS database to execute its obligations under Section 1137 of the Social Security Act (42 U.S.C. 1320b-7(a), *et seq.*) and Mass. Gen. Laws ch. 151A section 25(h).

USCIS maintains the VIS database pursuant to Section 121 of the Immigration Reform and Control Act (IRCA) of 1986, Public Law 99-603, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Laws 104-193 Stat. 2168 (1996). These statutes require USCIS to make VIS available to State agencies which administer related benefits.

##### **E. Categories of Records and Individuals Covered by the Matching Program**

The USCIS VIS System of Records Notice (SORN) details the records and individuals relevant to this agreement. The VIS SORN can be found at 73 FR 75445, December 11, 2008.

##### *Categories of Individuals Covered*

This system contains information on individuals, both U.S. citizens and non-U.S. citizens covered by provisions of the Immigration and Nationality Act of the United States including but not limited to individuals who have been lawfully admitted to the United States, individuals who have been granted U.S. citizenship and individuals who have applied for other immigration benefits pursuant to 8 U.S.C. 1103 *et seq.* In addition, it contains information on cohabitants and relatives of subjects of SAVE background investigations conducted for OPM. This system also contains information on individuals, both U.S. citizens and non-U.S. citizens, whose employers have submitted to the E-Verify program their identification information. This system also contains information on individuals, both U.S. citizens and non-U.S. citizens, who

have been victims of identity theft and have chosen to lock their Social Security number from further use in the E-Verify program.

#### *Categories of Records Covered*

- Data originating from the USCIS Central Index System (CIS), including the following information about the individual who comes before USCIS: Alien Registration Number (A-Number), name (last, first, middle), date of birth, date entered United States (entry date), country of birth, class of admission code, File Control Office code, Social Security Number, Admission Number (I-94 Number), provision of law code cited for employment authorization, office code where the authorization was granted, date employment authorization decision issued, date employment authorization may begin (start date), date employment authorization expires (expiration date), and date employment authorization was denied (denial date).

- Data originating from the U.S. Customs and Border Protection Treasury Enforcement Communications System (TECS), including the following information about the individual: A-Number, name (last, first, middle), date alien's status was changed (status change date), date of birth, class of admission code, date admitted until, country of citizenship, port of entry, date entered United States (entry date), departure date, I-94 Number, visa number, and transaction link to passport photographs contained in TECS.

- Data originating from the Redesignated Naturalization Automated Casework System (RNACS). RNACS is a database that includes information from individuals who have filed applications for naturalization, citizenship, or to replace naturalization certificates under the Immigration and Nationality Act, as amended, and/or who have submitted fee payments with such applications. The naturalization records in the RNACS database house information from 1986 to 1996. Information that identifies individuals named above, *e.g.*, name, address, date of birth, and alien registration number (A-Number). Records in the system may also include information such as Date documents were filed or received in CIS, Status, class of admission codes, and locations of record.

- Data originating from the Computer Linked Applications Information Management System (CLAIMS 4) including the following information about the individual: name (first, last), date of birth, Social Security Number, and naturalization date.

- Data originating from the USCIS Biometric Storage System (BSS),

including: Receipt number, name (last, first, middle), date of birth, country of birth, A-Number, form number (for example Form I-551, Lawful Permanent Resident card, or Form I-766, Employment Authorization Document), expiration date, and photo.

- Data originating from the USCIS Computer Linked Application Information Management System (CLAIMS 3), including: Receipt number, name (last, first, middle), date of birth, country of birth, class of admission code, A-Number, I-94 number, date entered United States (entry date), and "valid-to" date.

- Data originating from the U.S. Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Information System (SEVIS), including: SEVIS Identification Number (SEVIS ID), name (last, first, middle), date of birth, country of birth, class of admission code, I-94 number, date entered United States (entry date), and "valid-to" date.

- Data originating from the Social Security Administration (SSA), including: Confirmation of employment eligibility based on SSA records, tentative non-confirmation of employment eligibility and the underlying justification for this decision, and Final non-confirmation of employment eligibility.

- Information collected from the benefit applicant by a Federal, State, local or other benefit-issuing agency to facilitate immigration status verification that may include the following about the benefit applicant: Receipt Number, A-Number, I-94 Number, name (last, first, middle), date of birth, user case number, DHS document type, DHS document expiration date, SEVIS ID and visa number.

- Information collected from the benefit-issuing agency about users accessing the system to facilitate immigration status verification that may include the following about the agency: Agency name, address, point(s) of contact, contact telephone number, fax number, e-mail address, type of benefit(s) the agency issues (*i.e.* unemployment insurance, educational assistance, driver licensing, *etc.*).

- Information collected from the benefit-issuing agency about the individual agency user including: Name (last, first, middle), phone number, fax number, e-mail address, user ID for users within the agency.

- System-generated response, as a result of the SAVE verification process including: Case verification number, entire record in VIS database as outlined above, including all information from CIS, SEVIS, TECS, and CLAIMS 3 and

with the exception of the biometric information (photo) from BSS, and immigration status (*e.g.*, Lawful Permanent Resident).

- Information collected from the employee by the employer user to facilitate employment eligibility verification may include the following about the Individual employee: Receipt number, visa number, United States or foreign passport number, passport card number, A-Number, I-94 Number, name (last, first, middle initial, maiden), Social Security Number, date of birth, date of hire, claimed citizenship status, acceptable form I-9 document type, acceptable form I-9 Document expiration date, and passport, passport card, or visa photo.

- Information collected about the employer, including: Company name, physical address, employer identification number, North American Industry Classification System code, Federal contracting agency, Federal contract identifier, number of employees, number of sites, parent company or corporate company, name of contact(s), phone number, fax number, and e-mail address.

- Information collected about the employer user (*e.g.*, identifying users of the system at the employers), including: Name, phone number, fax number, e-mail address, and user ID.

- System-generated response information, resulting from the E-Verify employment eligibility verification process, including: Case verification number; VIS generated response: Employment authorized, tentative non-confirmation, case in continuance, final non-confirmation, employment unauthorized, or DHS No Show; disposition data from the employer includes resolved unauthorized/terminated, self terminated, invalid query, employee not terminated, resolved authorized, and request additional verification, which includes why additional verification is requested by the employer user.

- Information collected directly from individuals who have been the victim of identity theft who wish to prevent or deter further use of stolen identities in E-Verify, including: Police reports, name, Social Security Number, street address, e-mail address, and other identity authentication information relevant to preventing or deterring further use of stolen identities.

#### **F. Inclusive Dates of the Matching Program**

The matching program will become effective 30 days after publication of this notice in the **Federal Register**. The matching program will continue for 18

months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

Dated: May 27, 2009.

**Mary Ellen Callahan,**

*Chief Privacy Officer, U.S. Department of Homeland Security.*

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## DEPARTMENT OF HOMELAND SECURITY

### Notice to Aliens Included in the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program; Collection of Alien Biometric Data upon Exit From the United States at Air Ports of Departure

**AGENCY:** National Protection and Programs Directorate, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** This notice informs the public of the implementation of United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program exit pilot programs at two air ports of entry as required by the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. The 2009 appropriations act limited the Department of Homeland Security's funding until US-VISIT conducts certain exit pilots programs and submits a report to Congress. This notice also announces the location of the exit pilot programs and describes the process by which the exit pilot programs will be evaluated by the Department of Homeland Security (DHS). The airport locations are Atlanta, Georgia, and Detroit, Michigan.

**FOR FURTHER INFORMATION CONTACT:** Helen deThomas, US-VISIT, Department of Homeland Security, 245 Murray Drive, SW., Washington, DC, 20020; (202) 298-5200 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department of Homeland Security (DHS) established US-VISIT in accordance with several congressional mandates requiring DHS to create an integrated, automated entry-exit system that records the arrival and departure of aliens, verifies aliens' identities, and authenticates aliens' travel documents through the comparison of biometric identifiers.

On April 24, 2008, DHS published a notice of proposed rulemaking (NPRM) to establish an exit program at all air

and sea ports of departure in the United States. See 73 FR 22056. The NPRM proposed that aliens subject to US-VISIT entry requirements would provide biometric information to commercial air and vessel carriers before departing the United States at air and sea ports of entry. The commercial air and vessel carriers would be required to collect and transmit the biometric information to DHS. The rule would have exempted, at that time, certain private and small carriers.

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, Public Law 110-329, 122 Stat. 3574, 3669-70 (Sept. 30, 2008) (2009 Appropriations Act) subsequently provided:

That no funding under this heading shall be obligated for implementation of a final air exit solution pursuant to the notice of proposed rulemaking (DHS-2008-0039) published on April 24, 2008, until the Committees on Appropriations of the Senate and the House of Representatives receive a report on pilot tests of the air exit solution, which shall be reviewed by the Government Accountability Office, and which shall test at least two scenarios: (a) Where the airlines collect and transmit biometric exit data as proposed in the notice of proposed rulemaking and (b) where U.S. Customs and Border Protection collects such information at the departure gates.

DHS is conducting an additional pilot in which the Transportation Security Administration (TSA) collects and transmits biometric exit data at an airport security checkpoint. The air exit pilots are being conducted by CBP at the Detroit Metropolitan Wayne County Airport (DTW) and by TSA at the Hartsfield-Jackson Atlanta International Airport (ATL) for a 30-45 day period and began on May 28, 2009.

#### Pilot 1: CBP at the Departure Gate

CBP officers are conducting a pilot at the departure gate. The purpose of this pilot is to evaluate the impact of collecting biometric information at or near the departure gate from aliens who are subject to US-VISIT biometric requirements departing the United States for foreign destinations. The biometric information consists of one or more electronic fingerprints captured using a mobile or portable device. The biographic information includes travel document information, such as name, date of birth, document issuance type, country, and number—all of which are contained in the document's machine-readable zone (MRZ) of a machine-readable travel document (MRTD). CBP is following defined processes that minimize interference with the air carrier boarding process. This pilot will capture the cycle time necessary for the

additional verification and collection of this biometric data from international travelers.

#### Pilot 2: TSA at the Security Checkpoint

TSA is conducting a pilot at the security checkpoint. The purpose of this pilot is to evaluate the impact of collecting biometric information at the TSA security checkpoints from those aliens who are subject to US-VISIT biometric requirements departing the United States for foreign destinations. Those travelers with international destinations are directed to an area within the checkpoint where the biographic and biometric information is collected. The biometric information consists of one or more electronic fingerprints captured using a mobile device. The biographic information includes travel document information, such as name, date of birth, document issuance type, country, and number—all of which are contained in the document's MRZ of the MRTD. This pilot will capture the cycle time necessary for the additional verification and collection of this biometric data from international travelers.

#### Air Exit Pilots Evaluation

The goal of the pilots is to provide data in support of an evaluation of each alternative to inform the final rule, supporting an optimal air exit solution. The pilots have the following additional objectives:

- Evaluate identity verification and exit-recording solutions with existing port operations and infrastructure.
- Record the exit from the United States of each alien encountered during the exit pilots who is subject to US-VISIT biometric requirements at the designated airports.
- Update the individual records of each alien encountered during the exit pilots who is subject to US-VISIT biometric requirements in the Automated Biometric Identification System (IDENT) and the Arrival and Departure Information System (ADIS) with departure encounter information.

DHS began collecting biographic and biometric data at the two exit pilot program locations identified herein on May 28, 2009. A third exit pilot program location to test the air carrier NPRM preferred solution will be determined at a later date.<sup>1</sup> DHS will evaluate the exit

<sup>1</sup> To date, no commercial air carrier has offered to test the preferred solution in the proposed rule. This third air exit pilot program would biometrically and biographically verify the identity of each alien subject to US-VISIT biometric requirements departing the United States using a designated commercial air carrier at designated airport(s).