

DEPARTMENT OF JUSTICE**[AAG/A Order No. 007-2003]****Privacy Act of 1974; System of Records**

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Immigration and Naturalization Service (INS). The Nonimmigrant Information System (NIIS), JUSTICE/INS-036, is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a (e)(4) and (11) has been published.

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment on proposed new routine use disclosures. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Therefore, please submit any comments by (insert date 30 days from the publication date of this notice). The public, OMB, and the Congress are invited to submit any comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on this system.

Dated: January 21, 2003.

Paul R. Corts,

Assistant Attorney General for Administration.

JUSTICE/INS-036**SYSTEM NAME:**

Nonimmigrant Information System (NIIS).

SYSTEM LOCATION:

The NIIS database and application is maintained at the Department of Justice Data Center (JDC-D) in Dallas, Texas. The system is accessible at Immigration and Naturalization Service (INS) offices at Headquarters, Regional and District offices, Service Centers, sub-offices, Ports-of-entry and foreign offices as detailed in JUSTICE/INS-999, last published in the **Federal Register** on October 17, 2002 (67 FR 64136) and at <http://www.INS.gov>.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Immigrants and nonimmigrants entering and departing the United

States. Please note that this system primarily pertains to nonimmigrants, who are generally not protected by the Privacy Act. However, as some nonimmigrants change status and become lawful permanent residents and United States citizens, information pertaining to them may incidentally remain in this system. Accordingly, the purpose of this notice is to cover only the United States citizens (USCs) and lawful permanent residents (LPRs) who are included in this information system.

CATEGORIES OF RECORDS IN THE SYSTEM:

NIIS is a centralized mainframe INS application designed to create, update, and report nonimmigrant arrivals and departures to and from the United States. The system may also contain change of address information for non-immigrants and immigrants. (**Please note:** this notice covers only USCs and LPRs whose information is contained in this system.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1103 and 8 U.S.C. 1184.

PURPOSE(S):

NIIS is a repository of records tracking persons arriving in or departing from the United States as nonimmigrant visitors. The system may also provide a central repository of baseline address information. Data in the system assists INS and other government agencies in law enforcement, intelligence, and counter-terrorism activities. NIIS is vital to the core mission of the INS in supporting immigration inspection at United States ports-of-entry and in capturing information used to evaluate nonimmigrant travel trends. (**Please note:** this notice covers only USCs and LPRs whose information is contained in this system.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:

(**Please note:** this notice covers only USCs and LPRs whose information is contained in this system.)

A. In an appropriate proceeding before a court, grand jury, or administrative or regulatory body when records are determined by the Department of Justice to be arguably relevant to the proceeding.

B. To the appropriate agency organization task force, regardless of whether it is federal, state, local, foreign, or tribal, charged with the enforcement (e.g., investigation and prosecution) of a law (criminal or civil), regulation, or treaty, of any record contained in this system of records which indicates either on its face, or in conjunction with other information, a

violation or potential violation of that law, regulation, or treaty.

C. To a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

D. To the General Services Administration (GSA) and the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

E. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

F. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

G. To a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

H. To a federal, state, tribal, local or foreign government agency in response to its request, in connection with the hiring or retention by such agency of an employee, the issuance of a security clearance, the reporting of an investigation of such an employee, the letting of a contract, or the issuance of a license, grant, loan or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

These records are stored in a mainframe computer database.

RETRIEVABILITY:

These records may be searched on a variety of data elements including name, place and date of entry or