

EXHIBIT 2

~~FILED UNDER SEAL~~

~~ATTORNEYS' EYES ONLY~~

Renaud, Daniel

January 10, 2020

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, et al., on	:	
behalf of themselves and others	:	Case No.:
Similarly situated,	:	17-CV-00094 RAJ
Plaintiffs,	:	
VS.	:	
DONALD TRUMP, President of the	:	
United States, et al.,	:	
Defendants.	:	ATTORNEYS' EYES ONLY

Washington, DC

Friday, January 10, 2020

Videotaped Deposition of DANIEL RENAUD
held at Perkins Coie, 700 13th Street, NW, Suite 600,
Washington, DC 20005, commencing at 9:36 a.m., before
Sherry L. Brooks, Certified LiveNote Reporter and
Notary Public, in and for the District of Columbia.

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Renaud, Daniel

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14 ALSO PRESENT:

15 David Campbell, Videographer

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17 USCIS Attorneys:

18 Caitlin Miller, Esq.

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1 APPEARANCES CONTINUED:

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1 C O N T E N T S

2 THE WITNESS:

3 DANIEL RENAUD

4 By Mr. Gellert 8, 320

5 By Mr. Moore 319

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7

8 E X H I B I T S

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11 Disclosures

12 Exhibit 55 CARRP - NSD FDNS Directorate Updated 12/15 76
13 CAR000595 (Confidential)

14 Exhibit 56 CARRP - NSD FDNS Directorate Updated 12/15 78
15 CAR000751 (Confidential)

16 Exhibit 57 CARRP - NSD FDNS Directorate Updated 12/15 78
17 CAR 001140 (Confidential)

18 Exhibit 58 Memorandum Dated 4/21/15 to Marvin Salcedo 110
19 (Confidential)

20 Exhibit 59 Standard Operating Procedures SLRB July 2017 133
21 (Confidential)

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E X H I B I T S

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Concerns (Confidential)

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CARRP Policy and Operational Guidance

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(Confidential)

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1 P R O C E E D I N G S

2 * * * * *

3 THE VIDEOGRAPHER: We are now on the
4 record. This is media unit Number 1 of the
5 videotaped deposition of Daniel Renaud. This is in
6 the matter of Abdiqafar Wagafe, et al. versus Donald
7 Trump, President of the United States, et al.

8 This is in the United States District
9 Court, Western District of Washington at Seattle,
10 Case No. 17-CV-00094 RAJ.

11 This deposition is being held at 700 13th
12 Street, Northwest, Suite 600, Washington, DC 20005.
13 Today's date is January 10th, 2020 and the time is
14 approximately 9:36 a.m.

15 My name is David Campbell and I'm the
16 legal video specialist with Henderson Court
17 Reporting. The court reporter today is Sherry Brooks
18 also with Henderson.

19 Counsel, will you please identify
20 yourselves for the record, after which, the court
21 reporter will please swear in the witness and we can
22 proceed.

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1 MR. GELLERT: Nicholas Gellert on behalf
2 of plaintiffs.

3 MS. SEPE: Cristina Sepe on behalf of
4 plaintiffs.

5 MS. PASQUARELLA: Jennie Pasquarella for
6 the plaintiffs.

7 MR. HYATT: Heath Hyatt for plaintiffs.

8 MR. MOORE: Brendan Moore for defendants.

9 MR. TARANTO: Leon Taranto for defendants.

10 * * * * *

11 Whereupon,

12 DANIEL RENAUD

13 called for examination by counsel
14 for Plaintiffs and having been duly
15 sworn by the Notary Public, was examined
16 and testified as follows:

17 - - -

18 EXAMINATION BY COUNSEL FOR PLAINTIFFS

19 BY MR. GELLERT:

20 Q. Mr. Renaud, my name is Nicholas Gellert.

21 I'm one of the lawyers for the plaintiffs.

22 A. Good morning.

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1 that is something that we talk about, again, in the
2 CARRP area and in the non-CARRP workloads.

3 Q. Has it been reported to you in those
4 conversations that there's any concern about lack of
5 consistency in application of CARRP?

6 A. I have -- CARRP in general --

7 Q. Yes.

8 A. -- or CARRP with respect to this
9 KST/non-KST thing?

10 Q. Let's start at the general level and then
11 we'll dig down.

12 A. I don't think that there have been
13 inconsistencies -- I don't recall inconsistencies
14 with respect to CARRP.

15 But when a -- to fully answer your
16 question, when a CARRP -- when a case falls out of
17 CARRP process, when it is cleared for adjudication
18 as, for example, the national security concern not
19 relating to the individual or essentially it's no
20 longer considered a CARRP case, there was some
21 inconsistency on how we were handling those cases.

22 So we had conversations about how to be

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1 more consistent and adjudicate those more -- more
2 efficiently.

3 Q. What was the inconsistency that was
4 identified with respect to those cases?

5 A. The -- there was probably more than one.
6 But the one that I recall is that when a case fell
7 out of CARRP some offices were assigning that
8 workload to non-CARRP-trained officers, which often
9 did not result in speedy adjudication.

10 Because what that did was it put us back
11 -- sort of -- it -- it repeated the problems that we
12 had before we had CARRP, that you gave a case that
13 had a glaring national security thing that may or may
14 not relate to the individual in front of an officer
15 who sees this glaring thing and has no way to draw
16 the line as to say, no, I have the confidence to
17 approve this case or to adjudicate this case without
18 concern -- you know, without concern to that -- to
19 that particular issue.

20 What CARRP has done is it's allowed us to
21 -- to identify the issue and give people confidence
22 to adjudicate and know that that issue in certain

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1 instances -- in many instances does not relate to the
2 case or should not be part of the -- part of the
3 decision.

4 So when we gave cases that in the file had
5 this national security link to it to an untrained
6 officer, there was some hesitation to put an approval
7 stamp on that or to -- to deny the case or to
8 schedule the case for an interview because of this --
9 this thing that they didn't know what it was. And so
10 more --

11 Q. So let me follow up on that. So they
12 would -- that newly assigned officer,
13 non-CARRP-trained officer, wouldn't have been told
14 that a CARRP officer already cleared it and there
15 wasn't an NS concern? Is that what you're getting
16 at?

17 A. They -- I mean, I don't know what that
18 conversation would be. But what I'm getting at is
19 that they -- without the training, they might not
20 understand the process enough to be confident to make
21 a decision, let's say, to approve that case with that
22 information in there.

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1 They may not have understood why and had
2 the confidence to say, all right, I get that there's
3 this bad information, but I understand why it's not
4 being used, and I know that I can move forward and
5 complete this case.

6 I think they saw the bad information in
7 many cases and said, I'm doing that one tomorrow or I
8 need to ask my supervisor about this because I am
9 hesitant to move forward on this case without fully
10 understanding -- no one in the field wants to make a
11 bad decision.

12 And this presented an opportunity where we
13 were not providing -- we were not assigning that case
14 to someone who had all the knowledge we needed in
15 order to efficiently adjudicate the case.

16 Q. And when you mean no one wants to make a
17 bad decision, in particular, no one wants to make a
18 decision that grants benefits where they think a
19 national security concern could be implicated?

20 A. Nobody wants to deny a case that -- that
21 should be approved. Nobody wants to approve a case
22 that should be denied. Nobody wants to make an

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1 incorrect decision. That's what they do for a
2 living. That's what they do.

3 Q. Do you recall that part of your testimony
4 to the oversight and reform subcommittee on Civil
5 Rights and Civil Liberties in September you made the
6 following statement, quote, Some of the hardest times
7 in my career and those of the people that work with
8 me is where we are required to grant a benefit to
9 someone we think is a threat, end quote?

10 A. Yes, I do.

11 Q. And you agree with that statement, don't
12 you?

13 A. I do. I think that's a hard thing to do.

14 Q. And so what you're describing is that
15 these new officers if they see what they perceive
16 might be a threat even though it's been cleared might
17 be hesitant?

18 A. That was the -- that was the -- that was
19 one of the problems that we were seeing that we
20 sought to rectify by providing that case to a trained
21 officer or by assigning that case to a trained
22 officer.

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1 Q. Any other inconsistencies that you recall
2 with respect to the adjudication of cases that fell
3 out of CARRP?

4 A. Not -- not that I recall. I don't recall
5 any specifically, other than that one.

6 Q. So have you rectified that -- so now when
7 cases fall out of CARRP, they stay with the
8 CARRP-trained officer?

9 A. We have taken steps to rectify that. I do
10 not know if we are there 100 percent, but we have
11 taken steps to rectify that.

12 Q. When was that inconsistency -- when did
13 that inconsistency or issue come to your attention?

14 A. At the time of my -- my executive overview
15 training of CARRP, early summer or whenever that was.

16 Q. So within the last four to six months?

17 A. Well, I think I said that it was probably
18 before July, so it was sometime in 2019.

19 Q. When do you expect that the steps to
20 rectify that inconsistency will be fully taken?

21 A. You know, I don't have -- I don't have a
22 date. I think that in some offices it might have --

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1 with some officers it might have presented a problem.

2 In other offices, it might not have presented a
3 problem.

4 So I don't -- you know, my management
5 philosophy is to let local managers manage locally.
6 I don't try to run the field offices. I don't try to
7 supervise adjudicators because, as I said, they are
8 five or six layers below me, and I have faith and
9 confidence in my management team.

10 But with that, I also, you know, have
11 subordinate managers. And I myself manage the
12 workloads and look at trends and look to see how
13 cases are moving. And if an office, for example --
14 so I have not put out an order that -- that this be
15 -- that this be done.

16 We've provided it as a best practice that
17 if -- if -- that I would expect field office
18 directors to evaluate their workloads and determine
19 whether this was something that could be helpful to
20 them to implement or if it was something that was not
21 necessary.

22 Q. Have you given any orders, as you use the

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1 we would want that case adjudicated next.

2 Q. And doesn't that happen, cases -- officers
3 get busy and they -- certain cases sit idle longer
4 than you would like, right?

5 A. I guess by way of example, rather than
6 saying officers are getting busy and not adjudicating
7 cases, I would say that in the instance that I gave
8 earlier with respect to CARRP cases going to
9 non-trained CARRP officers, there were some cases
10 that were probably adjudication ready that were not
11 being completed.

12 So you would say we prioritized those. We
13 identified those and we brought them to a final
14 decision.

15 So to the extent that a lawsuit or
16 anything else brings our attention to a workload or a
17 case that is adjudication ready and not getting
18 adjudicated, then yes, we will put resources against
19 that case.

20 Q. Has this lawsuit resulted in applying
21 resources to getting aged CARRP cases ready for
22 adjudication?

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1 MR. MOORE: Objection to form. Vague and
2 ambiguous.

3 But you can answer.

4 A. I don't know if it has sped up cases that
5 were not ready for adjudication to get to the stage
6 of being ready for adjudication. I don't think we
7 deconflict any faster because of this lawsuit.

8 I think this lawsuit has given us the
9 opportunity to go back and evaluate whether the cases
10 that are subject to this lawsuit are ready for
11 adjudication -- to determine whether they're
12 adjudication ready or not.

13 BY MR. GELLERT:

14 Q. So has there over the course of the last
15 two or three years been a process to do a scrub of
16 older CARRP cases to determine whether there's an
17 opportunity to get them ready for adjudication?

18 A. Could you repeat that again?

19 Q. Yes. Since this lawsuit got filed, which
20 is now almost three years ago, has there been an
21 effort to review CARRP cases that have been pending
22 for a considerable time to evaluate whether there's

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1 anything that could be done to get them ready for
2 adjudication quicker?

3 A. I had you right up until the end. There
4 has been a process to identify in the pending
5 workload -- in the aging pending workload of CARRP
6 and non-CARRP cases. But we'll talk about CARRP
7 cases.

8 There has been an effort, I think, in
9 part, because of this lawsuit in my estimation to
10 identify cases in that population that are ready for
11 adjudication.

12 I do not believe that as a result of this
13 lawsuit we have put additional resources on cases to
14 get them that are not eligible -- that are not
15 adjudication ready to get them to adjudication ready.

16 We have -- I don't know if we have -- I
17 can't testify that we've -- that we've increased the
18 resources or we've told those resources to work and
19 think faster, but we've certainly identified a large
20 number of cases that either were or have become
21 adjudication ready.

22 And we have completed them over the last

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1 two years, and some of that is due to -- due to this
2 being brought to our attention because of the
3 lawsuit. But that goes to CARRP and non-CARRP cases
4 as well.

5 Q. Why did it take a lawsuit to bring that to
6 your attention?

7 MR. MOORE: Objection to form and
8 foundation.

9 You can answer.

10 A. I don't know if I can answer. I think
11 that, you know, we have -- you know, we adjudicate 4
12 million applications a year. We are -- we continue
13 to move -- move cases occasionally -- cases either
14 through -- it tends to be that in -- USCIS cases that
15 don't get -- we have in -- I think that when we look
16 at -- I can speak for field operations.

17 When we look at an office's production, we
18 look at their output. We did not previously look at
19 their pending and their age of pending. And I think
20 this -- for me, this lawsuit contributed this, and
21 other issues for me provided an opportunity to look
22 at that.

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1 This is not uncommon where -- where the
2 public is critical of something we do or something we
3 don't do.

4 I think it's incumbent on us as public
5 servants to respond to that, to look into it, whether
6 we're telling them we're looking into it or not, to
7 look into it and say, Hey, is there something here;
8 are they right; did we not notice this; are we
9 managing this way and we're forgetting about this?

10 And to a certain extent, that's where we
11 were with some of the cases, I think. So we were
12 able to identify and say, Hey, you know what, there
13 are some older cases that we can probably work. And
14 so over the last couple of years, we have -- we have
15 been -- we have been completing those cases.

16 BY MR. GELLERT:

17 Q. Do you know how many cases you were able
18 to complete through that effort?

19 A. I think over the last two years we have
20 about 3,000 -- about 6,000 completions.

21 Q. Of CARRP cases?

22 A. Of CARRP cases, to the best of my

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1 **recollection.**

2 Q. Do you know how many of those were aged
3 cases?

4 A. I don't know the breakout. I think -- I
5 don't know the breakout. I'm not going to hazard a
6 guess.

7 Q. Do you know how many cases are currently
8 pending that are subject to CARRP?

9 A. I don't have that number.

10 MR. GELLERT: Let's break for a little
11 bit. We can go off the record.

12 THE VIDEOGRAPHER: Off the record at
13 12:34.

14 (A break was taken.)

15 THE VIDEOGRAPHER: We are back on the
16 record at 12:51.

17 BY MR. GELLERT:

18 Q. I think you had indicated when I asked you
19 what documents you looked at to get ready for the
20 deposition that one of the documents you looked at
21 was an abeyance policy?

22 A. That's correct.

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1 individual. So that could take longer.

2 More likely, though, would be the way that
3 we process cases, when someone files an application
4 or petition, it gets data entered into our systems
5 with the information they provide on the first page,
6 their name, date of birth, country of birth, et
7 cetera.

8 The system electronically sends that for
9 what is described here as a TECS/IBIS check and then
10 we process the results of that check. The case then
11 sits awaiting fingerprint results, awaiting other --
12 awaiting the TECS/IBIS results, awaiting other
13 background check results.

14 And then even when those are all compiled,
15 it -- it sits at the National Benefits Center until
16 the interviewing office has the capacity to bring
17 that case in and interview it.

18 And that could be eight to ten or 12
19 months later, depending on the backlog or the pending
20 number of cases at that office.

21 Once a case drops into the interview
22 scheduler for, say, the Albuquerque field office, the

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1 field office for interview.

2 Q. Okay. Let's back up a little bit.

3 A. Okay.

4 Q. The form -- and this is maybe because I'm
5 not regularly an immigration lawyer, so I need to
6 walk through this a little bit.

7 The N-400 is filed with the NBC, right,
8 the national center (sic)?

9 A. The N-400 is filed with a lockbox in -- I
10 forget -- Phoenix or somewhere. There are a couple
11 of them. I don't know which one that takes in the
12 N-400.

13 They perform fee receipting and data entry
14 -- the lockbox performs fee receipting and data entry
15 of the information on the N-400. It then sends the
16 application -- historically, it sends the application
17 either electronically or in hardcopy to the -- to the
18 National Benefits Center.

19 Right now it's electronic. It's been that
20 way for the last two years. Prior to that, we sent
21 paper. So they send -- now they send scanned images
22 of the documents and the electronic data and fee

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1 information through our systems to the National
2 Benefits Center.

3 The National Benefits Center immediately
4 -- electronically the system that takes in that
5 information, the USCIS system that takes in that
6 information, will do a couple of things.

7 It will request the A-file of the
8 applicant to be sent to the National Benefits Center
9 and it will kick off certain background checks, and I
10 believe at that point it also sends the applicant an
11 appointment notice for fingerprint scheduling. So
12 now it's at the NBC.

13 Q. Okay. And normally, the file doesn't get
14 sent to the field office until those initial checks
15 that are generated by the NBC have cleared, right?

16 A. So two things have to happen. We have to
17 get results of those checks -- those initial checks
18 and there has to be interview capacity. They have to
19 be scheduled for an interview at the -- and N-400s.

20 They have to be scheduled for an interview at the
21 local office.

22 That will trigger the case beginning its

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1 move to the field.

2 Q. So you're saying a field officer is not
3 assigned until an interview slot is available?

4 A. I'm saying that no one in the field is
5 assigned that case until an interview slot is
6 available. That's the process. An early detected
7 CARRP case is a little bit different, but that is --
8 what I'm describing is the -- the happy path, the
9 generic process.

10 So the case will sit at NBC, no one will
11 know in the field who is being assigned it. And then
12 as the interview schedule becomes available and the
13 system pulls down the next available case, it will
14 drop that case into the scheduler. It will send the
15 applicant a notice to appear at the Albuquerque
16 office at a certain date and time.

17 It will -- the Albuquerque office will
18 then assign that to an officer and the National
19 Benefits Center will take the file off the shelf, do
20 an alias search of the paper in the file and then
21 send the case to the Albuquerque office for -- to be
22 present at the time of the interview.

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1 Q. So in that circumstance you just
2 described, the applicant is told that there's a
3 pending interview date at the time that the file is
4 delivered down to the field office?

5 A. Once the -- once the case drops into the
6 scheduler and is scheduled for an interview, the
7 applicant is sent an interview notice with a date and
8 time certain for an interview. Yes.

9 Q. And so then once the file then gets to the
10 field and the officer in the field starts looking at
11 the A-file, if that officer determines that there's
12 something more the officer needs to do, is the
13 applicant sent a notice cancelling that interview
14 date?

15 A. In very rare instances do we cancel
16 interviews. There would have to be something fairly
17 significant that was not previously identified that
18 would result in cancelling interviews.

19 I mean, we cancel interviews because of
20 weather and all kinds of things. But from a
21 scenario-based decision to cancel an interview, they
22 would have to identify something that was fairly

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1 **significant.**

2 Q. And an applicant being flagged as a
3 potential non-KST CARRP concern, would that result in
4 that happening?

5 A. So -- so I -- what I described was a
6 **non-CARRP process.**

7 Q. Correct. And what I'm saying is, let's
8 assume the process is a non-CARRP process until the
9 officer gets the A-file in the field.

10 A. Okay.

11 Q. If the officer in the field sees something
12 in the A-file or elsewhere that makes the officer
13 think that this is a potential CARRP case, what
14 notice goes to the applicant, if any?

15 A. If the -- if the officer decides that it
16 is a -- it is a CARRP case -- and I'm not certain of
17 the process that that would go through, whether our
18 FDNS folks in the field are involved, whether there's
19 supervision involved.

20 But if that office, essentially, decides
21 that this is, in fact, a CARRP case, it needs to be
22 processed under CARRP, then it is very likely that we

~~ATTORNEYS' EYES ONLY~~

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ACKNOWLEDGMENT OF DEPONENT

I, Daniel M. Renaud, do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true, correct
and complete transcription of the testimony given by
me, and any corrections appear on the attached Errata
Sheet signed by me.

02-25-2020



(DATE)

(SIGNATURE)

NOTARIZATION (If Required)

State of _____

County of _____

Subscribed and sworn to (or affirmed) before me on
this _____ day of _____, 20____, by
_____, proved to me on the
basis of satisfactory evidence to be the person who
appeared before me.

Signature: _____

(Seal)

Henderson Legal Services, Inc.

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~~ATTORNEYS' EYES ONLY~~

Renaud, Daniel

January 10, 2020

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1 UNITED STATES OF AMERICA)

2 ss:

3 DISTRICT OF COLUMBIA)

4 I, SHERRY L. BROOKS, a Notary Public
5 within and for the District of Columbia, do hereby
6 certify that the witness whose deposition is
7 hereinbefore set forth was duly sworn and that the
8 within transcript is a true record of the testimony
9 given by such witness.

10 I further certify that I am not related to
11 any of the parties to this action by blood or
12 marriage and that I am in no way interested in the
13 outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this _____ day of _____, 20__.

16

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Notary Public in and for

20

the District of Columbia

21

My Commission Expires:

22

November 14, 2020

ERRATA SHEET FOR THE TRANSCRIPT OF:

Caption: Abdiqafar Wagafe, et al. v. Donald Trump, President of the United States, et al.

Deponent: Daniel Renaud

Dep. Date: January 10, 2020

I wish to make the following changes for the following reasons:

Pg.	Ln.	Now Reads	Should Read	Reasons Therefore
11	13	new visas	U visas	mistranscribed
11	14	new visa	U visa	mistranscribed
20	9	Leis	ELIS	mistranscribed
23	18	residents	residence	mistranscribed
23	21	residents, I-45s	residence, I-485s	mistranscribed
32	16	implement-based cases	immigrant-based cases	mistranscribed
100	11	residents	residence	mistranscribed
148	15	a notice to appear	an interview notice	misstatement
148	16	office at	office for	mistranscribed
182	21	I want to	I don't want to	mistranscribed
191	3	yes	no	mistranscribed
205	8	countries	agencies	mistranscribed



SIGNATURE OF THE WITNESS

this 25th day of February, 2020.