

Exhibit 37

~~**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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1 term, with respect to any issue that touches on
2 CARRP?

3 A. I have. 11:57

4 Q. What orders have you given in that 11:57
5 respect?

6 A. I gave an order to stop processing certain 11:57
7 cases at one point while we were seeking clarity of
8 an executive order. I have -- with respect to CARRP,
9 I mean, that's -- that's the only part I want to talk
10 about. But that's the one that I -- that I recall
11 most vividly.

12 I mean, I do give other orders. I do -- I 11:58
13 mean, I do execute my authority when I need to. But
14 with respect to CARRP, that is -- that's the one that
15 -- that I -- that I recall.

16 Q. You don't recall any others? 11:58

17 A. I don't -- I don't think so. 11:58

18 Q. And when you're referring to the executive 11:58
19 order, you're referring to the executive order or
20 orders issued by President Trump with respect to
21 seven identified nations --

22 A. I believe that, yes. 11:58

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1 Q. -- and Muslim people from those nations? 11:58

2 A. I'm not sure of the wording of the 11:58

3 executive order, but that's -- that's the one.

4 Q. And I understand you gave some kind of 11:59

5 order to stop the processing of certain cases?

6 A. That is correct. 11:59

7 Q. What cases did you ask not to be 11:59

8 processed?

9 A. I -- I -- I told people not to process 11:59

10 N-400 -- I'm sorry -- naturalization applications,

11 N-400 and applications for permanent residents, I-485

12 from, I believe, nationals -- of those affected

13 countries. And I ordered the field to essentially

14 hold those in abeyance and not -- or to freeze

15 adjudication on those, not approve or deny any of

16 those cases.

17 Q. And was that true regardless of whether 11:59

18 those cases were CARRP designated or not?

19 A. Yes. 12:00

20 Q. Did you then give another order 12:00

21 overturning your previous order?

22 A. Yeah. Actually, there were two. One was 12:00

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1 about 24 hours later. We allowed N-400s to move
2 forward as it was in the past. That was a 24-hour
3 very brief hold on those cases. And then I think the
4 485s we -- the hold -- the total hold was about a
5 week, so about a week later we released the hold on
6 those cases.

7 Q. Turn back to page 9 of Exhibit 55. 12:01

8 A. Yes. 12:01

9 Q. The second to last bullet is non-KST NS 12:01
10 confirmed. What does that mean?

11 A. Again, I can give you my interpretation. 12:01
12 It would be someone who is not watchlisted, but there
13 is -- I -- I really don't know. My -- I mean, I
14 could guess that the -- there is national security
15 information, but it's not confirmed to relate to the
16 individual, although I'm not really sure.

17 Q. How about the last bullet -- 12:02

18 A. I'm sorry. The confirmed would be 12:02
19 obviously -- that does relate to the individual. The
20 not confirmed would be that it does not relate -- I'm
21 sorry.

22 Q. Let's take it one step at a time. 12:02

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1 Quote, Whether CARRP operates with an 15:53
2 anti-Muslim animus or effect or discriminates against
3 applicants from Muslim majority countries or
4 countries listed in the presidential executive orders
5 issued in 2017, in identifying national security
6 concerns, referring cases to CARRP, processing and
7 adjudicating cases, or any other way, end quote.

8 Do you believe you have discoverable 15:54
9 information on that topic?

10 MR. MOORE: Objection to the extent it 15:54
11 calls for a legal conclusion. Foundation.

12 You can answer. 15:54

13 **A. I'm not sure I know exactly what 15:54**
14 **discoverable information is, but I certainly have --**
15 **I certainly have a point of view on that, and I can**
16 **tell you what my belief is with respect to -- with**
17 **respect to that.**

18 BY MR. GELLERT: 15:54

19 Q. All right. What's your belief with 15:54
20 respect to that?

21 **A. My belief is that the determining factor 15:54**
22 **of whether a case goes into CARRP or not, every**

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1 single case that gets filed has the opportunity to go
2 into CARRP processing.

3 That determination is made based on 15:54
4 information that we receive typically through our
5 background check processes.

6 The vast, vast majority of cases are 15:54
7 enrolled in CARRP because of -- because of the

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 If we get -- if we get national security 15:55
12 information, we do not make a determination of
13 whether to put that case in CARRP or not put that
14 case in CARRP based on the country of nationality.

15 Once it's in CARRP, we do not process -- 15:55
16 we do not process cases differently based on the
17 country of nationality or citizenship or birth.

18 So to the extent that this suggests that 15:55
19 there is a different workflow or a different path for
20 cases from certain countries to follow because they
21 are in -- because the applicants or petitioners are
22 from those countries, that is without basis and

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1 **completely false.**

2 Q. What about whether CARRP in effect, 15:56
3 regardless of whether separate workflows exist or
4 don't exist -- do you know whether the effect of
5 CARRP is that more people from Muslim countries --
6 Muslim-dominated countries or people who are Islamic
7 get put into the CARRP system?

8 **A. I do not know that for -- for a fact. I 15:56**
9 **simply don't know those data.**

10 Q. You haven't evaluated that? 15:56

11 **A. I have not evaluated it. 15:56**

12 Q. Have you asked for anyone else to evaluate 15:56
13 --

14 **A. I would have no reason to -- I don't 15:56**
15 **manage by country. I manage by workload and by**
16 **location.**

17 Q. But you do seek to enforce policies in a 15:57
18 nondiscriminatory way, don't you?

19 **A. I not only seek to do it, but I'm 15:57**
20 **successful at doing it, yes.**

21 Q. How do you know you're successful at doing 15:57
22 it?

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1 If those policies have a disproportionate 15:58
2 effect among people from one country or another, then
3 -- then you have an issue with the policy perhaps,
4 and I can't -- I can't speak to the policy.

5 What I can say is that if someone falls 15:58
6 into CARRP or not falls into CARRP has no re -- what
7 country they're from has no -- has no -- no impact on
8 whether they fall into CARRP or not.

9 If there's national security information, 15:58
10 then they're likely to fall into CARRP. If there's
11 not national security information, no matter what
12 country they're from, then they won't fall into
13 CARRP. 15 out of 10,000 cases fall into CARRP.

14 Q. I'd like to explore that a little bit. 15:59
15 Let me start with that last statistic that you threw
16 out. When you said 15 out of 10,000 cases, what's
17 the 10,000 cases you're referring to?

18 A. On average, .1 -- about .15 percent of our 15:59
19 workload of N-400s and 485s are processed through
20 CARRP.

21 Q. And when is that -- when did you draw that 15:59
22 statistic?

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1 A. I think that statistic is from 2013 until 15:59
2 2018 or '19 or something like that.

3 Q. It's been a constant, the average? 15:59

4 A. It's been pretty close to that. Yeah. I 15:59
5 don't think it's varied tremendously.

6 Q. Is that the same for I-485s? 16:00

7 A. That's the -- kind of the average between 16:00
8 the two of them. I think one is like 12 and one is
9 16 out of 10,000, so it's a .12 or .16 percent of the
10 workload.

11 Q. Have you provided any recommendations to 16:00
12 the people who do set policy as to how CARRP might be
13 refined to even further reduce the risk of
14 discriminatory effect?

15 MR. MOORE: Objection to the extent that 16:00
16 question either presumes facts not in evidence or is
17 argumentative.

18 But you can answer the question. 16:00

19 A. Yeah. I don't think it's -- it's -- I 16:00
20 mean, we -- I guess if you want to say that we
21 discriminate against people with national security
22 concerns because we treat them differently, then --

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1 we treat cases with national security concerns
2 differently. That's a fact.

3 You know, we do not provide most of the 16:01
4 national security -- we do not provide the national
5 security information. We are not -- we are not
6 compiling and building national security information
7 to -- to establish that someone is a national
8 security concern.

9 We are users of information that is 16:01
10 available out there by law enforcement and other
11 agencies to -- to query and see if this individual
12 who has come -- who has come seeking a benefit may
13 have a national security concern.

14 Where there is a national security 16:01
15 concern, we are going to handle that case
16 appropriately. Where there is not a national
17 security concern, we will not.

18 How -- how they do their work, I do not 16:01
19 know. And the relative proportions of people who are
20 -- who have national security information and what
21 countries they're from, I don't know that. I don't
22 have access to those -- those databases.

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1 We are simply users of this information. 16:02

2 We don't create it. We don't make it. We simply ask
3 if there's information. And if there's information,
4 we act one way. And if there isn't, then we act
5 another way.

6 We as USCIS are not saying, Oh, this 16:02
7 person is from that country, so let's do this. We
8 run the same checks on every single case, every
9 single case.

10 BY MR. GELLERT: 16:02

11 Q. In every single I-400 (sic) case, you 16:02
12 evaluate whether someone is associated with someone
13 who is associated with some entity that is associated
14 with someone who might have been a terrorist?

15 MR. MOORE: Counsel, do you mean N-400, 16:03
16 just for clarification?

17 MR. GELLERT: Sure. 16:03

18 A. On every single N-400, we run the same 16:03
19 suite of background checks. If in any one of those
20 N-400s we get a positive hit on one of those cases,
21 then we would treat that the same way.

22 If those -- we don't have one set of 16:03

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1 initial checks that we run on one set of cases and on
2 different set -- or additional checks that we run on
3 other cases.

4 MR. GELLERT: Exhibit No. 62. 16:04

5 (Exhibit Number 62 was marked for 16:04
6 identification and was attached to the deposition.)

7 BY MR. GELLERT: 16:04

8 Q. I've handed you a declaration that I 16:04
9 received this -- since you testified about it earlier
10 this morning with respect to a declaration that you
11 submitted or was submitted after you signed it in the
12 NIO case here in the District of -- the District of
13 Columbia.

14 Do you recall this declaration? 16:05

15 A. Yeah. I've done several declarations for 16:05
16 this, but that is my signature and -- I believe, yes.

17 Q. Okay. So first of all, another thing I 16:05
18 asked you about -- and I guess I was corrected over
19 the lunch hour -- I asked you if you had submitted a
20 declaration in our case. And I think it was Tracy
21 Renaud who submitted it, so I apologize if I --

22 A. Yeah. I'm not Tracy Renaud. 16:05

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1 Q. Do you know what the gross other 16:37
2 naturalization time is?

3 A. I believe the other naturalization time is 16:37
4 right about 9.2 months.

5 Q. Are you no longer expediting military 16:37
6 naturalizations?

7 A. We are still expediting military 16:37
8 naturalizations.

9 Q. What types of applications that come 16:37
10 through your directorate are subjected to CARRP or
11 potentially subjected to CARRP?

12 A. So every case certainly with respect to 16:37
13 all I-485s and all N-400s -- well, all cases -- for
14 every case type, we have set background checks that
15 we run. They differ by case type. But certainly
16 with N-400s and I-485s, we run a set of checks. And
17 so every case is subjected to those initial checks.

18 Q. Are there any types of applications that 16:38
19 come through that don't get any checks?

20 A. No. 16:38

21 Q. If a child under the age of 18 files an 16:38
22 I-485, does it go through the same types of checks?