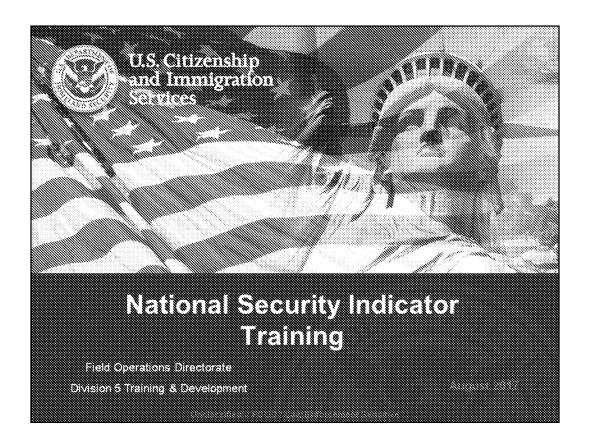
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## National Security Indicator Training

Field Operations Directorate

Division 5 Training & Development



This training will show you how to identify a national security indicator while conducting an interview and file review

# Handling Official Material Material

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This Presentation is intended solely to provide training and guidance to USCIS personnel in performing their duties relative to the adjudication of immigration benefits. It is not intended to, does not, and may not be relied upon to create or confer any right(s) or benefit(s), substantive or procedural, enforceable at law by any individual or other party in benefit applications before USCIS, in removal proceedings, in litigation with the United States, or in any other form or manner. This Presentation does not have the force of law, or of a DHS directive.





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Instructor: OCC requires you to read this aloud to the class

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- Author: FDNS National Security Division (Modified by FOD)
- Date of last revision: August 2017
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- Only persons who are currently certified in TECS and NCIC may view this presentation.





At the end of this training session, the USCIS Officer will be able to identify national security indicators and articulate national security concerns found while conducting an interview.





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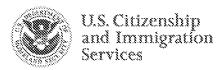
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- This is more than a simple overview the objective of this training is to have national security indicators identified and the information acted upon in accordance to the procedures established by USCIS
- This class and this briefing are not tailored toward specific offices, regions, directorates, or positions

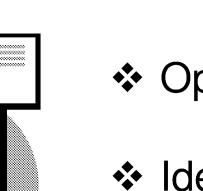
### Learning Objectives



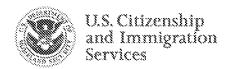
- 1. Understanding of operational processes for NS cases
- 2. Distinguish between a KST and a Non-KST
- 3. Evaluation of the potential NS concern
  - a. Do those facts meet the definition of an NS concern?
  - b. What type of concern is it?
  - c. How strongly is the individual connected to the INA NS ground?
  - 4. Differentiate between indicators and articulable link as the connection between an individual and an NS ground.



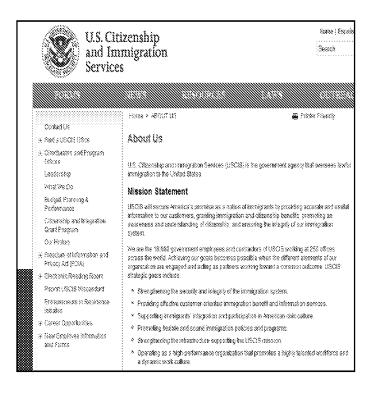
### Course Overview



- Defining National Security Concerns
- Operational Procedures
- Identifying KST NS Concerns
- Identifying Non-KST NS Concerns
- Evaluating NS Concerns

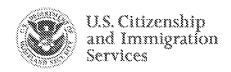


### National Security Overview



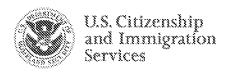
#### **USCIS Mission Statement:**

"USCIS will secure America's promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system."





# Defining National Security Concerns



A national security concern exists when an individual or organization has been determined to have an **articulable link** to prior, current or planned involvement in, or association with, an activity, individual, or organization described in INA § 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B).



### **Defining National Security Concerns**

#### **SOURCES OF AUTHORITY**

INA § 212(a)(3)(A), (B), (F) – Security and related *inadmissibility* grounds

INA § 237(a)(4)(A) or (B) – Security and related *deportability* grounds



#### Sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the INA

#### 212 - GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION

- (a) Classes of Aliens Ineligible for Visas or Admission
  - (3) Security and related grounds.-
    - (A) In general.-Any alien who a consular officer or the Attorney General knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally in-
      - (i) any activity (I) to violate any law of the United States relating to espionage or sabotage or (II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information,
      - (ii) any other unlawful activity, or
      - (iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means, is inadmissible.



### Defining wational Sec

### Sections 212(a)(3)(A), (B), or (F), or 237(a)(-1)(-1)(-1)(-1)

#### 212 - GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION

- (a) Classes of Aliens Ineligible for Visas or Admission
  - (3) Security and related grounds.-
    - (B) Terrorist activities-
      - (i) IN GENERAL.-Any alien who-
        - (I) has engaged in a terrorist activity,
        - (II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (iv));
        - (III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;
        - (IV) is a representative (as defined in clause (v)) of--
        - (aa) a terrorist organization (as defined in clause (vi)); or
        - (bb) a political, social, or other group that endorses or espouses terrorist activity;
        - (V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);
        - (VI) is a member of a terrorist organization described in clause (vi)(III), <u>unless</u> the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization;
        - (VII) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;
        - (VIII) has received military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in clause (vi)); or
        - (IX) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the <u>last 5 years</u>, is inadmissible.
      - (ii) EXCEPTION- Subclause (IX) 4d of clause(i) does not apply to a spouse or child
      - (iii) TERRORIST ACTIVITY DEFINED
      - (iv) ENGAGE IN TERRORIST ACTIVITY DEFINED
      - (v) REPRESENTATIVE DEFINED
      - (vi) TERRORIST ORGANIZATION DEFINED



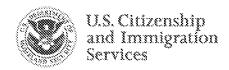
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### **Defining National Security Concerns**

### Sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the INA

#### 212 - GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION

- (a) Classes of Aliens Ineligible for Visas or Admission
  - (3) Security and related grounds.-
    - (F) Association with Terrorist Organizations Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.



### Defining wational Sec

#### Sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the INA

#### 237 - GENERAL CLASSES OF DEPORTABLE ALIENS

- (a) Classes of Deportable Aliens.-Any alien (including an alien crewman) in and admitted to the United States shall, upon the order of the Attorney General, be removed if the alien is within one or more of the following classes of deportable aliens:
- (4) Security and related grounds.-
  - (A) In general.-Any alien who has engaged, is engaged, or at any time after admission engages in-
    - (i) any activity to violate any law of the United States relating to espionage or sabotage or to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information,
    - (ii) any other criminal activity which endangers public safety or national security, or
    - (iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means, is deportable.
  - (B) Terrorist Activities Any alien who is described in subparagraph (B) or (F) of section 212(a)(3) is deportable.



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#### What is CARRP?

The Controlled Application Review and Resolution Program (CARRP) is a disciplined process for identifying, recording, vetting, and adjudicating applications and petitions with national security (NS) concerns.





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This is not a CARRP training program, however, it's good to have an understanding because identifying an NS concern is the first step in the CARRP process.

Your local FDNS and CARRP officers have been given very specific training on how to handle cases identified as CARRP. It's important for you to know who your CARRP officer is, in case you come across an NS case and your supervisor isn't available to assist and advise.



### What does CARRP do?

- Provides a structured framework for the review and documentation of national security cases.
- Provides adjudicators with additional support and review by FDNS Officers.
- ➤ Governs information sharing between USCIS and interagency partners, law enforcement agencies, and the intelligence community.
- Results in uniform and complete documentation of a case for analysis by adjudicators and senior leadership.
- ➤ Requires USCIS Senior Leadership *concurrence* prior to granting certain benefits to a Known or Suspected Terrorist (KST).



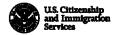
### What is TRIG?

- > TRIG = Terrorist Related Inadmissibility Grounds
- > TRIG covers INA 212(a)(3)(B) (Terrorist Activities)
- ➤ TRIG is primarily identified by voluntary testimony; claims made by the applicant during interview or in evidence submitted.





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- > TRIG is primarily identified by voluntary testimony; claims made by the applicant during interview or in evidence submitted.



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Another process to be aware of is TRIG: Terrorist Related Inadmissibility Grounds. Both CARRP and TRIG cases will have NS indicators and it's important to know the difference between the two processes. TRIG is often identified through the Refugee process.



#### What's the Difference?

**TRIG** is about determining if the applicant is eligible for discretionary exemptions for involuntary or insignificant interactions with terrorist organizations.

**CARRP** is about determining if the applicant has national security concerns that do not merit an exemption and following the process in order to make a final adjudicative determination.





#### What's the Difference?

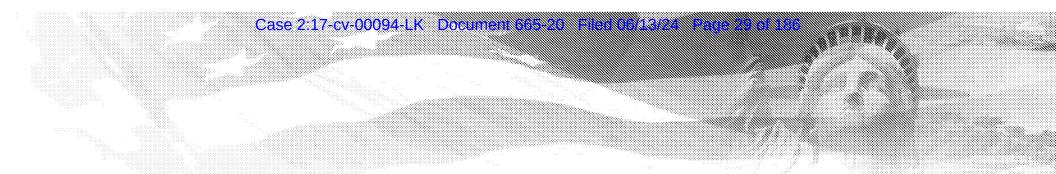
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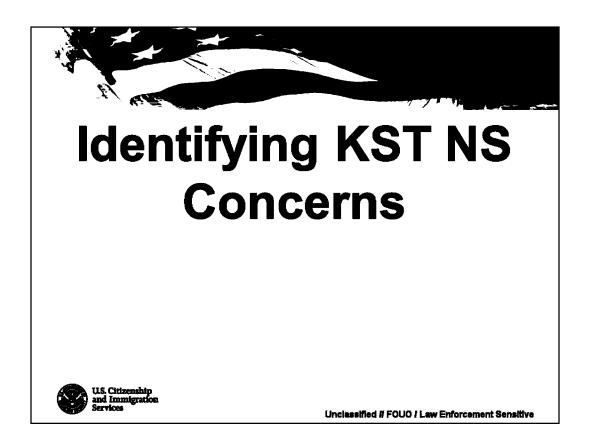
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This is a brief overview of both CARRP and TRIG and how what you're about to learn falls within these two processes.



# Identifying KST NS Concerns





- We saw in the learning objectives that there were two types of NS concerns KST and non-KST
- We need to be able to identify and distinguish between the two so that the proper procedure may be followed
- We'll be starting with KSTs and how to identify them



### What is a KST?

- Known or Suspected Terrorist (KST).
- Has been nominated and accepted for placement in the Terrorist Screening Database (TSDB), and...
- Has a KST category code within TSDB, and...
- Remains on the Terrorist Watchlist until a nomination for removal has been approved.



### Identifying KST NS Concerns

### What is a KST?

All KSTs are considered to have an articulable link to the national security grounds listed in the INA as a result of having met the reasonable suspicion standard for placement on the watch list.





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All KSTs need to be referred to FDNS to go through the CARRP process

### Identifying KST NS Concerns

### Where do KSTs (and certain Non-KSTs) come from?

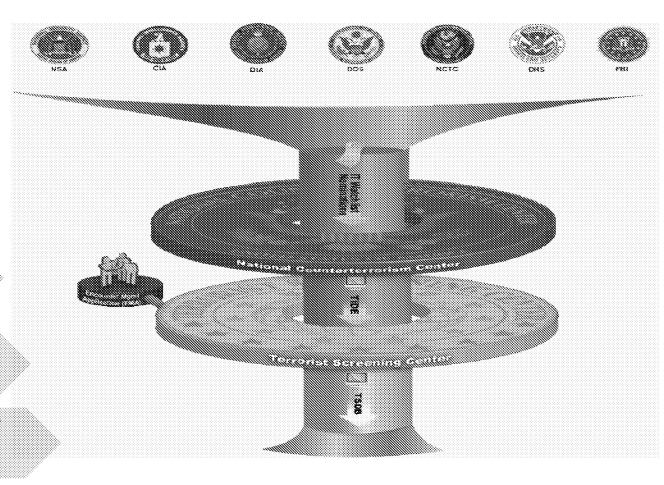
Nominations to include a subject in the Terrorist Identities Datamart Environment (**TIDE**) are made by agencies holding derog.

The National Counterterrorism Center (NCTC) evaluates the nominations and enters them in TIDE.

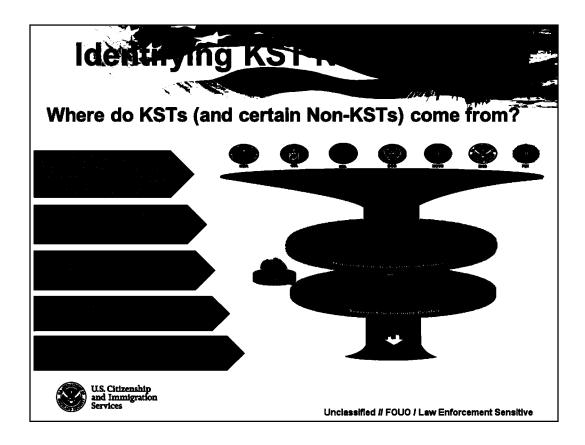
Individuals whose nomination included placement on the watchlist are pushed to the Terrorist Screening Center (TSC).

The TSC reviews and accepts the watchlist nominations into the Terrorist Screening Database (TSDB).

TSDB pushes records to **TECS** with the code **LE** to indicate that the record came from the TSC.





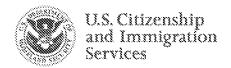


- This chart is to show you where a LE hit comes from don't worry about remembering any of the specifics it's a very busy chart!
- A lot of the acronyms you'll encounter are explained in this chart
- TSDB = Terrorist Screening Database you'll see that referenced a lot in this training
- Determinations to put someone on the watchlist requires factual evidence "articulable intelligence"
- Equal credence is given to past, present, and future actions and associations
- Basically, if there is a reasonable suspicion that a subject did any of the things listed, they'll be nominated as a KST
- After the nomination in TIDE, it pushes to the TSC, who then accepts the nomination into the TSDB, and that pushes to TECS as a

### Identifying KST NS Concerns

#### How are nominations made?

 Nominations to the watchlist are made by law enforcement, intelligence, and homeland security agencies.





### How is someone nominated to the watchlist?

- Nomination as a KST must meet the reasonable suspicion threshold for Watchlisting:
  - Known or suspected of being engaged in terrorist activity;
  - Know or suspected of having previously engaged in terrorist activity;
  - Known or suspected of being a member of a terrorist organization;
  - Known or suspected of having been a member of a terrorist organization;
  - Known or suspected of preparing to engage in terrorist activity.





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### How does USCIS identify KSTs?

- TECS records:
  - Beginning withLE
  - LE means that the record came from TSC.
  - LE code other than LE
- NCIC records:
  - Contains a LE number.
  - Indicates subject is a possible terrorist organization member or international extremist.
  - Is not a record in LE

LE

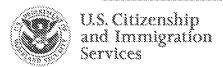


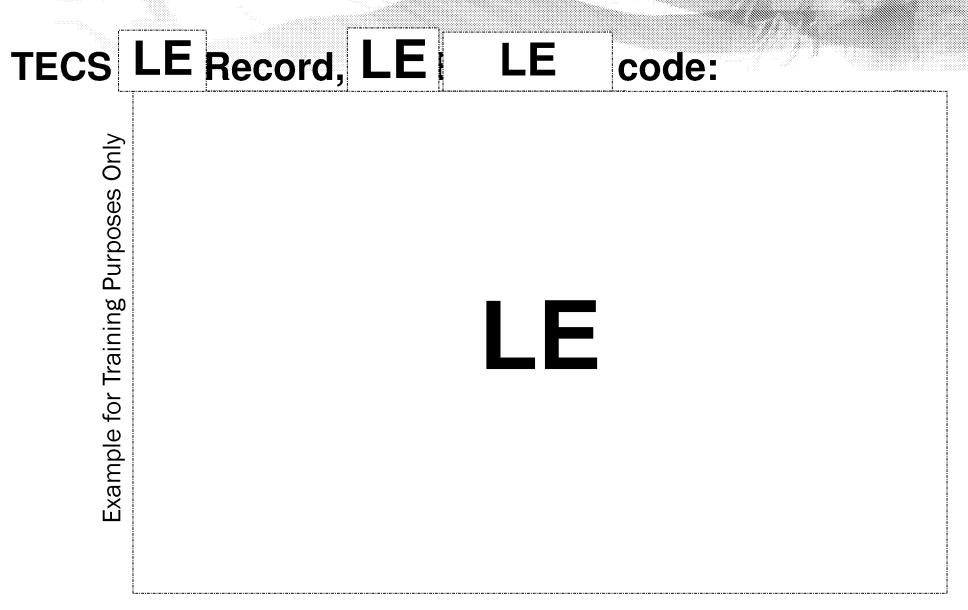
	New Lying KS
	How does USCIS identify KSTs?
	TECS records:     Beginning with
	NCIC records:     Contains a LE number.     Indicates subject is a possible terrorist organization member or international extremist.
	■ Is not a record in LE
	U.S. Citizenship and Immigration Services Unclassified # FOUO / Law Enforcement Sensitive
-	All LE should have a corresponding LE  But you may encounter a LE without a LE and vice versa
-	A LE without a LE is probably not a KST
	- It could either be a gang affiliation
	- Or it could be a different person (not the subject)
-	Remember we talked about LE ? That's the LE and codes
-	If you see a <b>LE</b> record – refer the case to FDNS

### **TECS Hit List:**

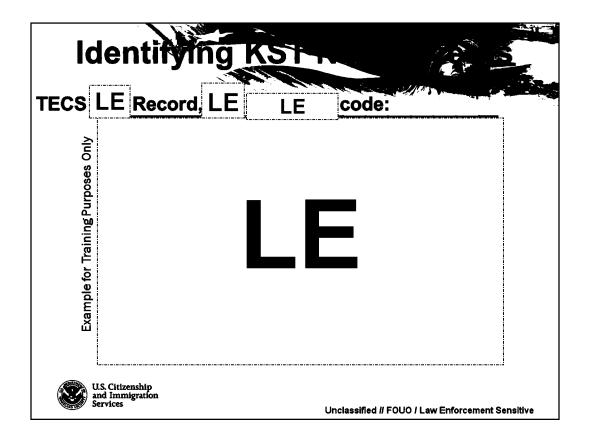
Example for Training Purposes Only

LE









- Example of LE sode for a KST
   LE neans it's a KST
- Remember the LE nd LE codes are NOT KSTs all other codes are KSTs

LE

Record, Terrorism:

LE

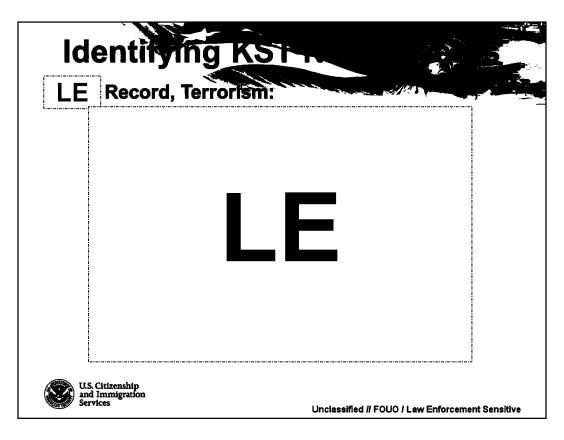


**Example for Training Purposes Only** 

LE Record, Terrorism:

LE





Note that the LE record starts with a LE

### Remember...

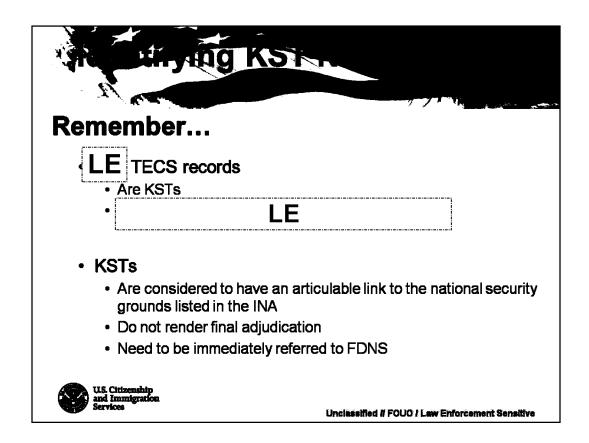
- **LE** TECS records
  - Are KSTs

LE

### KSTs

- Are considered to have an articulable link to the national security grounds listed in the INA
- Do not render final adjudication
- Need to be immediately referred to FDNS





If you have a KST

Do not render a final adjudication

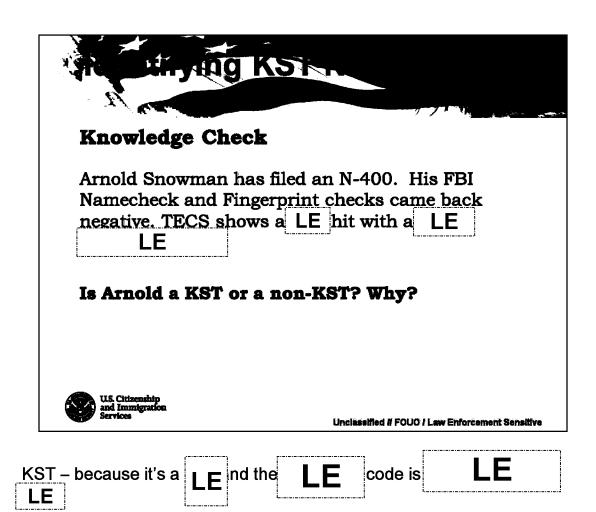
Need immediate referral to FDNS (through your local process)

### Knowledge Check

Arnold Snowman has filed an N-400. His FBI Namecheck and Fingerprint checks came back negative. TECS shows a LE hit with a LE

Is Arnold a KST or a non-KST? Why?





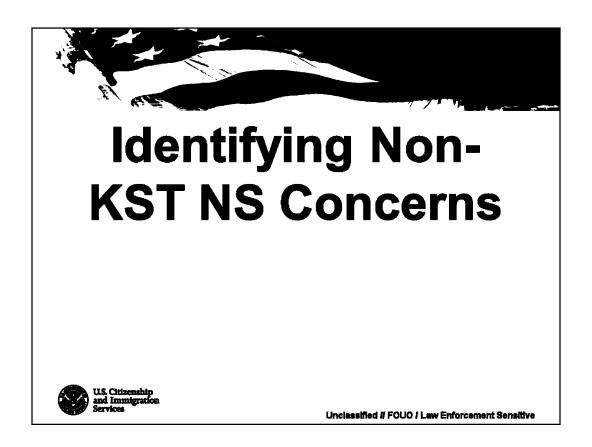
### **Summary:**

- To have a KST you must have a LE
- The **LE** must have a KST category code indicating that the individual is on the watchlist
- There *should* be an associated **LE** record, but the KST determination is based on the **LE**
- There is no other way to have a KST concern other than a
   LE record with a KST category code
- If an individual has a LE with a KST code, they are a KST for as long as that record exists in TECS, regardless of any other vetting









- Now we're going to discuss how to identify a non-KST NS concern. This is more involved than a KST because it's not so well defined.

### What is a non-KST NS concern?

- Non-KSTs are national security concerns who have not been nominated to the watchlist as a KST.
- Why is it important to know what a "Non-KST NS Concern" is?





### What is a non-KST NS concern?

- Non-KSTs are national security concerns who have not been nominated to the watchlist as a KST.
- Why is it important to know what a "Non-KST NS Concern" is?



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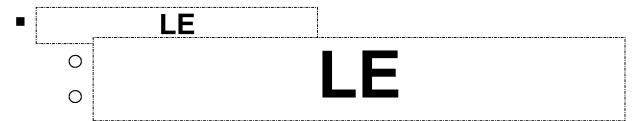
- Answer to why is the entire phrase "Non-KST NS Concern" important?
  - It emphasizes that a non-KST is still a National security concern
  - Students should not forget that non-KST doesn't mean its trivial or unimportant it's still a national security case

Although these individuals may not be designated KSTs, these individuals and organizations may also pose a serious threat to national security and merit additional vetting.

# Identifying Non-Ko

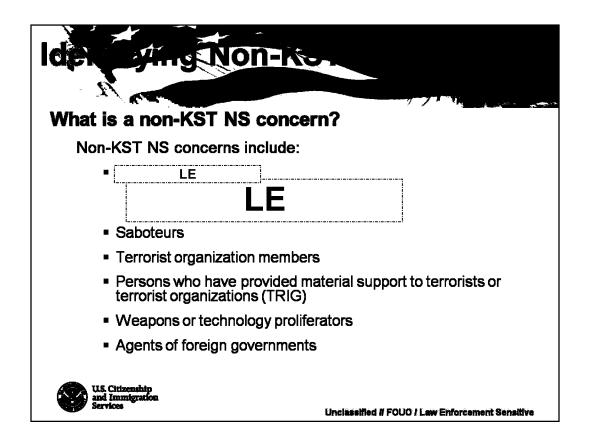
### What is a non-KST NS concern?

Non-KST NS concerns include:



- Saboteurs
- Terrorist organization members
- Persons who have provided material support to terrorists or terrorist organizations (TRIG)
- Weapons or technology proliferators
- Agents of foreign governments





This is not an all-inclusive list



## Some ways of identifying Non-KST concerns:

- Self-Reporting (Interview)
- Application / File review
- Security / Systems checks
- U.S. or Foreign government information
- Open source internet, news, social media
- Tip letters





#### Some ways of identifying Non-KST concerns:

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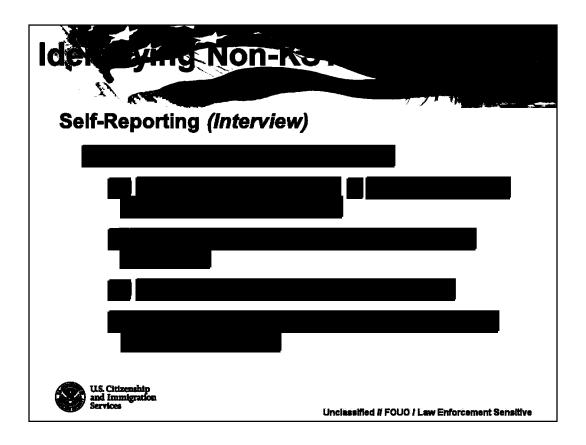
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- Knowing and understanding what a non-KST is, is very important because it's during the interview or file review that some of these cases are identified.

## Self-Reporting (Interview)



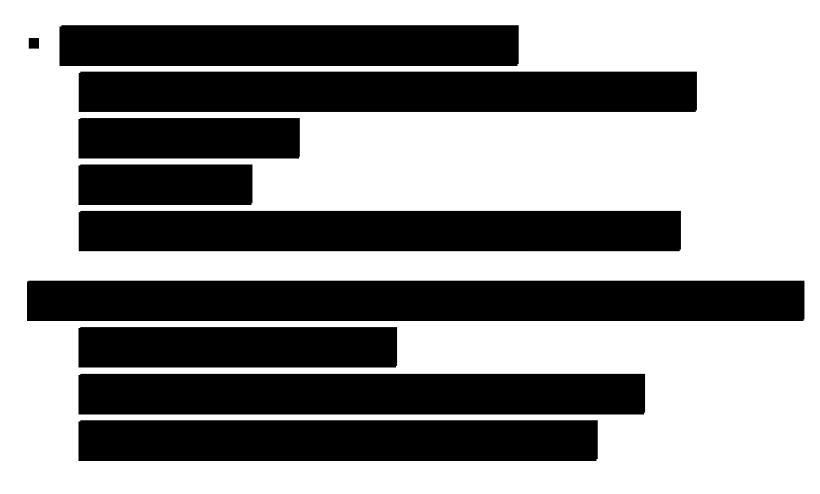




You'll need to really listen during the interview. A lot of these answers can come from questions on our forms – you'll need to know when possible NS indicators are being presented.



## Self-Reporting (cont'd)

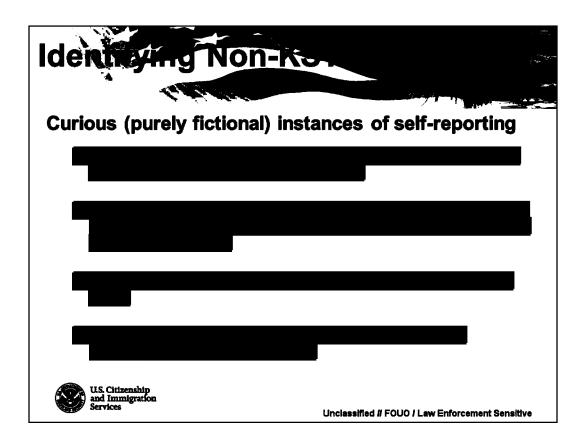




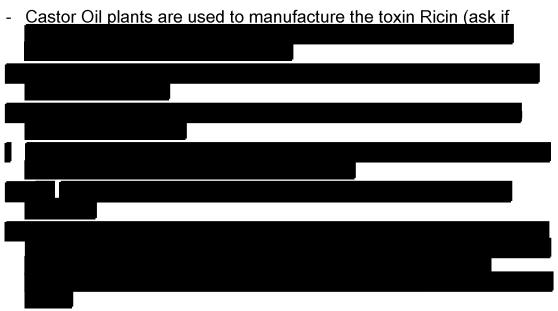
### Curious (purely fictional) instances of self-reporting







- Quiz to see why each of these scenarios may have significance
- All of these are fictional, but they're meant to prove a point
- **Instructor**: as each one comes up ask why it's significant and worthy of a 2<sup>nd</sup> look

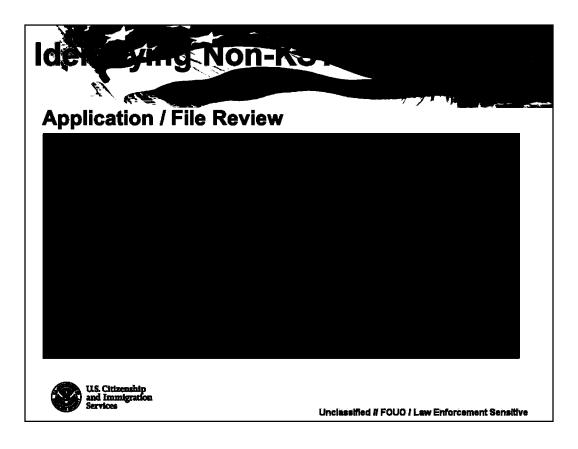




### **Application / File Review**



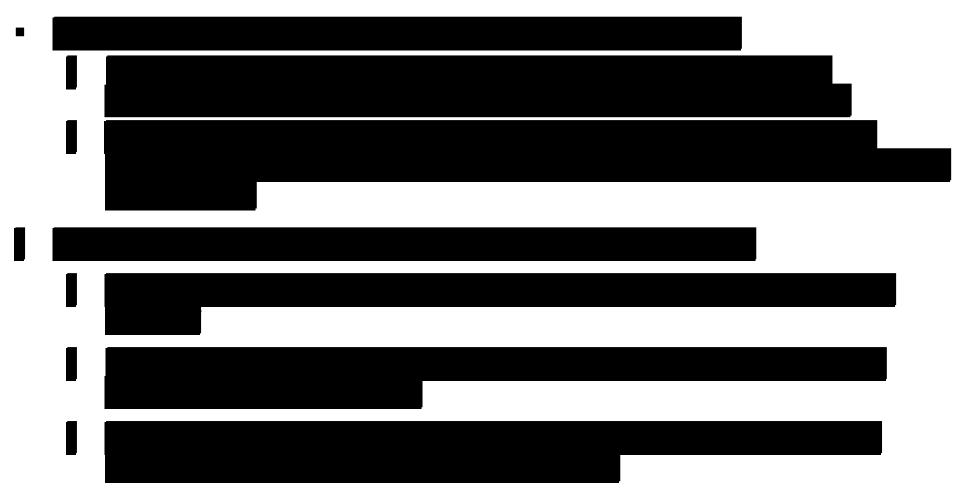




Again – information provided by the applicant, on the form, can give so much information if you know to look for it

# Identifying Non-KS.

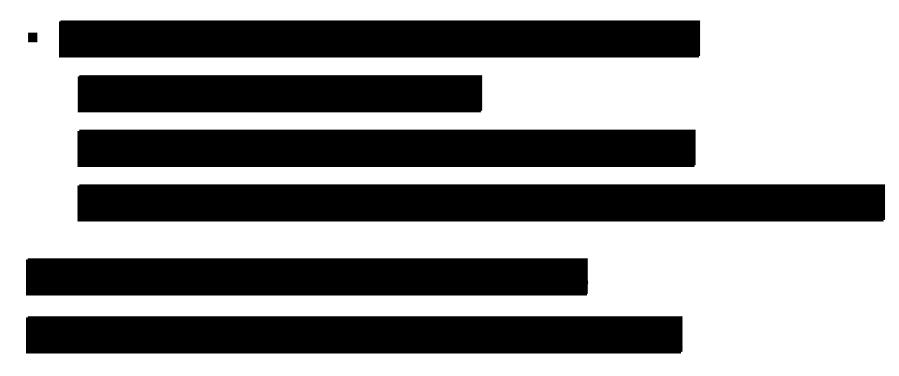
## Application / File Review (cont'd)







## Application / File Review (cont'd)







### Application / File Review (cont'd)





### **Security / Systems Checks**

- FBI Namecheck Letterhead Memorandum (LHM)
- FBI Fingerprint check Identity History Summaries (idHS) sheet
- TECS / NCIC
- Consular Consolidated Database (CCD)
- Department of State Security Advisory Opinion (SAO)
- IDENT database
- Relationships with law enforcement

(NaBISCOP Appendix C - common terms and acronyms related to TECS)





#### **Security / Systems Checks**

- FBI Namecheck Letterhead Memorandum (LHM)
- FBI Fingerprint check Identity History Summaries (idHS) sheet
- TECS/NCIC
- Consular Consolidated Database (CCD)
- Department of State Security Advisory Opinion (SAO)
- IDENT database
- Relationships with law enforcement

(NaBISCOP Appendix C - common terms and acronyms related to TECS)



Unclassified # FOUO / Law Enforcement Sensitive

SAO's are used by the refugee program

IDENT is used a lot by asylum

Self reports happen a lot in RAIO, but aren't limited to that

iDHS sheets used to be called RAP sheets

This list is not all inclusive – any system accessed may contain information with NS indicators

The link to the NaBISCOP is a good resource for terms and acronyms found in TECS hits that you may not be familiar with

### FBI LHMs

- LHMs are not always for open concerns
- No NS concern exists if a law enforcement or intelligence agency indicates in an LHM that:
  - They have completed and closed their investigation, and
  - 2. They make a <u>definitive finding</u> of no nexus to national security in relation to the USCIS subject, and
  - 3. There is no other indicator of a NS concern.





#### FBI LHMs

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  - 3. There is no other indicator of a NS concern.



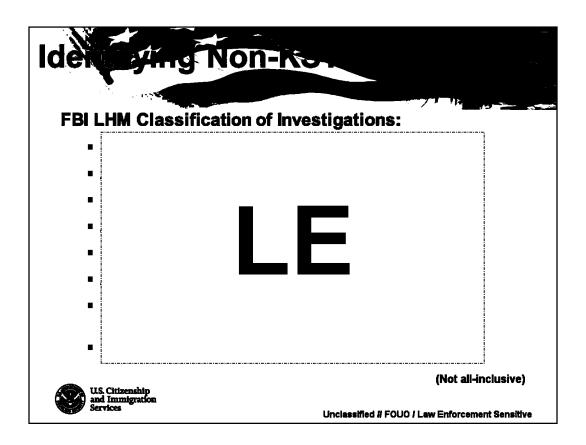
- Just because the FBI says they closed their case, does that necessarily mean they resolved the NS concern? NO
- Just because they don't have a concern, could USCIS find another indicator in some other vetting? YES

#### FBI LHM Classification of Investigations:

LE 

(Not all-inclusive)





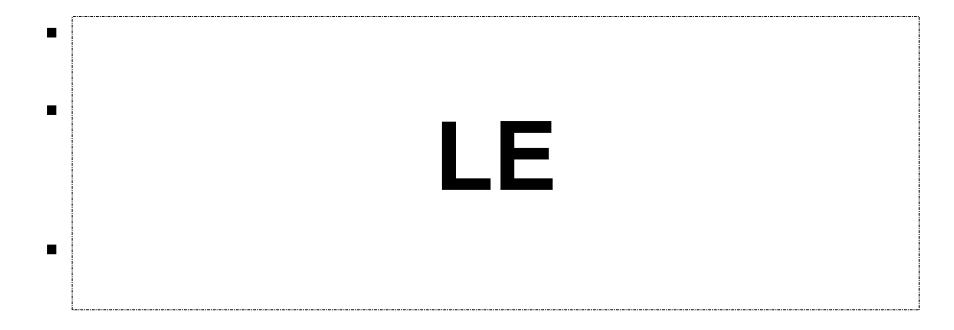
These are the classes of LHMs that relate to NS

If you see one of these things, do you think that's enough evidence to refer to FDNS as possible NS concern?

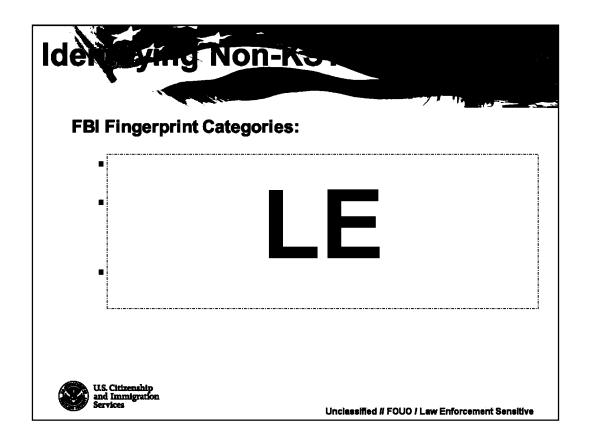
YES – if you see indicators of any of these types, then refer to FDNS to further investigate. Even if it turns out to be nothing, these are at a high enough level to need further

looking into

#### **FBI Fingerprint Categories:**







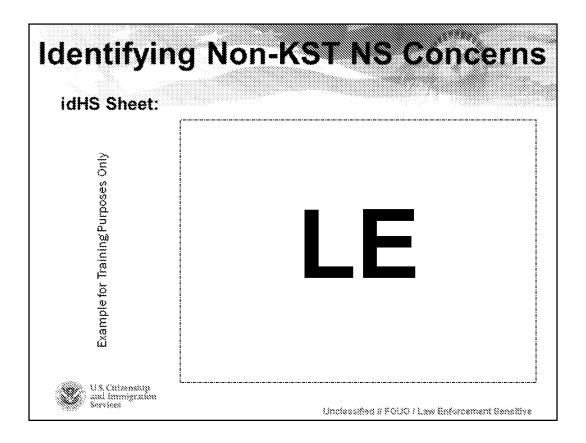


#### idHS Sheet:

Example for Training Purposes Only







- This is a sample of an iDHS sheet
- It says known or suspected terrorist on it! -
- So why is it in the non-KST category?
  - Because KSTs don't come from LE they only come from people who are on the watchlist

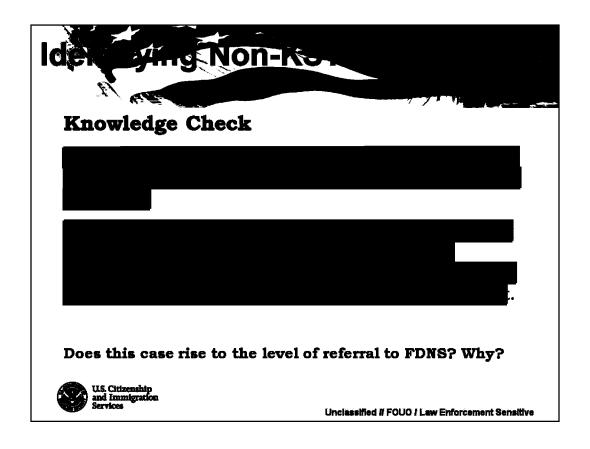


### **Knowledge Check**



#### Does this case rise to the level of referral to FDNS? Why?

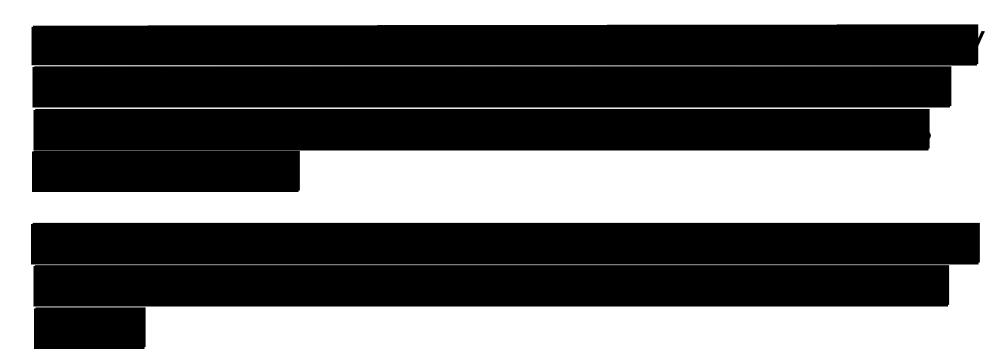




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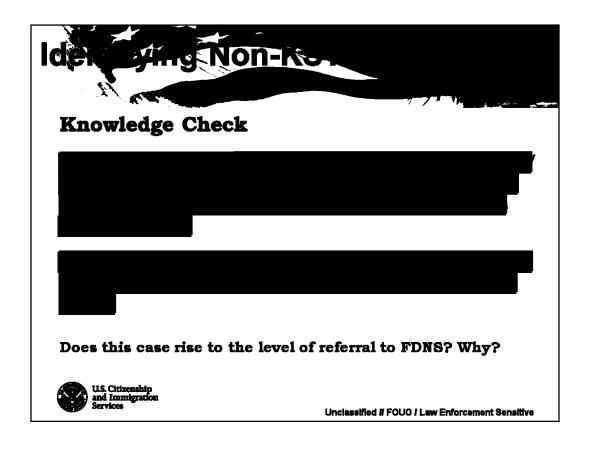


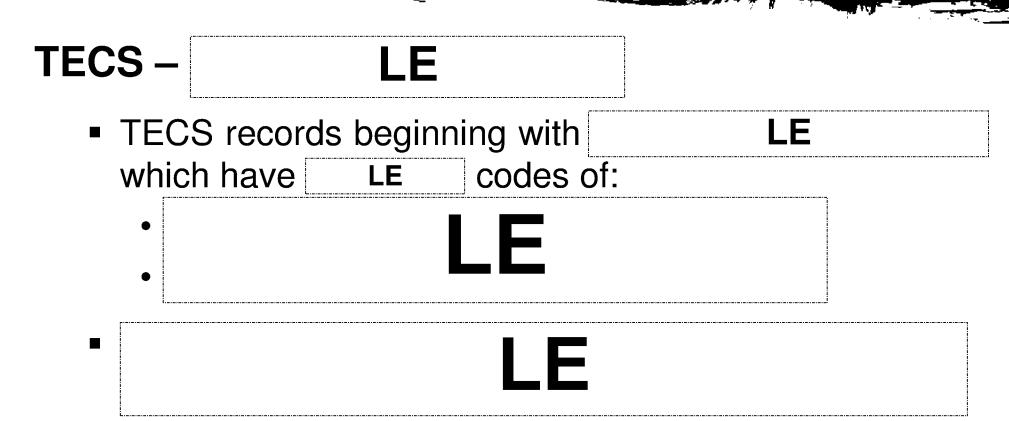
### **Knowledge Check**



#### Does this case rise to the level of referral to FDNS? Why?







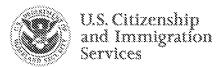
Forwarding the case to FDNS is still required

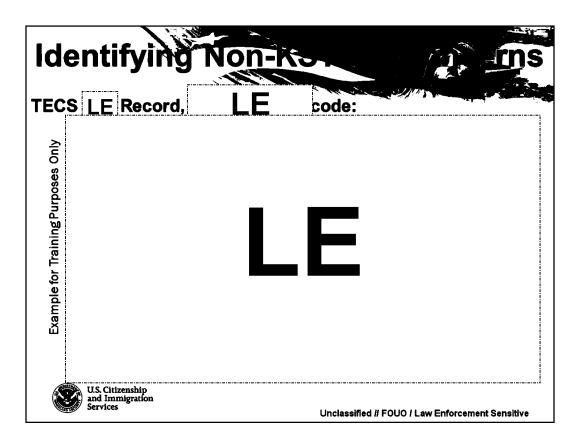


Idel	Jing 1	von			
TECS -		LE	• •		
	CS record	s beginı LE	ning with codes or:	LE	
			LE		
= For	warding th	ne case	to FDNS is s	till required	
U.S. Citizens and Immigra Services			Unclassified	# FOUO / Law Enforcement Sensitive	

These are the **LE** that were discussed earlier.

TECS LE Record, code: Example for Training Purposes Only LE





-	This is a <b>LE</b> with a	ın <b>LE</b>		
-	Per USCIS policy		LE	
	LE L			
- [	The category code	means that the	L_t 	<b>=</b>
į		LE	-	
-		LE		ecord

TECS LE Record,

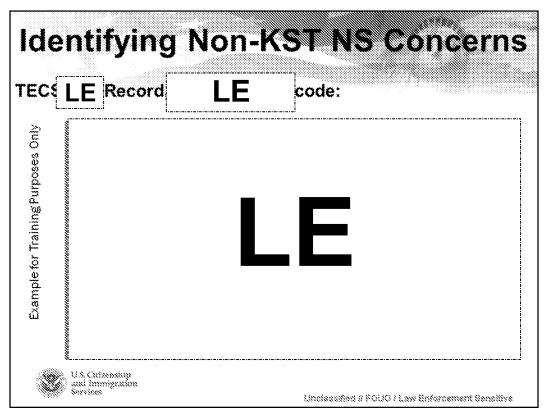
**Example for Training Purposes Only** 

LE

code:

LE





- **LE** 

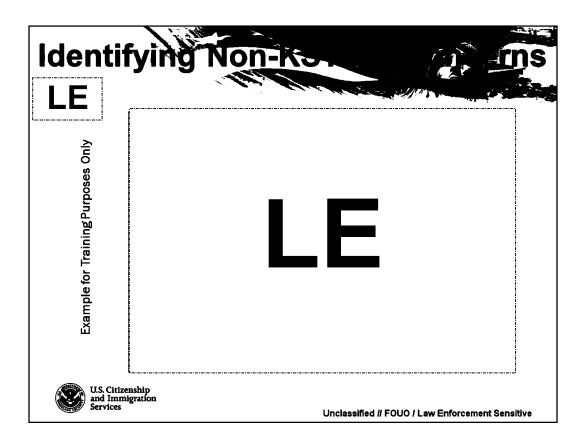
DEF-0094438

LE

Example for Training Purposes Only

LE





- We saw this exact screenshot before

-	It's a <b>LE</b> ecord relating to t	errorism
-	The <b>LE</b> field clearly states	LE
-	KST or Non-KST?	
	-	LE

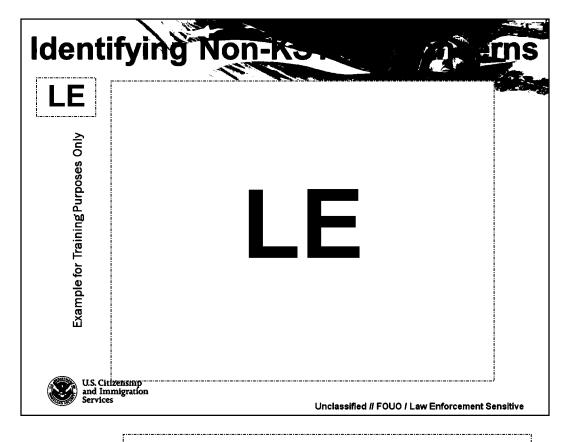
- I'm showing this slide to compare to the next slide

LE

Example for Training Purposes Only

LE





This is also a	<u> </u>	.E	
Because it's a	LE gang hit this one doesn't say	LE	it says
Now here's th	ne curveball –		

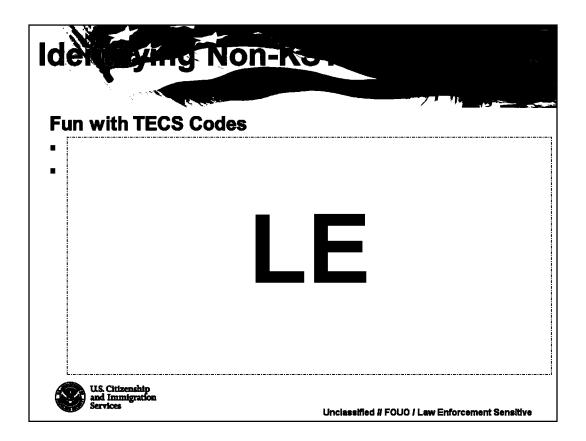
- So pay attention to what they things actually say

DEF-0094442

#### **Fun with TECS Codes**

LE





- Not all of these are NS Concerns
- And just based on the code, you can't tell
- You need to consider the nature of the record, the text of the record, the other facts of the case

LE

- How many of these could indicate a potential NS concern?
- NTC = National Targeting Center

DEF-0094444

.ns

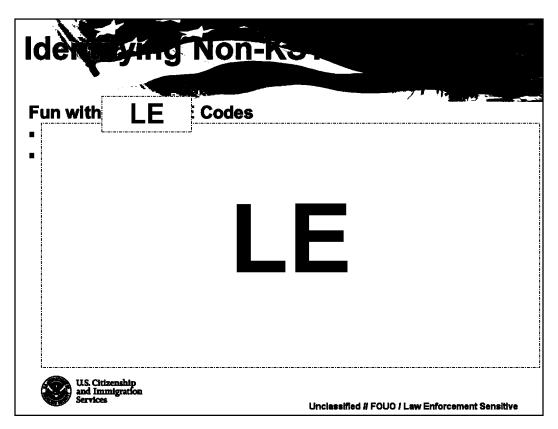
Fun with

LE

Codes

LE





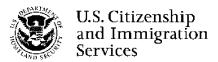


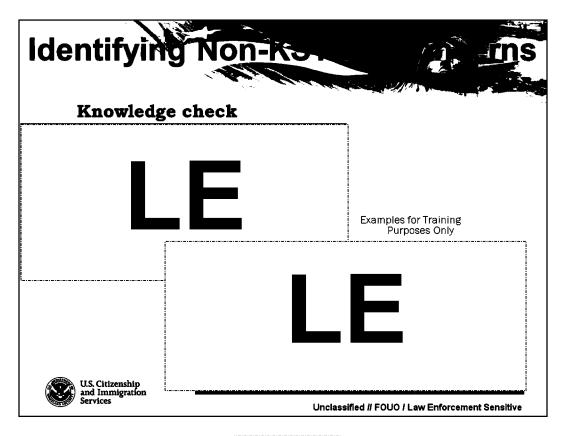
- Are all of these things (all the codes, all the 212a3 referrals) inherently NS?
  - No, they are not
- The only automatic CARRP case is a TECS record ending in that is it
- Do not rely on labels and record endings to tell you if something is an NS concern!

Knowledge check

LE

**Examples for Training** Purposes Only

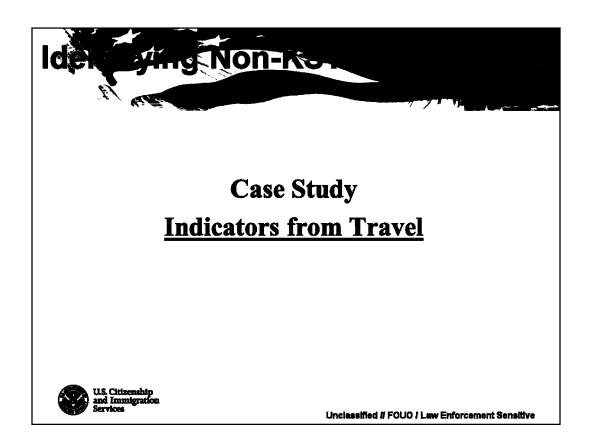




-	These screenshots are of a LE
-	In the remarks, they talk about LE
-	That's most of the same language that we see in LE records
-	LE
-	So how would we handle these records?
-	Are they NS Concerns?
-	Indicators of a concern?
-	A watchlisted KST?
-	LE

# Case Study Indicators from Travel





- Review page 2 Referral Information and Referral Remarks with students
- Review page 5 Description and Referral Remarks with students
- Does this warrant a referral to FDNS?

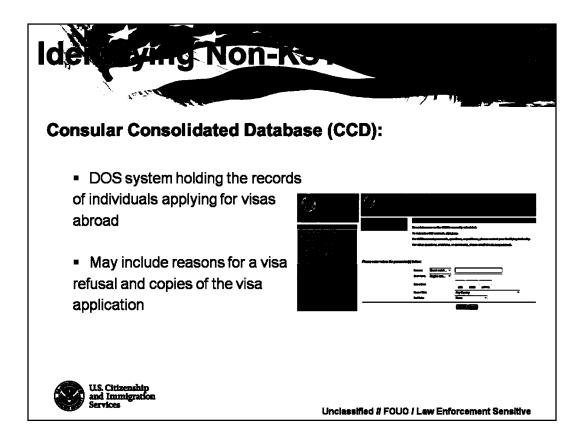


#### **Consular Consolidated Database (CCD):**

- DOS system holding the records of individuals applying for visas abroad
- May include reasons for a visa refusal and copies of the visa application





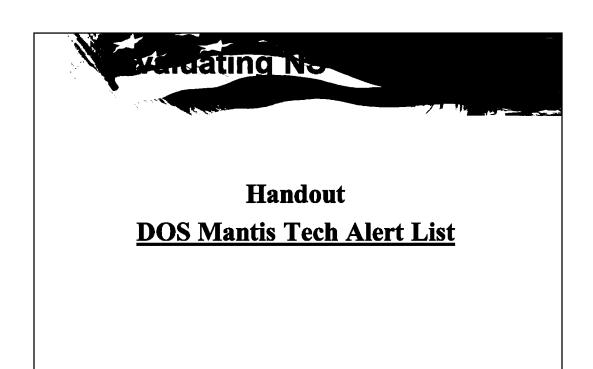


Why would information in a Department of State system be important? Can be used to follow up on other indicators or used on it's own as an indicator. This doesn't mean that every case needs to be checked in CCD.

### Evaluating NS Concerns

## Handout 1005 Maries Tean Alexandria







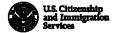


- SAO (Security Advisory Opinion)
  - An SAO is the manner by which the State Department asks other agencies of the USG for information / input
  - SAO's are submitted selectively based on the profile of the visa applicant
  - Not all SAO's are derogatory
  - SAO's help Consular Officers to make accurate adjudicative decisions
- Within USCIS, SAO's are an adjudicative tool in refugee cases





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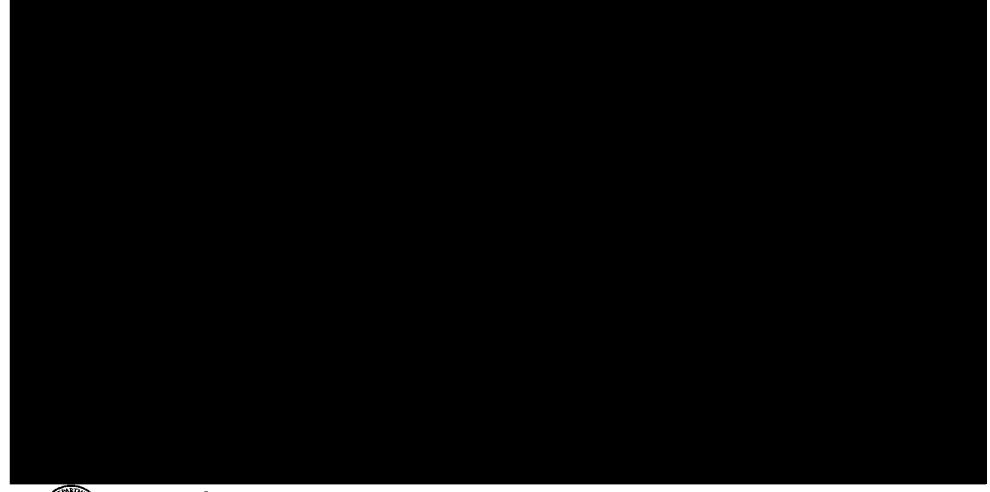


Unclassified if FOUO / Law Enforcement Sensitive

You may find an SAOs in an A-file of a refugee

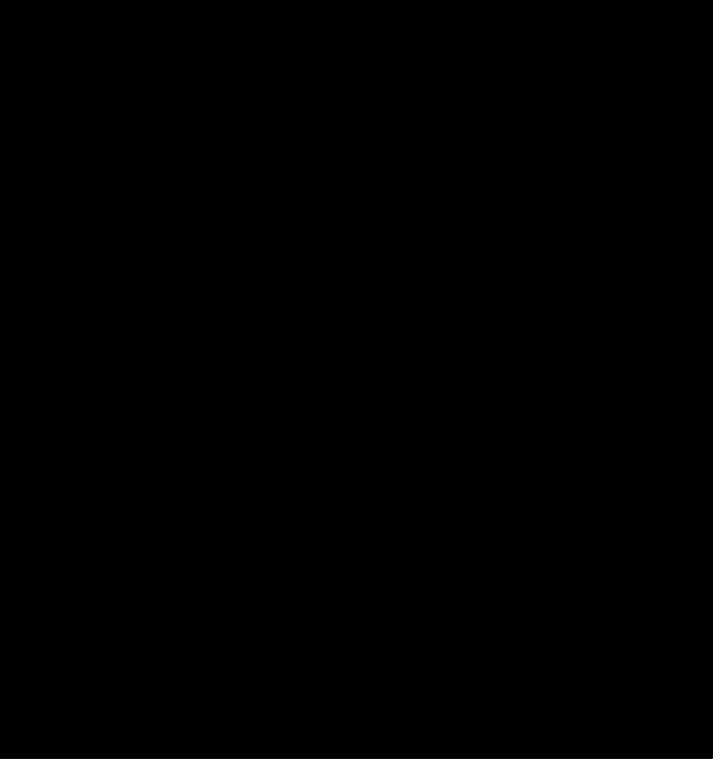


#### **IDENT**





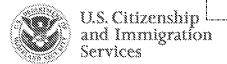


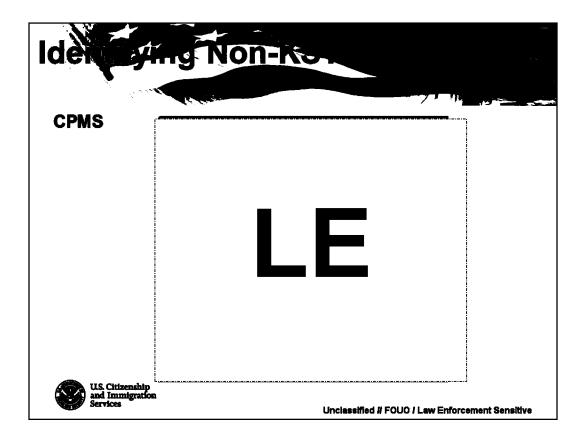


## Identifying Non-KST NS Concerns

**CPMS** 

LE





- We get IDENT information through CPMS-IVT
- It's reporting biometric encounters, including at our ASC's

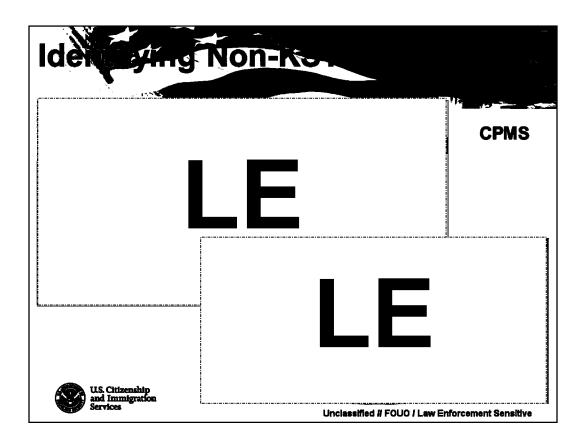
## Identifying Non-KSTNS Concerns

**CPMS** 

LE

LE





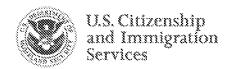
Major Talking Point: CPMS also enables you to check some DOD records and display the results of FBI queries

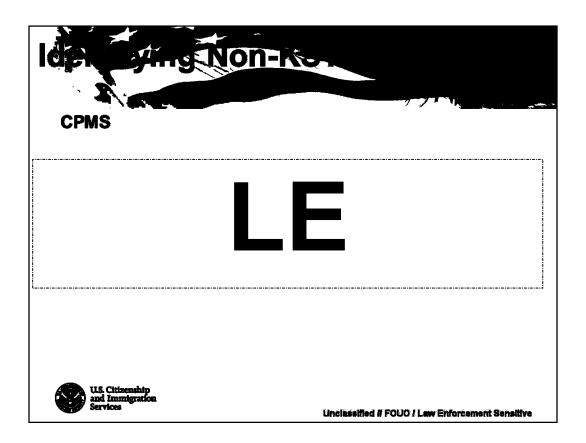
But an FBI Fingerprint response of IDENT is still different than the DHS database IDENT

## Identifying Non-KST NS Concerns

**CPMS** 

LE

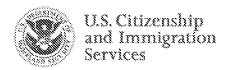


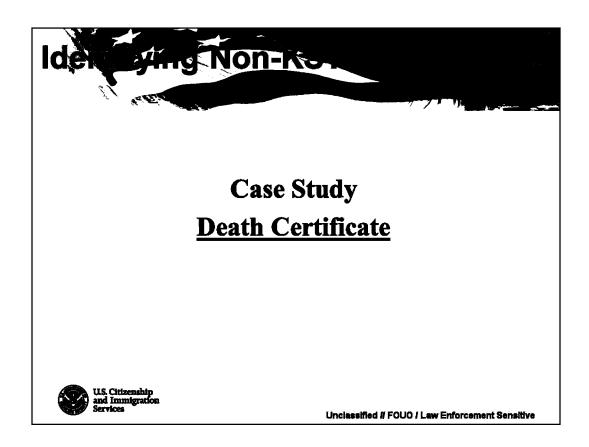


- This is some of the language that someone actually found in CPMS for a LE

## Identifying Non-KSTNS Concerns

## Case Study Deals Continued





- This is an actual piece of evidence provided by an applicant
- In the parts that are translated, note a couple of interesting phrases:



- Is this a crummy translation? Yes,

Major Point: Make sure you're carefully reviewing applicant provided evidence and running things like this to ground to make sure there is no concern

## When LHM's may be non-derogatory:

- Reference to an LE
  - Has to go in CARRP to obtain the information...
  - But the LE may end up not being derogatory.
- Not the subject of an investigation.

•	Prior the Iraq war, the FBI	LE	
•			
•			



Identifying Non-Kon	
When I I II II and the man deposit of the	
When LHM's may be non-derogatory:	
Reference to an LE	
<ul> <li>Has to go in CARRP to obtain the information</li> </ul>	
<ul> <li>But the LE may end up not being derogatory.</li> </ul>	
■ Not the subject of an investigation.	
Prior the Iraq war, the FBI i     LE	
U.S. Citizenship	
Services  Unclassified // FOUO / Law Enforcement Sensitive	

- Not every record from the sources we just covered is national security
- We talked about SAO's not always being derogatory
- We talked about the LE hing already if it's gang related, it may not be NS
- It's derog, but it's not NS
- We see derog that isn't NS from LHMs and TECS and CPMS-IVT all the time, right – money laundering, fraud, etc.
- So just because it's in one of the systems we just talked about does not equal NS concern
- What's important is the actual info contained in the background check result
- In the same way that our sources of information do not always give us NS info, some of it may not even be derogatory at all!
- A positive fingerprint or namecheck, an IDENT encounter, a not automatically an NS concern or FDNS referral ...

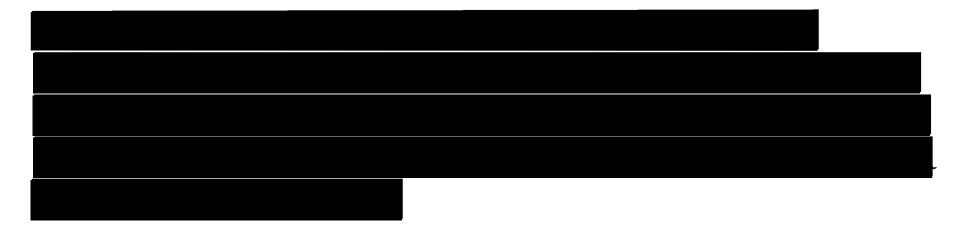
#### **Summary:**

- The information in a record or in testimony is what's important – not that there is a hit or a record
- Non-KSTs can come from anywhere, not just records or law enforcement
- Testimony and what's in the immigration record is every bit as important a source as law enforcement records
- Non-KSTs are subjective, especially when they're not coming from TECS or the FBI or fingerprint records – that's why properly weighing the evidence is so critical



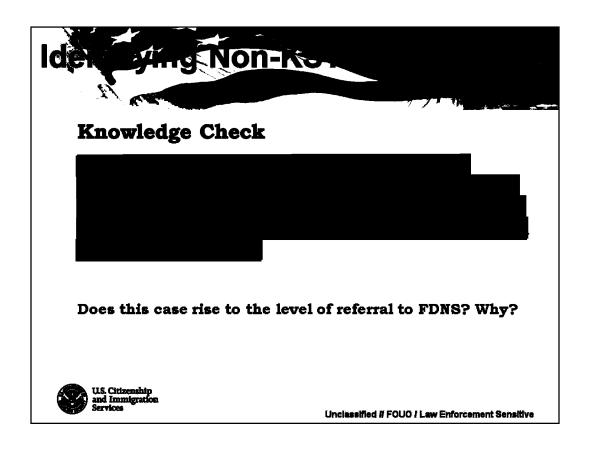


### **Knowledge Check**



Does this case rise to the level of referral to FDNS? Why?



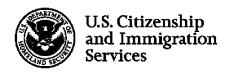


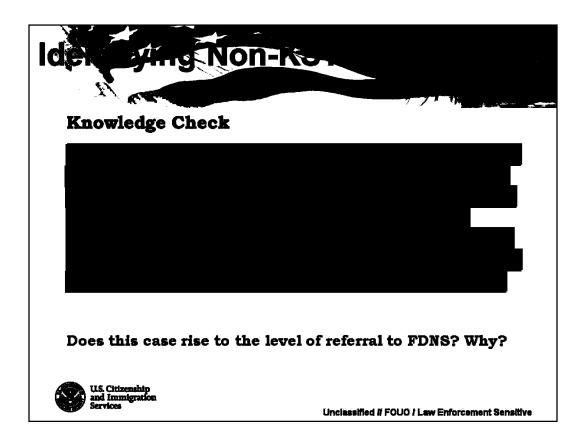


#### **Knowledge Check**



#### Does this case rise to the level of referral to FDNS? Why?

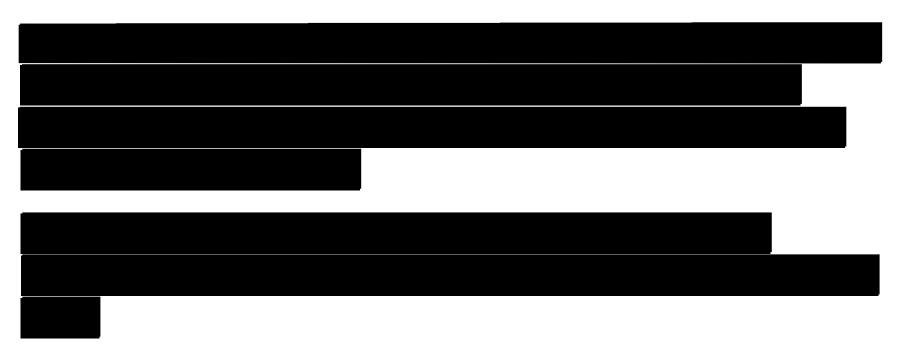




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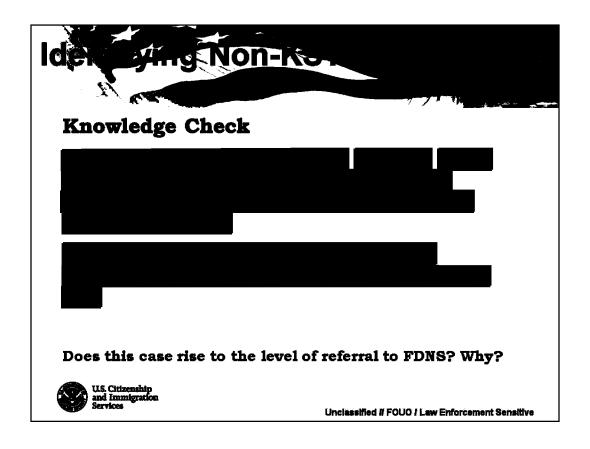


### **Knowledge Check**



#### Does this case rise to the level of referral to FDNS? Why?





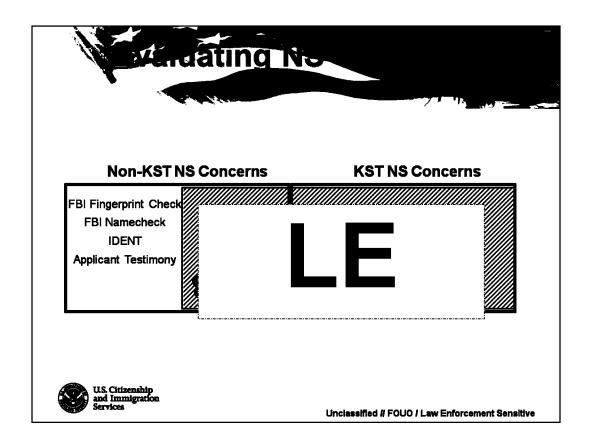




#### Non-KST NS Concerns

#### KST NS Concerns





A review of KST vs Non-KST

•	TECS	٦	LE	
•	The <b>LE</b>	code	LE	indicates
			LE	

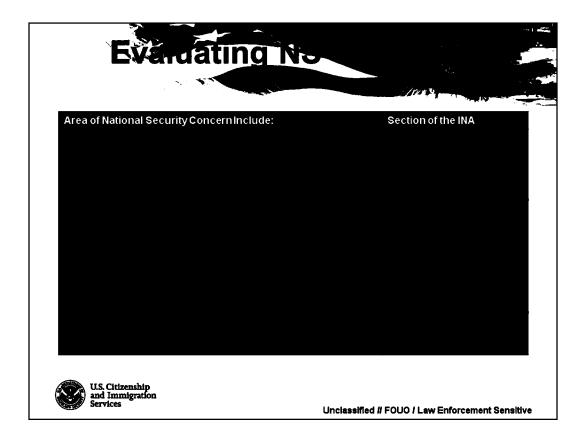
- All KSTs are in TSDB with a KST category code and therefore are represented in TECS by a LE record.
- Non-KSTs can be identified in a variety of ways, including through

  LE
- Now we're going to talk about putting together NS indicators and making the link to an NS concern.

## Evaluating No concerns.

Area of National Security Concern Include:	Section of the INA	
Espionage		
Sabotage	§212(a)(3)(A), and §237(a)(4)(A)	
Exporting sensitive goods, technology, or information		
Overthrowing the U.S. government by force or violence		
Hijacking or sabotaging transportation	\$212(a)(3)(B), and \$237(a)(4)(B)	
Hostage-taking		
Attack or assassination of any government official (U.S. or any other government)		
Using biological, chemical, or nuclear weapons		
Using other weapons to harm people or cause damage (other than for personal monetary gain)		
Persons or groups the Secretaries of State and/or Homeland Security have found to be engaged in terrorist activity or associated with a terrorist organization.	§212(a)(3)(B), (a)(3)(F), and §237(a)(4)(B)	





- Statutory grounds are part of what helps identify an NS concern
- This chart simplifies what is covered by the statutory grounds for national security concerns
- Notice that drugs, money laundering, human rights aren't on here these are concerns, but they don't fall under the definition of national security
- Let's add another important point: this chart mostly doesn't specify targets
- So, bombing a government building in country X is the same as bombing a government building in country Y for the purposes of establishing an NS concern, even when country Y is a state sponsor of terror and country X is an ally
- Looking at timeframe and intent:
  - 212(a)(3)(A) is contemporaneous, prospective, and retrospective
    - If you're *planning* to commit espionage but haven't don't it yet, it's still an NS ground
    - If you have committed sabotage, it's an NS ground
    - If you are currently trying to overthrow the government of the US, it's an NS ground
  - 212(a)(3)(B) can be a little different
    - Using chemical weapons is contemporaneous

- Using other weapons is a present-tense statement
- If someone *used* in the past, does that mean they're not a concern? No
   they're still a concern, but that's one area where we read the statute a little more broadly in terms of identifying NS cases
- 212(a)(3)(F) is different yet again it's retrospective you can't be about to be designated the individual has to have already been designated
- Past, present and future activities can all be part of our analysis, depending on the activities committed, in progress, or intended
- Why is that? Remember that priorities and alliances shift over time
  - Example: if you were part of a group many years ago that the USG supported, and you were fighting against an entity the USG didn't really like...
    - Who's to say that now the USG is friendly with that other entity?
    - Who's to say that your group wasn't also doing some stuff the USG didn't support at the time?
    - Could your group have gone on to do other things that USG didn't support later on?
    - Could you have met some other people and groups (associates!) that the USG didn't like quite so much?

Individual/ Organization

+ Connection -

NS ground from NA



Form: I-485

Based on:

I-589

- Membership

I-924

- Money

N-400

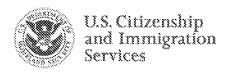
- Employment

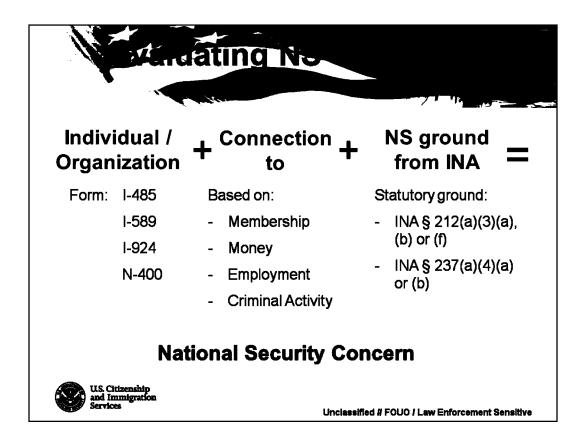
- Criminal Activity

#### Statutory ground:

- INA § 212(a)(3)(a),
   (b) or (f)
- INA § 237(a)(4)(a) or (b)

## **National Security Concern**





So we're going to talk about how to put all the information together to see if a case needs to be referred to FDNS as a non-KST NS concern

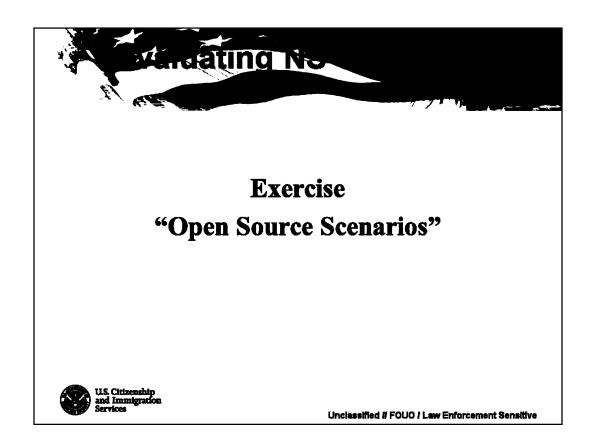
KSTs are easy – every LE which isn't a LE is an NS concern and is referred to FDNS

Non-KSTs require more information, knowledge, and research.

- .This is your formula for determining if there's an NS concern based on each individual element
- You need a nexus to one of the statutory NS grounds
- You need a person or organization
- And you need something to link them together
- CLICK FOR ANIMATION
- 1. Our person / org comes from any of our forms that are submitted
- 2. Our NS grounds come from the law
- 3. And we need a connection between the two
- 4. To make an NS concern
- Now we'll go more in depth on the connection part of the equation

## Exercise \*\*Open Source Seemanios\*\*





"NS / Non-NS Open Source Fact Patterns"

Instructor: There are 10 scenarios, can be handed out individually or 1 scenario per group. Discuss each scenario and decide if it's NS or Non-NS

Estimated Time: 30mins.

This exercise begins to train students to consider the facts present and ensure that there is an area of NS concern

#### **NS Indicator or NS Concern**

- **Indicator** An NS <u>indicator</u> is evidence of an activity, or association which requires further development in the record to evaluate whether an NS concern exists.
- **Concern** An NS <u>concern</u> exists when there is an articulable link to an activity, individual, or organization described in §212(a)(3)(A),(B) or (F) or §237(A)(4)(A)(B).



#### Consider the following:

You come home from work one day, and...

- There are tire marks in your driveway
- There are also muddy boot prints all over your front walk
- A window is broken in the yard next to your backdoor
- Your high def TV is missing





#### Consider the following:

You come home from work one day, and ...

- · There are tire marks in your driveway
- There are also muddy boot prints all over your front walk
- A window is broken in the yard next to your backdoor
- Your high def TV is missing



Unclassified # FOUO / Law Enforcement Sensitive

#### Lines of thinking from evidence-

We're all familiar with evidence and evidentiary standards from criminal law

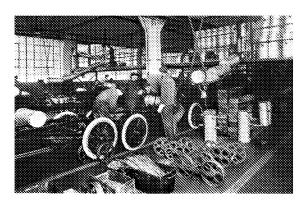
- Everyone has probably seen Law and Order or NCIS or one of these criminal procedurals on TV
- So let's consider for a moment indicators and articulable link in a criminal context
- CLICKS
- 1. You come home from work and
- **2.** If there are tire marks in your driveway, are you worried about anything being wrong?
- 3. What if there are also muddy boot prints on your front walk?
- Do you think something nefarious has happened?
- Is there any evidence that suggests a criminal activity?
- Are there other plausible explanations?
- 4. What if now you see that the window by your back door is broken?
- Do you think that from this evidence that you should call the police?
- If you're going to call the police, are you sure that a crime has taken place?
- 5. And now you go in to the house and your high-def TV is gone

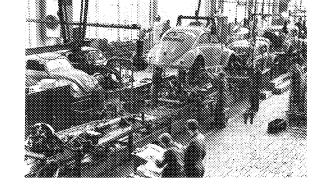
- So, at what point did we have sufficient indicators that a crime occurred that we weren't comfortable just going about business as usual?
- And at what point did these facts add up to an articulable criminal activity?

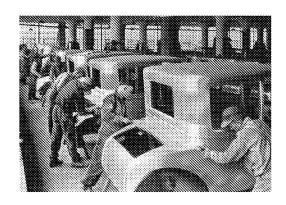
#### Another way of thinking about indicators:

Consider an assembly line...

- Each step in the process of building a car is small enough.
- But by the time those little things add up, the end result is significant Indicators work the same way...
- Each one by itself is small and insubstantial
- But a bunch of them put together can add up to something big





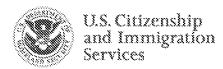


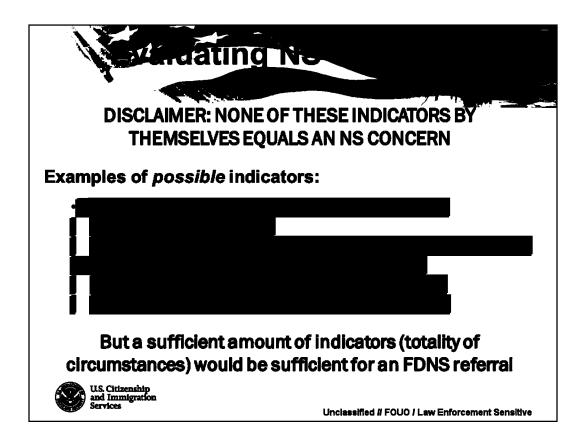


### DISCLAIMER: NONE OF THESE INDICATORS BY THEMSELVES EQUALS AN NS CONCERN

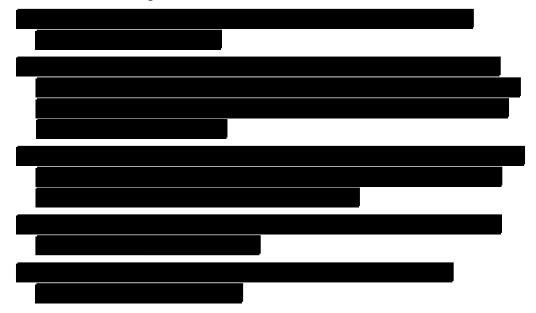


But a sufficient amount of indicators (totality of circumstances) would be sufficient for an FDNS referral





- So what are some examples of indicators?

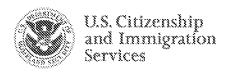


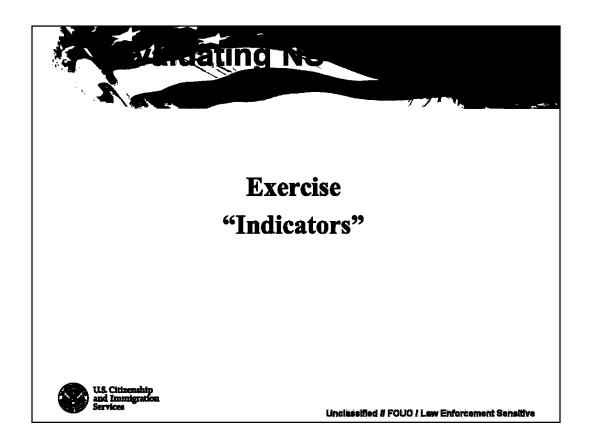
- None of these things are themselves derogatory or a nexus to NS... but if you look at the entire body of evidence, maybe then it relates to an area of NS concern
- Can you refer a case to FDNS just based on indicators?
- YES we do it all the time

- Just because the link between the person and the NS ground does not rise to the evidentiary level of Articulable link, it can still be referred to FDNS for further research

# Evaluating NS Concerns

# Exercise





- We just considered evidentiary standards in criminal, non-NS example
- Now let's look at weighing evidence in an immigration specific context to see if we can identify an NS concern

# **Evaluating NS Concerns**

#### **Articulable Link**

An articulable link exists when:

You can *describe* ...

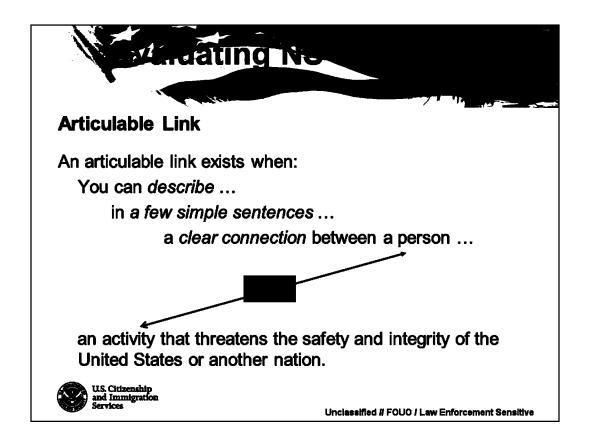
in a few simple sentences ...

a *clear connection* between a person ...

and

an activity that threatens the safety and integrity of the United States or another nation.



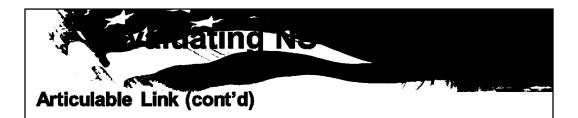


- So now that we've covered indicators and talked about the evidentiary standard we're looking for...
- The next question is when we pass from having indicators to having an articulable link
- So now we're going to talk about the middle component of our equation: articulable link
- This is the part that is tricky, so we're about to take you through the structured framework on how to do it
- The framework is designed to provide a consistent means of thinking about articulable links
- One more note we are concerned with finding the articulable link primarily with non-KST NS concerns
- Earlier we defined KSTs as being on the watchlist and for KST cases, that's enough of an articulable link "Jon Smith is on the watchlist for terrorism."
- As you'll see, non-KSTs are different, because there will not be one piece of information that conclusively tells you this person is an NS concern you may have to "link" together a bunch of disparate things

#### **Articulable Link (cont'd)**

- A connection may be:
  - Conducted a criminal act;
  - Belonging to or speaking for a particular organization;
  - Providing money or material support; or
  - Many other associations between an individual and an area of NS concern.





- A connection may be:
  - · Conducted a criminal act;
  - Belonging to or speaking for a particular organization;
  - · Providing money or material support; or
  - Many other associations between an individual and an area of NS concern.



- This looks very similar to the indicators slide, right?
- That's because your evidence for both, the facts that support your determination, are the same kinds of things

#### **Articulable Link (cont'd)**

- An articulable link requires more than a "gut feeling."
- The key is whether you can define the nature of the connection.

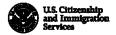
Caveat: It is impossible to list all of the ways that an individual might have an "articulable link" to a national security concern.



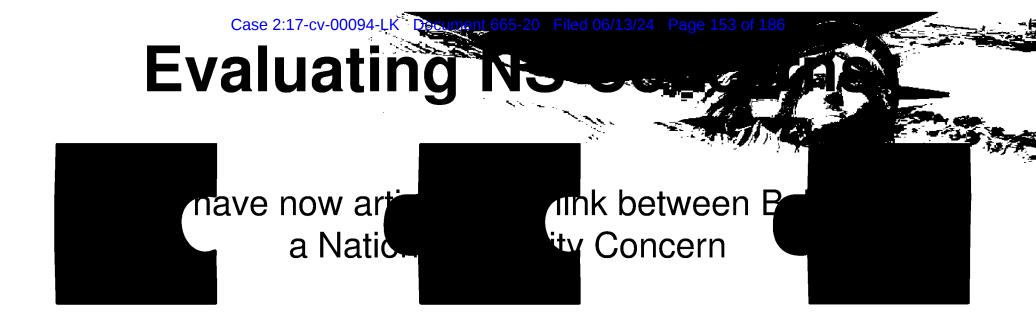


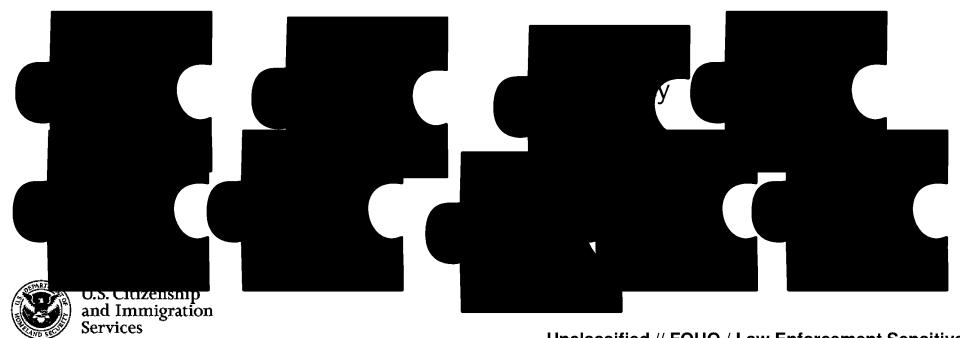
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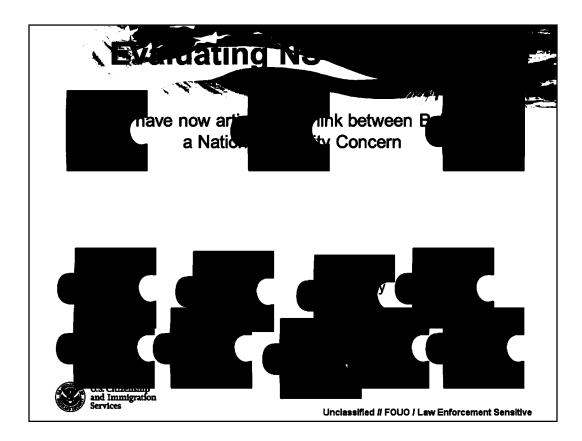
**Caveat**: It is impossible to list all of the ways that an individual might have an "articulable link" to a national security concern.



- Takes more than a "gut feeling" and more than indicators!
- What about criminal behavior?
  - Criminal behavior may be an NS concern, but it's not a prerequisite
  - There could be behavior or NS links that are not overtly criminal







Let's put all the pieces together

When determining whether there is an articulable link, you must be able to make a connection between the actions and the terrorist organization or terrorism related grounds

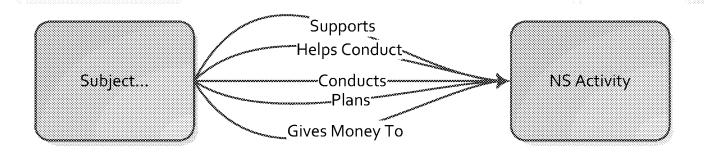
In this example, there is a subject, Bob

And there is an NS ground – terrorism

The rest of the puzzle pieces can be used to assembly a link between Bob and terrorism

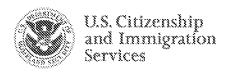
(remainder of slide is animated to demonstrate conducting a link)

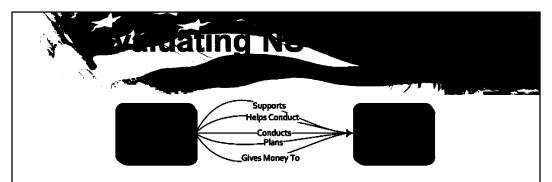
# **Evaluating NS Concerns**



- The strongest link comes when the Subject is actively participating in those activities:
  - "Bob Smith has filed an I-485, and was arrested for trying to plant a bomb at the United Nations."
- Here, you can draw a single, direct line between the Subject and the national security activity.

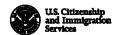
## **Strong Direct Link**





- The strongest link comes when the Subject is actively participating in those activities:
  - "Bob Smith has filed an I-485, and was arrested for trying to plant a bomb at the United Nations."
- Here, you can draw a single, direct line between the Subject and the national security activity.

#### **Strong Direct Link**



Unclassified # FOUO / Law Enforcement Sensitive

Now, we all know that real life isn't quite this simple

But the goal of the structured framework is to get every-one thinking in the same way

These simple cases ramp up to more complicated ones, but the method of thinking of them is the same



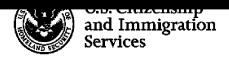


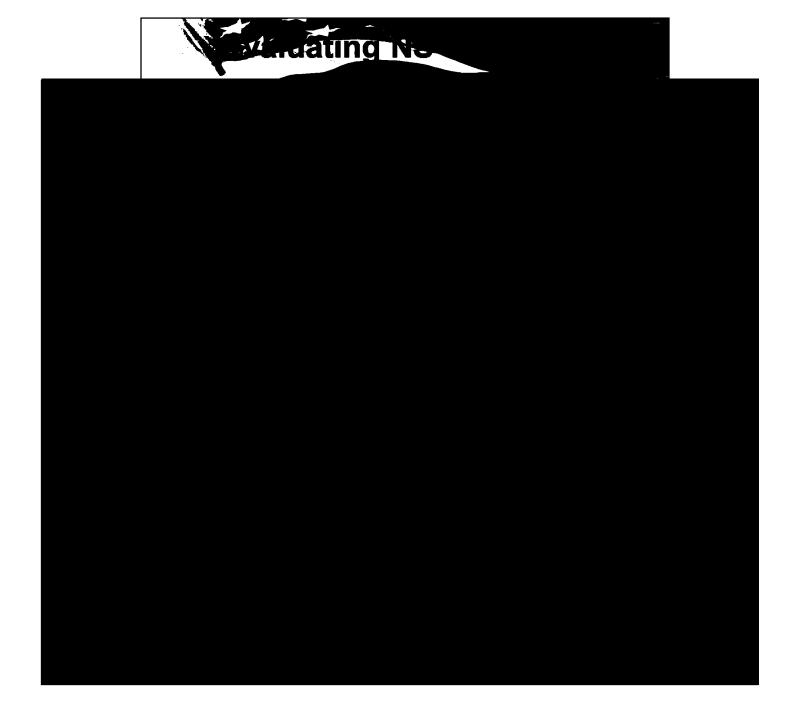


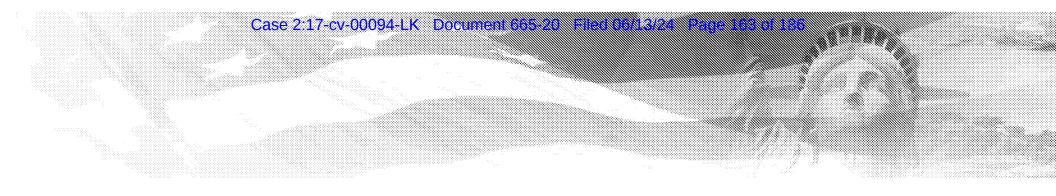






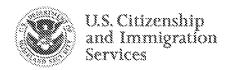


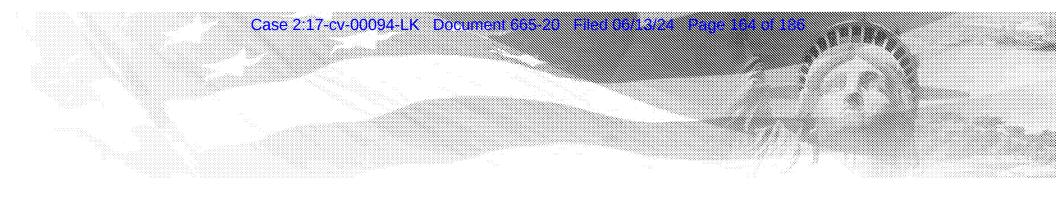




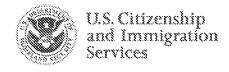
#### Handout

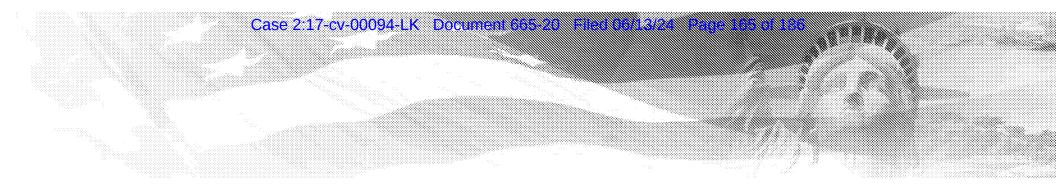
# Structured Framework for Articulating Links to National Security





# Handout Articulable Link Writing 101

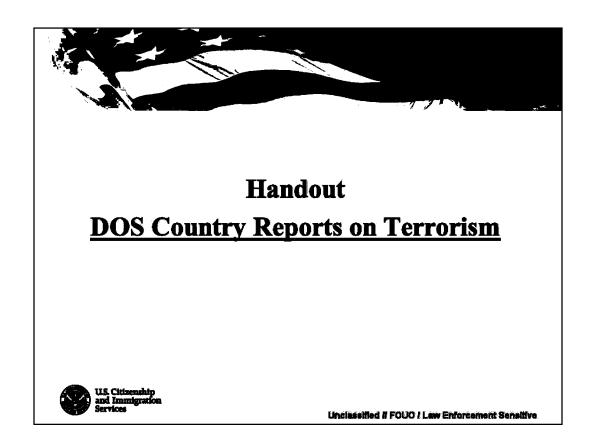




## Handout

## DOS COUNTY REPORTS ON TENOMISM



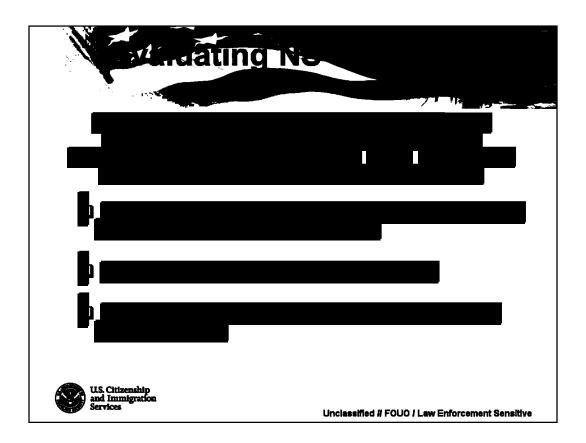


- Supposing that in our exercise you weren't sure if one of the groups someone was connected to (like Sendero Luminoso) was a terrorist organization, where could you look?









So what should you, the interviewing officer do when the applicant discloses information that you believe is an NS indicator? Following the line of inquiry will provide you with more information and help you decide if the case needs to be referred to FDNS.



- □ Explore degree of Applicant's direct involvement in activities and their eventual outcomes.
- ☐ Elicit information regarding the network of actors surrounding Applicant's involvement and Applicant's relationship and/or enduring contacts.
- ☐ May require sworn testimony if the testimony gives rise to a mandatory bar or inadmissibility factor.
- □ Is Applicant's testimony consistent with his/her application/petition?



# **Evaluating NS Concerns**

- ☐ Is it backed up by documentary evidence?
- Does the testimony implicate any credibility concerns or mandatory bars?
- Were TRIG elements fully explored for possible exemptions?
- Was applicant provided with an opportunity to clarify any inconsistencies?

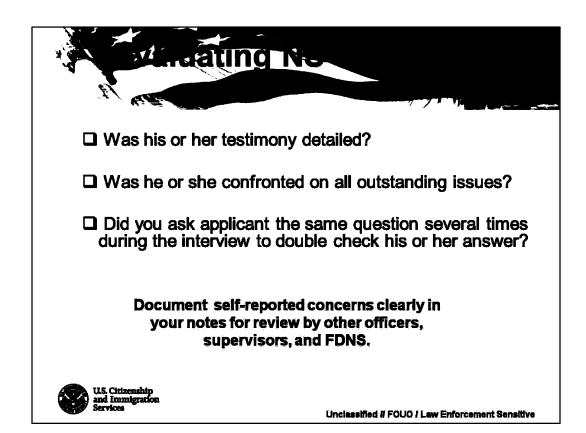


# **Evaluating NS Concerns**

- Was his or her testimony detailed?
- ☐ Was he or she confronted on all outstanding issues?
- ☐ Did you ask applicant the same question several times during the interview to double check his or her answer?

Document self-reported concerns clearly in your notes for review by other officers, supervisors, and FDNS.





Your notes, and information in the file and from the interview, should tell the story and assist in deciding if this case needs to be referred and put into the CARRP process.



#### **Mini-summation:**

- It's all about the facts identifying concerns is about assessing the facts we know, regardless of where they came from, but...
- Facts come from a variety of sources some of those sources are more reputable than others
- Some facts are also more derogatory than others do the facts suggest that the subject of concern was knowingly or deliberately involved with one of our national security grounds?
- Identification is just the beginning we can still resolve concerns after they're identified – identification just means that there is a potential concern that we need to carefully consider, thoroughly document, and refer to FDNS





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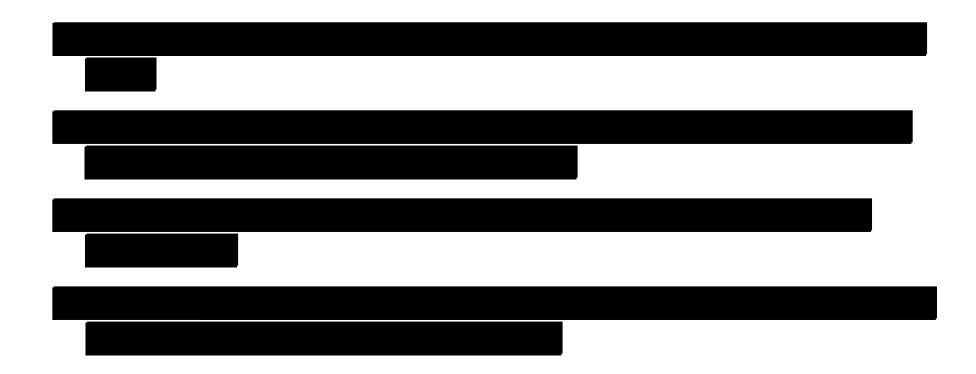


- In this module, we've shown you facts that came from forms, facts that came from testimony, and facts that came from traditional TECS or FBI hits,

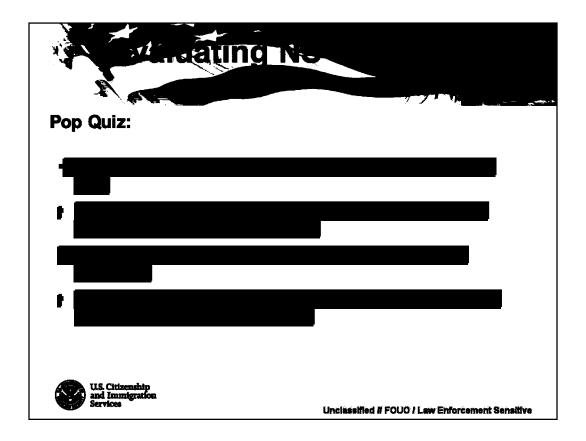
Major Point: The reason we do that is because identifying concerns isn't about where the facts come from – it's about consistently weighing those facts using our models and our thought process to identify if a concern is present



#### Pop Quiz:







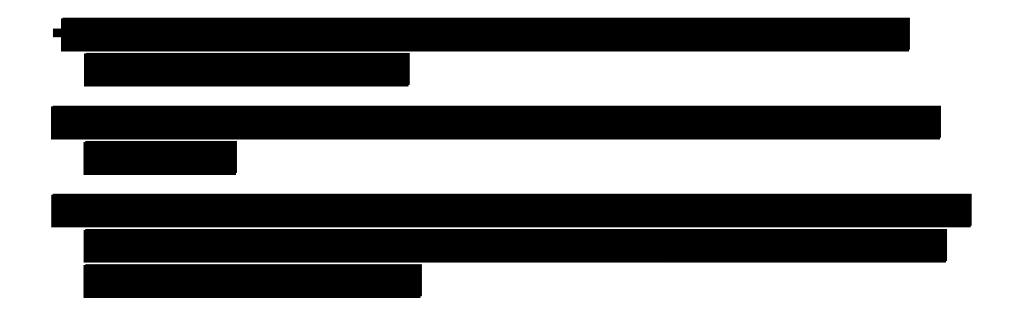
Does this meet the definition of an NS concern?

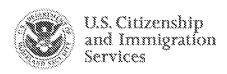
If yes, what type of concern is it?

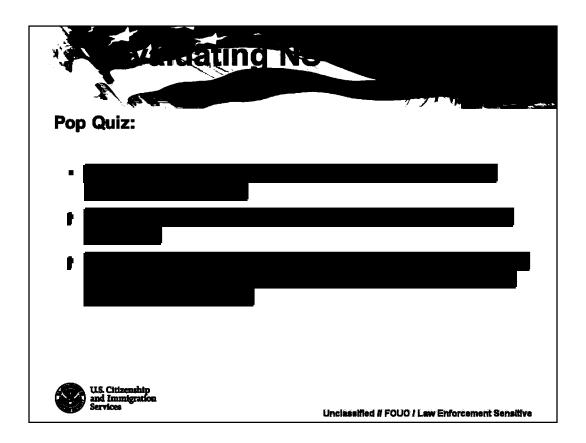
If it's a non-KST, is it based on indicators or articulable link?

# Evaluating NS Concerns

#### Pop Quiz:







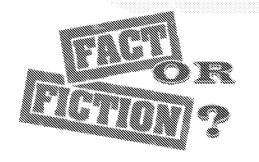
Does this meet the definition of an NS concern?

If yes, what type of concern is it?

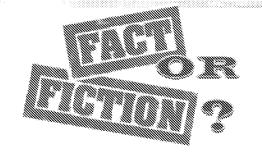
If it's a non-KST, is it based on indicators or articulable link?



# Recap



### Identifying NS concerns





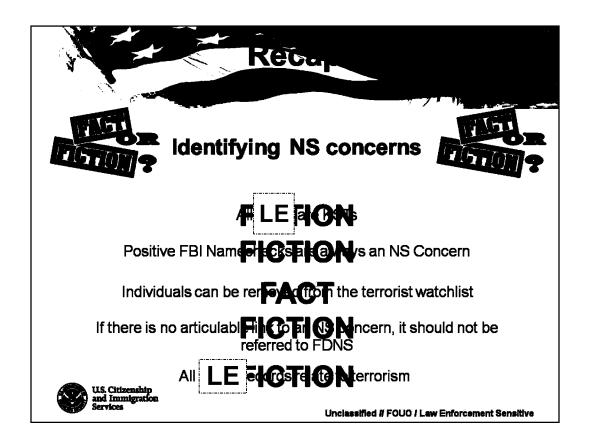
Positive FBI Name recks at a law s an NS Concern

Individuals can be removed from the terrorist watchlist

If there is no articulable in to an NS ncern, it should not be referred to FDNS







INSTRUCTOR – wait for an answer for each item before clicking for "Fiction" or "Fact"

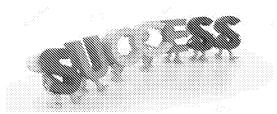


#### **NS Determination Questions:**

- Is there any derogatory information?
- Does the derogatory information relate to the subject?
- ☐ Is the derogatory information still applicable?
- Does the derogatory information relate to an NS ground from the INA?
- ☐ Are you familiar with all of the employers, addresses, institutions, people, etc. listed or discussed by the applicant?
- Does the evidence add up to a strong enough connection between person and NS ground?



# Recap



- ✓ Understand the operational processes for national security cases
- ✓ Distinguish between KSTs and non-KSTs
- ✓ Use all available evidence to identify a potential NS concern
- ✓ Evaluate the potential national security concern
- ✓ Differentiate between indicators and articulable link as the connection between an individual and an NS ground



Remember to notify your Supervisor and FDNS IO if you encounter a KST.



Cases with KST NS concerns can ONLY be granted with concurrence of the USCIS Deputy Director.



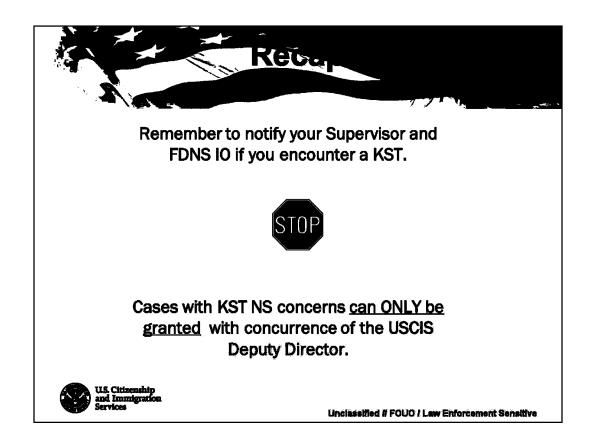


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Slide 76 Assembly Line Images:

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https://frmilovan.files.wordpress.com/2010/05/ford-assembly-line.jpg

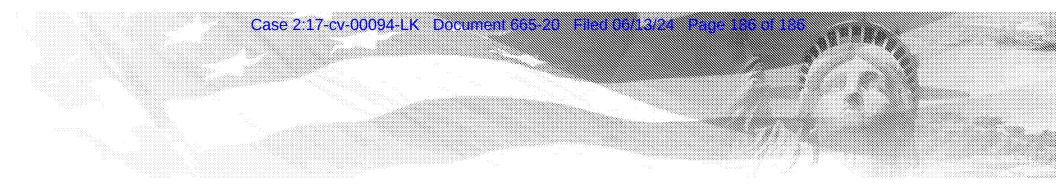
Slide 110, "Fact vs. Fiction" Image:

Services

http://www.sevenwholedays.org/wp-content/uploads/2012/07/ffiction-300x180.png

Slide 113 "Success" Image: <a href="https://automofo.files.wordpress.com/2011/02/increasing-success-photo.jpg">https://automofo.files.wordpress.com/2011/02/increasing-success-photo.jpg</a>

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# U.S. Citizenship and Immigration Services

