EXHIBIT 73

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U.S. Citizenship and Immigration Services

Controlled Application Review and Resolution Program (CARRP)

National Security Division

Fraud Detection & National Security Directorate

Updated June 2017

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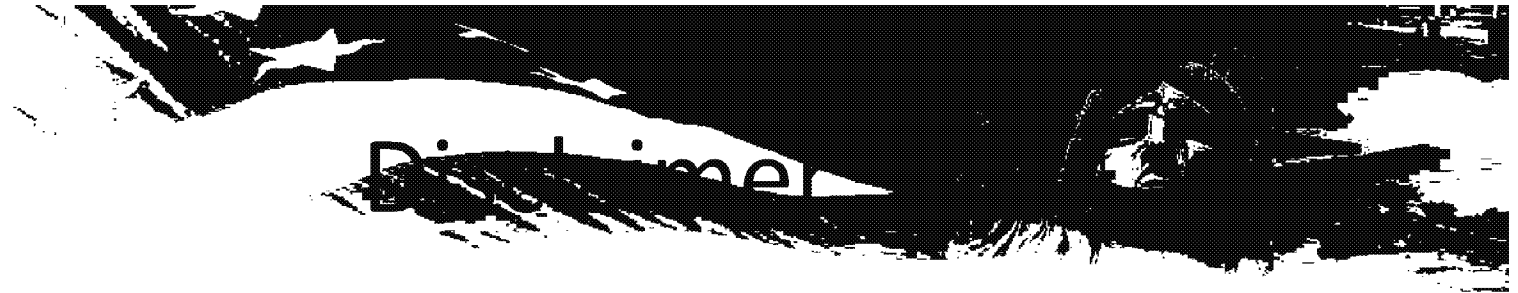
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The CARRP process and all materials related to CARRP are FOUO, and should be handled accordingly

If you don't know what FOUO means now, you will in another 30 slides or so

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Disclaimer

- 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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OCC requires you to read this aloud to the class

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About this Presentation

- Author: FDNS National Security Division

- Date of last revision: June 2017

- This presentation contains no sensitive Personally Identifiable Information (PII).

- Any references in documents or text, with the exception of case law and publicly available information, relate to fictitious individuals or individuals whose personally identifiable information has been redacted.

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Terminal Performance Objective

At the end of this training session, the USCIS Officer will have an understanding of the CARRP process.
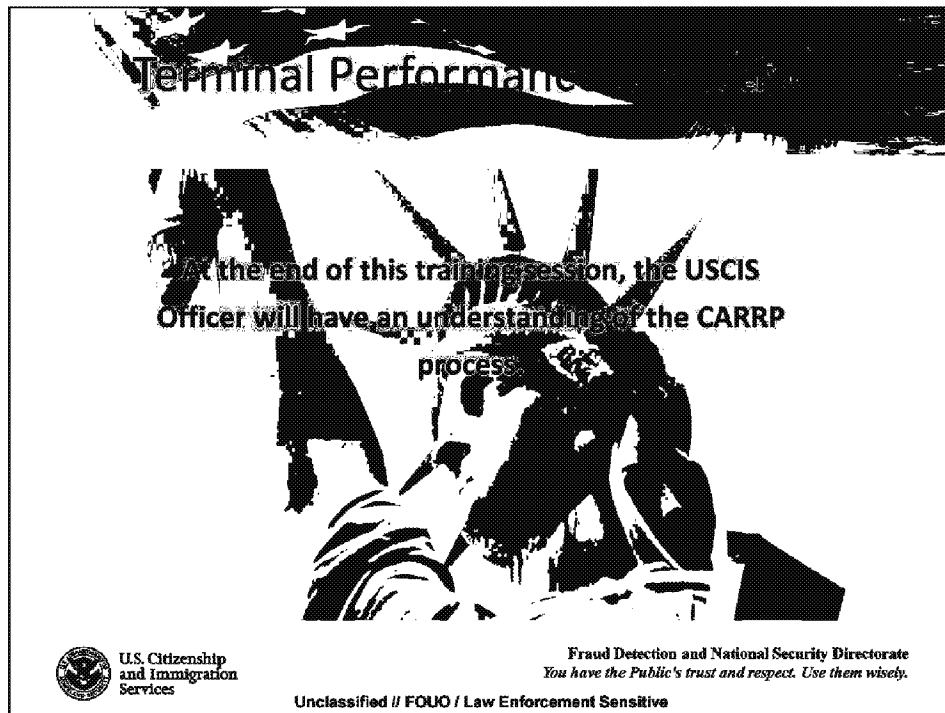
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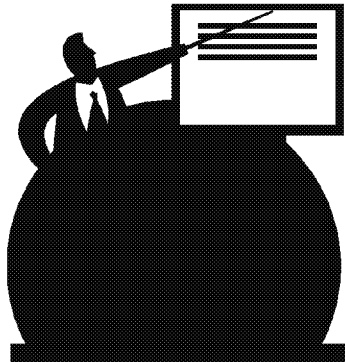Unclassified // FOUO / Law Enforcement Sensitive

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- This is more than a simple overview

- By the time we finish you will all be certified CARRP officers

- You will be making determinations about what constitutes a National Security case

- You will be making recommendations about whether to approve or deny case with NS concerns

- The leadership of this agency is investing a substantial amount of trust in you – cases in the CARRP process are some of the most challenging, sensitive, and important work we do as officers

- Emphasize – this is the big picture, HQ down, holistic CARRP process

- This class and this briefing are not tailored toward specific offices, regions, directorates, or positions

- It's the same material for CARRP ISO's in a field office, BCU ISO's in a service center, Asylum supervisors, EB5 FDNS IO's, etc.

- It's meant to provide a foundation that the entire agency works off of – it is not meant to be a comprehensive, step-by-step lesson in how to do your specific job

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Course Overview

- Module 1: National Security Division Overview

- Module 2: Handling and Protecting Sensitive Information

- Module 3: CARRP Overview

- Module 4: Identifying and Documenting NS Concerns
  - Sources of KST NS Concerns
  - Sources of non-KST NS Concerns
  - Connecting Individual and NS Grounds: Indicators
  - Connecting Individual and NS Grounds: Articulable link
  - Documenting an NS Concern in FDNS-DS

- Module 5: Determining Eligibility and Vetting National Security Concerns

- Module 6: Adjudicating National Security Concerns

- Module 7: Review and Test

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Stage 1: Identifying NS

- ❏ Use all available evidence to identify a potential NS concern.

- ❏ Differentiate between indicators and articulable link as the connection between an individual and an NS ground.

- ❏ Distinguish between KSTs and non-KSTs.

- ❏ Identify sources of information for KST and non-KST determinations.

- ❏ Understand the watchlisting process.

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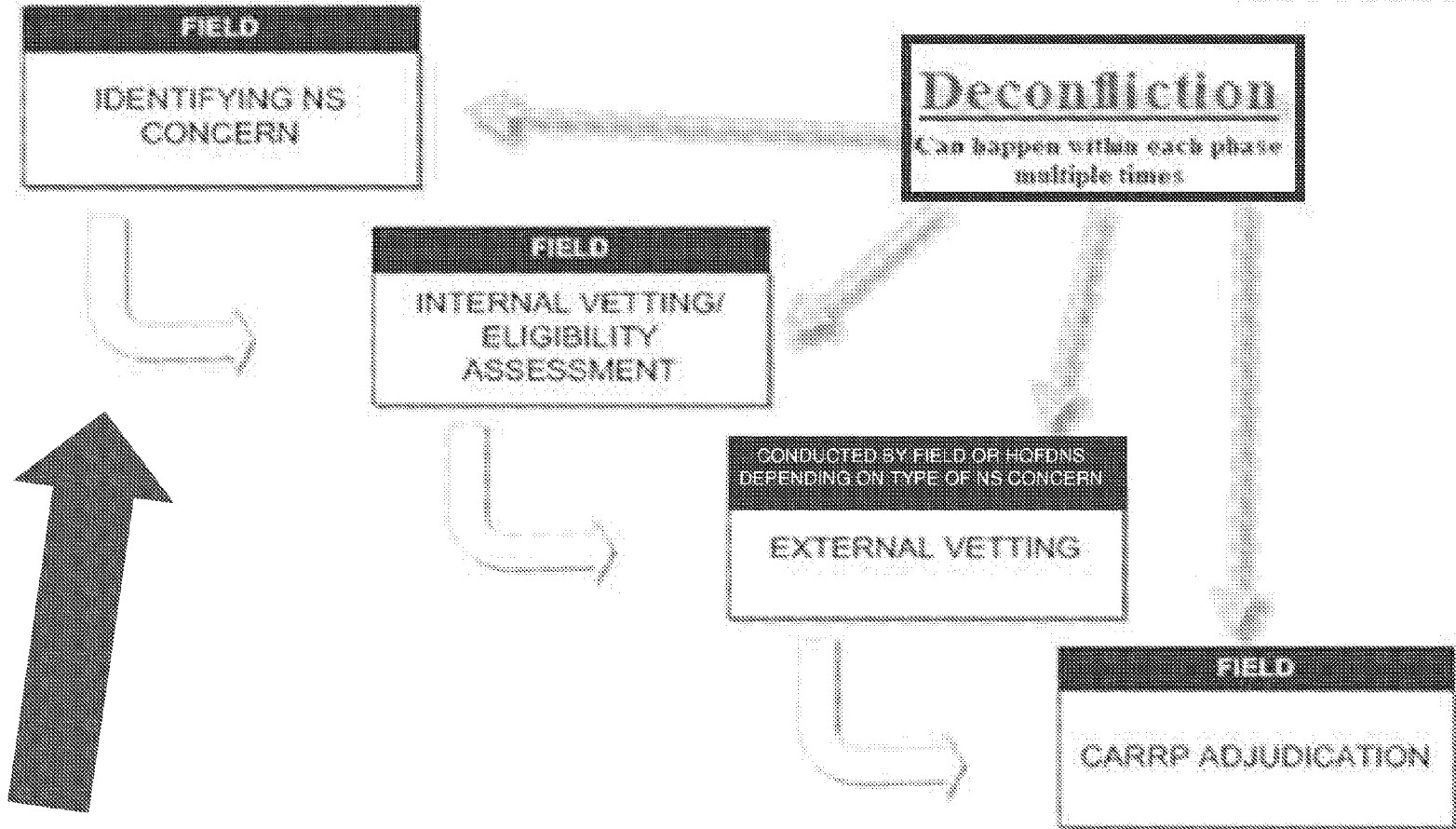and Immigration
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CARRP Stage One

FIELD
IDENTIFYING NS CONCERN

FIELD
INTERNAL VETTING/ ELIGIBILITY ASSESSMENT

Deconfliction
Can happen within each phase multiple times

CONDUCTED BY FIELD OR HQFDNS DEPENDING ON TYPE OF NS CONCERN
EXTERNAL VETTING

FIELD
CARRP ADJUDICATION

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In the life cycle of an NS

Stage I: Three elements

1. Initial identification of a potential concern

   What facts are present?

2. Evaluation of the potential NS concern

   Do those facts meet the definition for an NS concern?

   What type of concern is it?

   How strongly is the individual connected to the INA NS ground?

3. Documentation of the NS concern

   Is there an existing CME or does a new one need to be created?

   What documentation is required based on the concern type?

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In the life cycle of an NS... [text obscured]

Stage I: Three elements

1. Initial identification of a potential concern
   What facts are present?

2. Evaluation of the potential NS concern
   Do those facts meet the definition for an NS concern?
   What type of concern is it?
   How strongly is the individual connected to the INA NS ground?

3. Documentation of the NS concern
   Is there an existing CME or does a new one need to be created?
   What documentation is required based on the concern type?

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- The first stage of CARRP is identifying a NS concern.
- But there are multiple parts to this one stage:
    - There's the initial identification of a potential concern, generally by the adjudicator or through screening
    - There's the part where we decide that yes, those facts we identified as concerning really do add up to an NS concern
    - And there's the part where we document
- It's all within this first step
- Who do you think does all of these things?
    - The initial identification could be anyone in USCIS, but is often going to be adjudications personnel reviewing the file or conducting the interview, or whatever officers are assigned to review results from automated screening
    - The evaluation is generally FDNS, although it can be anyone who is CARRP trained – the CARRP trained and designated thing is key here, because this step can serve as the sanity check – is the thing we're looking at *really* a concern?
    - The documentation can be anyone CARRP trained, but will often be FDNS

- We'll see more specifics on these roles as we move through this module

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Identifying NS Concerns

Stage 1, Initial Identification

Screening, KSTs, & Watchlisting

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Stage 1, Initial Identification Screening, KSTs, & Watchlisting

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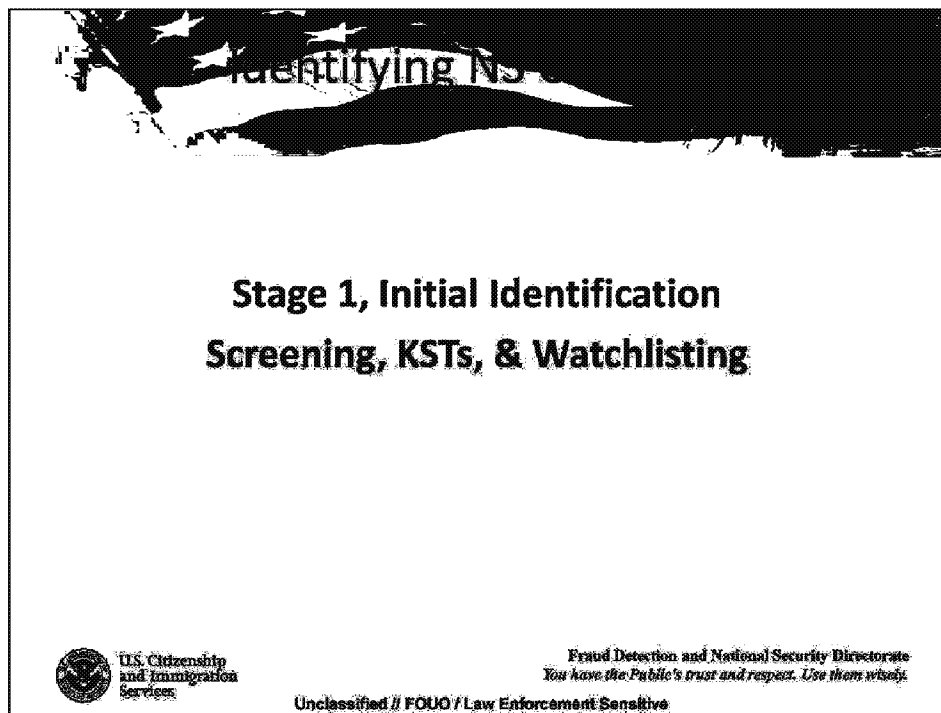
- We saw in the Overview module that there were two types of NS concerns – KST and non-KST
- So when we get to the evaluation of our concern type, that's one decision we'll be making
- But in the meantime, what about the initial identification?
- How do we initially identify KST or non-KST concerns? Where do these things come from?

Identifying KST N...

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 Watch List until a nomination for removal has been approved.

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Identifying KST's

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- Has been nominated and accepted for placement in the Terrorist Screening Database (TSDB), *and...*

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-   Nominations are made by law enforcement, intelligence, and homeland security entities

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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.
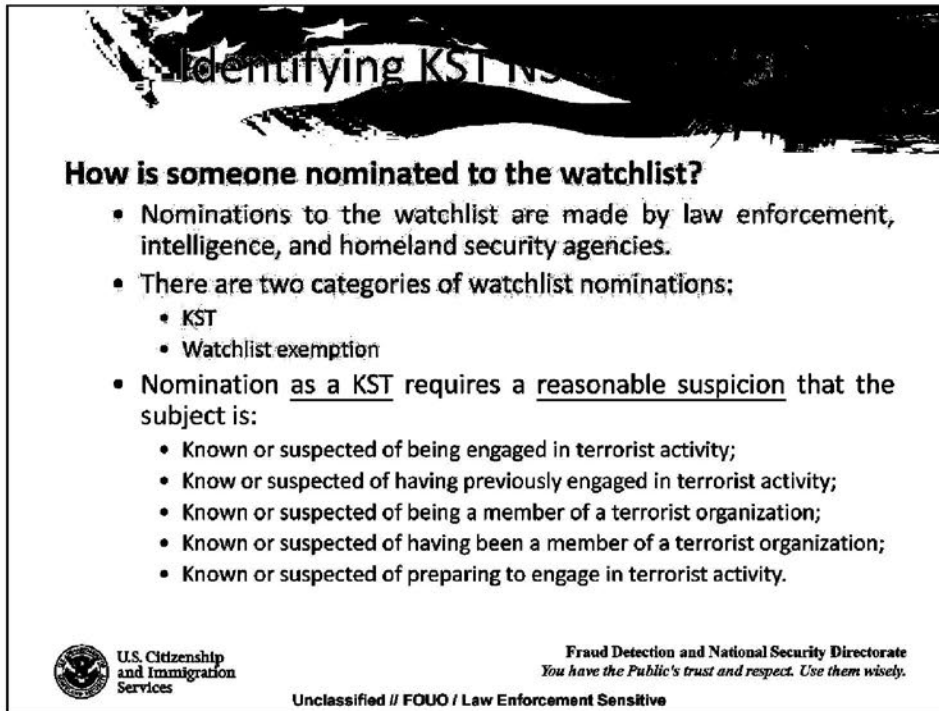
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- There are records that stay only in TIDE and do not get pushed downstream
- These records are generally lacking either derogatory or biographic information
- They tend to be ambiguous such that they don't have a lot of utility in adjudication

-
> # LE

- TIDE exports watchlist records to TSDB

-
> # LE
-

- Determinations to put someone on the watchlist follow a similar weighing of the evidence that we use to determine the connection between a person and an activity
- Require factual evidence – "articulable intelligence"
- Give equal credence 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

- And then things that came in to TSDB from TIDE subsequently flow downstream again into TECS

- In the same way that nominations flow downhill (you're nominated in TIDE, it pushes to TSDB, and that pushes to TECS) – if you're nominations is removed, the information should be pushed in the same way (TIDE – TSDB – TECS)

- Which means… the **LE** that you're seeing would be removed

For instructor background: 2015 Watchlisting Guidance is uploaded to the FOBTC "References" folder – password for the document is: WLG2015!!
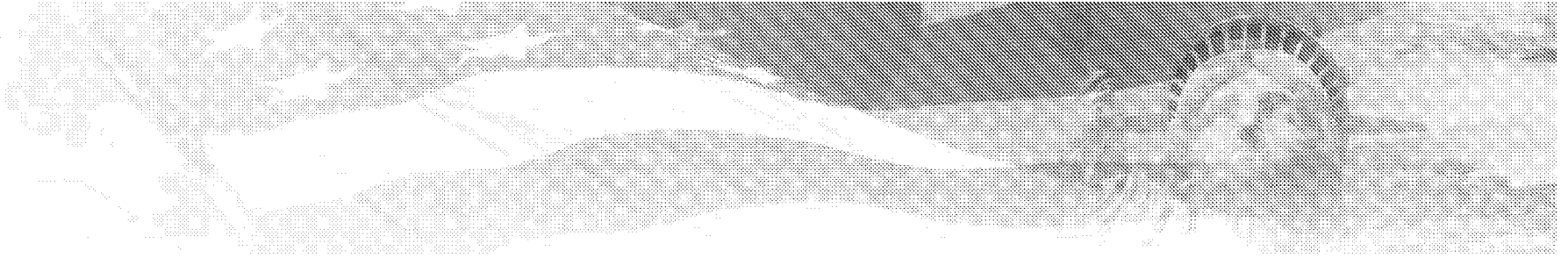
Handout:

TIDE Category Codes

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Identifying KST N...

How is someone nominated to the watchlist?

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

- There are two categories of watchlist nominations:
  - KST
  - Watchlist exemption

- Nomination <u>as a KST</u> requires a <u>reasonable suspicion</u> that the subject is:
  - 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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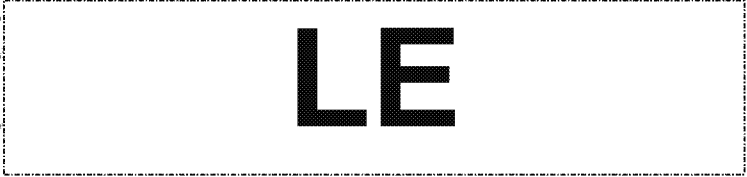Unclassified // FOUO / Law Enforcement Sensitive

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Identifying KST N...

How is someone nominated to the watchlist?

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  - Known or suspected of preparing to engage in terrorist activity.

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Instructors: Emphasize that there are two types of people in the TSDB – those on the watchlist and those who are watchlist exceptions

- KST watchlist nominations require sufficient biographic info AND *reasonable suspicion* – these are the ones that were named in the funnel chart on the last slide

- The watchlist exception category are people who are exported to TSDB for screening purposes, but are not actually on the watchlist

- Both categories of watchlist nominations result in LE records in TECS

- If the derog doesn't rise to the reasonable suspicion standard, other category codes (including exemptions) exist

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Identifying KST N...

How does USCIS *identify* KSTs?

- TECS records:
  -
    LE
  -
  -

- NCIC records:
  -
    LE
  -
  -

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Identifying KSTs

How does USCIS *identify* KSTs?

- TECS records:

  - **LE**

- NCIC records:

  - **LE**

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LE

Identifying KST NS Concerns

TECS Mod platform View
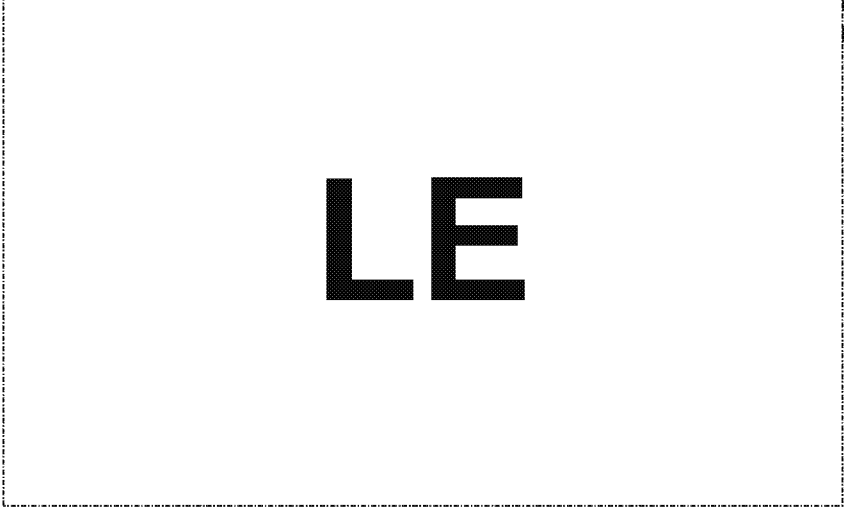
LE

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Identifying KST NS Concerns

TECS Mod platform View

Example for Training Purposes Only

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Identifying KST NS Concerns

TECS Mod platform View

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Identifying KST NS Concerns

TECS Mod platform View

Example for Training Purposes Only

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Identifying KST NS Concerns

TECS Mod platform View

Example for Training Purposes Only

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Identifying KST NS Concerns

TECS Hit List: former TECS platform

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Identifying KST NS Concerns

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Identifying KST NS

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Identifying KST NS Concerns

NIC/T Record, Terrorism: Former TECS platform

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Identifying KST NS Concerns

NIC/T Record, Terrorism: Former TECS platform

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Identifying KST

NIC/T Record, Terrorism: Former TECS platform

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Identifying KST N...

How does USCIS handle KSTs?

- For any suspected match to a **LE TECS** record, the USCIS designated official *must* contact the Terrorist Screening Center (TSC) for verification of a match.

- The TSC will:
  - Verify that the subject being vetted by USCIS is a match to the TSDB.
  - Alert the Terrorist Screening Operations Unit (TSOU).
  - TSOU will contact the case agent, who may then contact USCIS.

- USCIS conducts vetting with the local Joint Terrorism Task Force (JTTF).

- USCIS **Does Not** contact the National Targeting Center (NTC) on **LE** .

- USCIS **Does Not** externally vet / deconflict with the TSC.

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Identifying KST NS

How does USCIS handle KSTs?

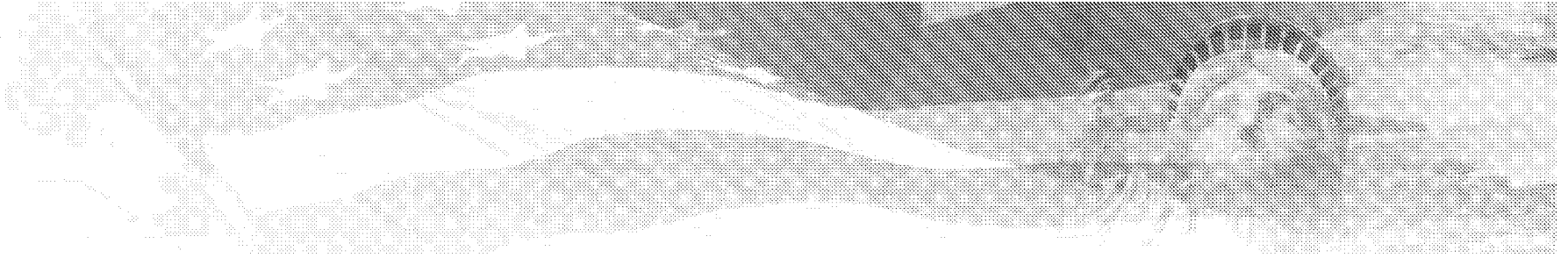* For any suspected match to a **LE** TECS record, the USCIS designated official *must* contact the Terrorist Screening Center (TSC) for verification of a match.
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    - TSOU will contact the case agent, who may then contact USCIS.
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Please note that you are to call the TSC to confirm a KST hit, only CBP contacts the NTC, not USCIS.

"Suspected match" in this context means anything that cannot be definitively ruled out

LE

Identifying KST N

What will the TSC need to confirm the match?

- A TSC Request Form.

- Copy of the completed application/petition, including G-325A (except for Asylum related Applications).

- Photos (████████████████████████ ████████████████████ including any pictures provided in support of the application.

Contact TSC via email: ████████████████

TSDB

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Identifying KST

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- A TSC Request Form.
- Copy of the completed application/petition, including G-325A (except for Asylum related Applications).
- Photos (███████████████████████████████ ████████████████████████ including any pictures provided in support of the application.

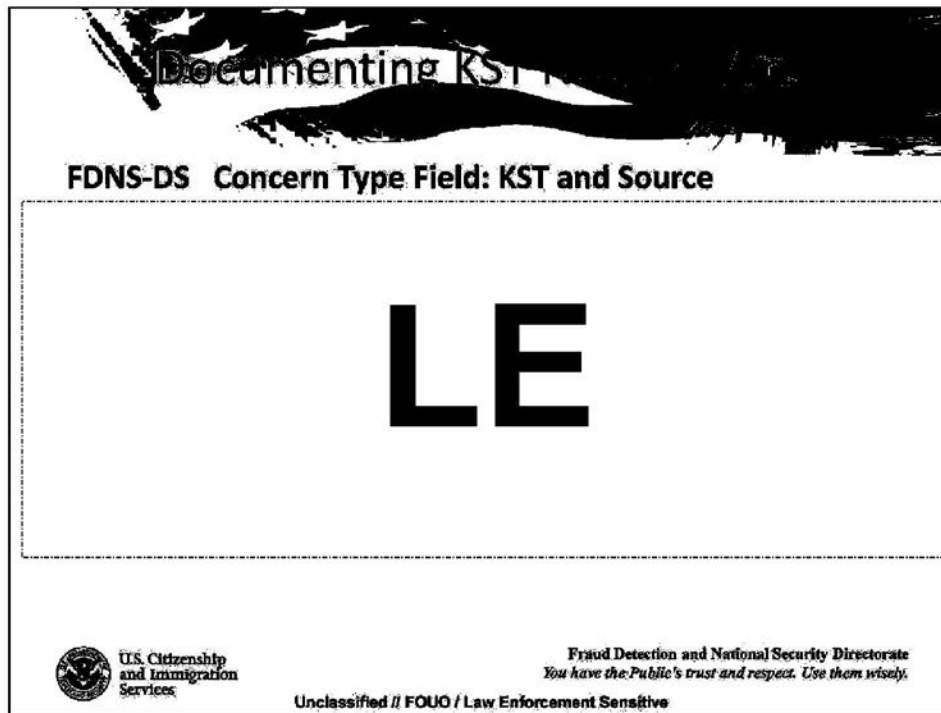**Contact TSC via email:** ██████████████████

TSDB

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- Contact with the TSC is done by email
- The TSC request form is a generic template
- The TSC request form is posted to your class page under Handouts

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Handout:

TSC Request Form

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Identifying KST NS

KST NS Concern Recap:

- 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
- Category code should not be | **LE** |
  | **LE** |
- There *should* be an associated NIC/T record, but the KST determination is based on the | **LE** |
- There is no way to have a KST concern *other than* a | **LE** | record with a KST category code
- The TSC must confirm that the record relates *before* USCIS determines that it's a KST NS Concern
- 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

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Identifying KST NS

Example: Studies in National Security - KST Case Study

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Identifying KST

Example: Studies in National Security - KST Case Study

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LE

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Documenting KST NS Concerns

FDNS-DS   Concern Type Field: KST and Source

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FDNS-DS   Concern Type Field: KST and Source

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- There are several unique things that you're going to do for KST concerns in FDNS-DS
- You must identify the case as a KST
- If you identify it as a KST, what is your source of information? TECS!
- If you have a **LE** TECS record, is a good idea to write down that record somewhere?
- The first somewhere you can write it down is in the Subjects sub-tab

Documenting KST NS Concerns

FDNS-DS Document systems checks subtab as KST

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Documenting KST NS Concerns

FDNS-DS Document systems checks subtab as KST

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Documenting KST NS Concerns

How do you document TSC confirmation in FDNS-DS?

-
-

LE

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- What else do we have to do for a KST?
- Very first thing, before we even know a case is a KST NS concern and start our documentation...
- Verify with the TSC!
-

> # LE

Identifying NS Concerns

Stage 1, Initial Identification

Sources of Information for Non-KSTs

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CAR000978

Identifying Non-KST

What is a Non-KST NS concern?

- Non-KSTs are NS concerns that have not been nominated to the Watchlist as a KST but still have a connection to the INA NS grounds.

- Non-KST NS concerns include:
  - Watchlist exceptions   **LE**
    - Associates of a KST.
    - Insufficient derog.
  - Saboteurs;
  - Weapons or technology proliferators;
  - Agents of foreign governments etc., and individuals with an Articulable link to a National Security Concern.

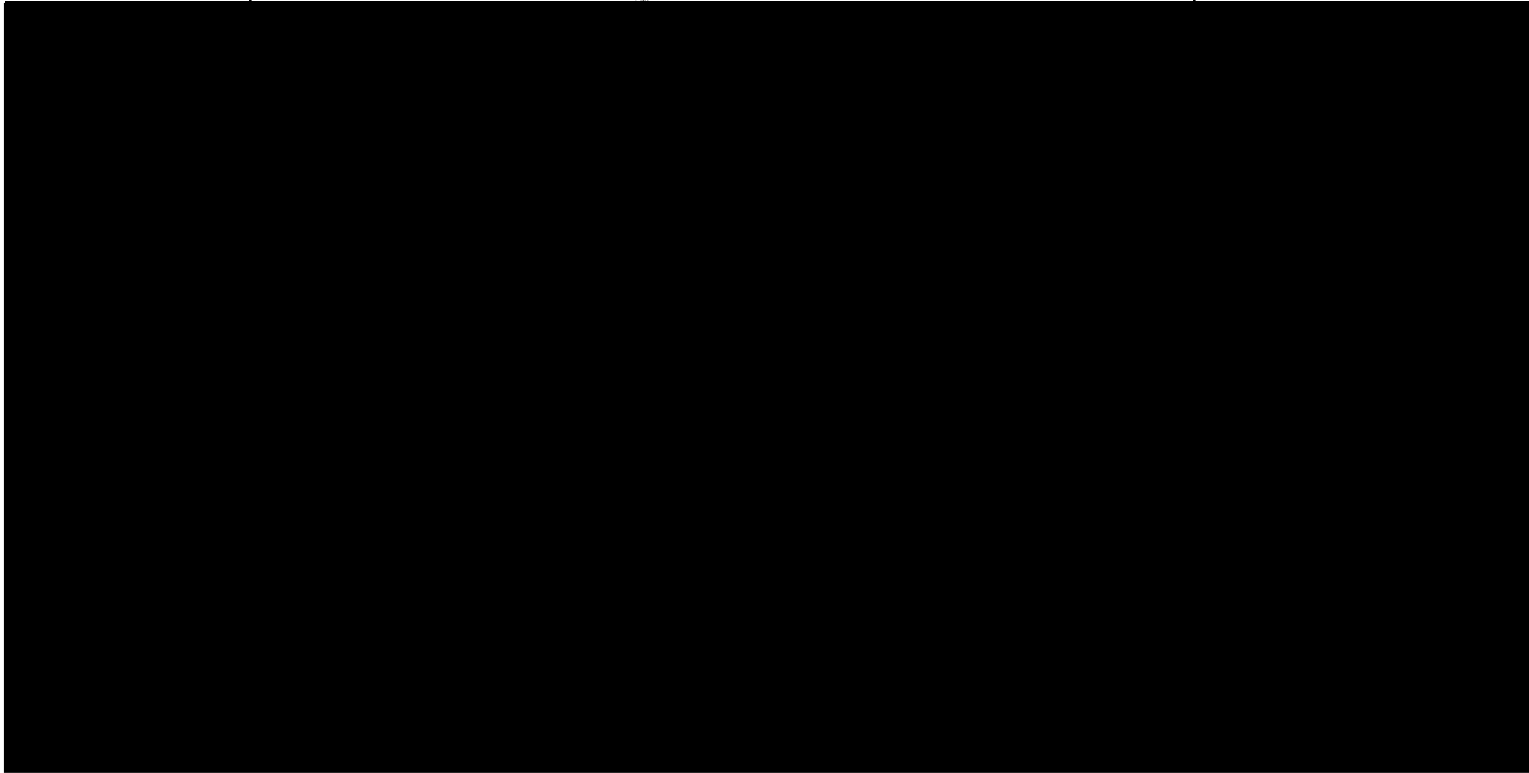- Why is the entire phrase "Non-KST NS Concern" important?

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CAR000979

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- Why is the entire phrase "Non-KST NS Concern" important?

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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 –Non-KSTs should be treated the same as KSTs in terms of the vetting process and ascertaining the threat of the NS concern—they are merely documented differently in DS and have different process for ultimate resolution on the case depending on eligibility for the benefit.

35

CAR000980

Identifying Non-KST

Other Potential Non-KST NS Concern Examples:

- TECS record indicates an ongoing or closed JTTF investigation/interest.

- Association with KSTs **LE**
  LE

- Indicators of Investigative Hits involving NS Activity.
  -
  -
    LE

- NaBISCOP <u>Appendix C</u> has a listing of common terms and acronyms in TECS that may relate to national security.

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Identifying Non-KST

How does USCIS identify Non-KST NS Concerns?

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Identifying Non-KST

How does USCIS identify Non-KST NS Concerns?

Identifying Non-KST

FBI Letterhead Memorandums

- LHMs are not always for open concerns

- No NS concern exists if a law enforcement or intelligence agency indicates in an LHM that:

    1. They have completed and closed their investigation, and

    2. They make a definitive finding of no nexus to national security in relation to the USCIS subject, and

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

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Identifying Non-KST

FBI Letterhead Memorandums

* LHMs are not always for open concerns
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- 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

LHM Classes of Investigations that relate to NS concerns

- Foreign Counterintelligence;

- Acts of Terrorism (International, Domestic);

- Hostage-Taking – Terrorism;

- Arms Control Treaty Measures;

- Sabotage;

- Actual & Attempted Bombings & Explosive Violations;

- Threaten or Attempt to Use, Possess, Produce or Transport of Weapons of Mass Destruction (WMD); or,

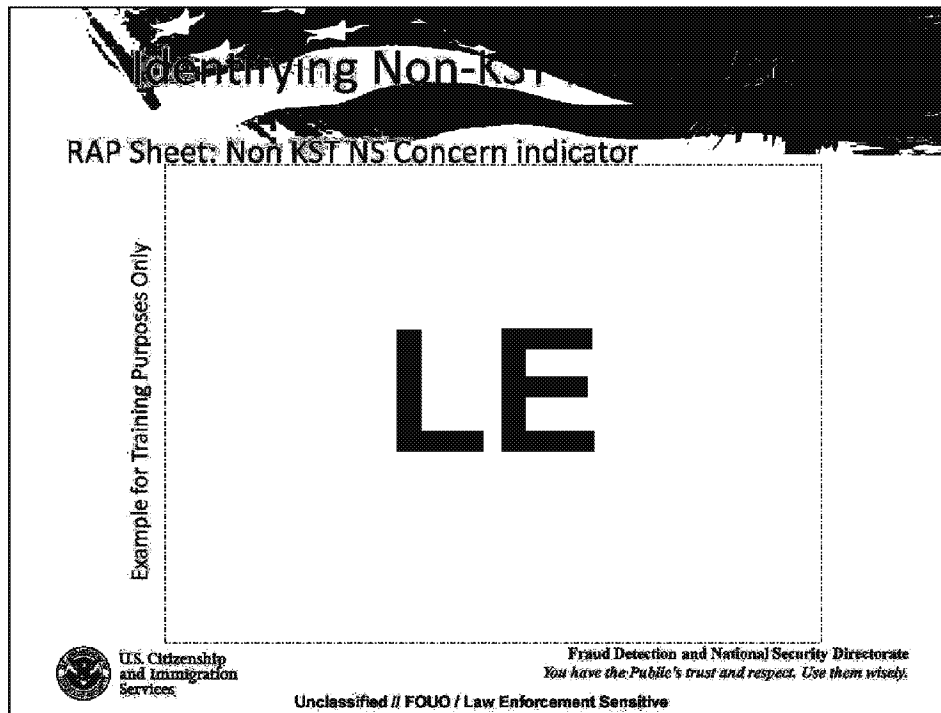- Use, Possession, Production or Transport of WMD.

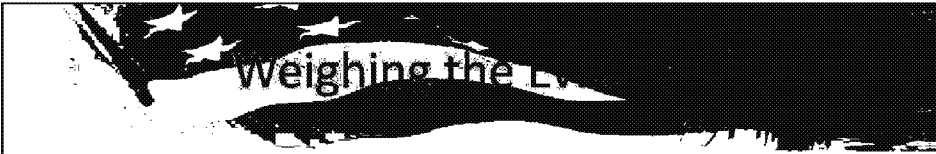**U.S. Citizenship and Immigration Services**

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Identifying Non-KST

LHM Classes of Investigations that relate to NS concerns

* Foreign Counterintelligence;
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* Sabotage;
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* Threaten or Attempt to Use, Possess, Produce or Transport of Weapons of Mass Destruction (WMD); or,
* Use, Possession, Production or Transport of WMD.

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These are the classes of LHMs that relate to NS

If you see one of these things, do you think that's enough evidence for CARRP?

Identifying Non-KST

FBI Fingerprint Categories: Examples that relate to NS concerns

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FBI Fingerprint Categories: Examples that relate to NS concerns

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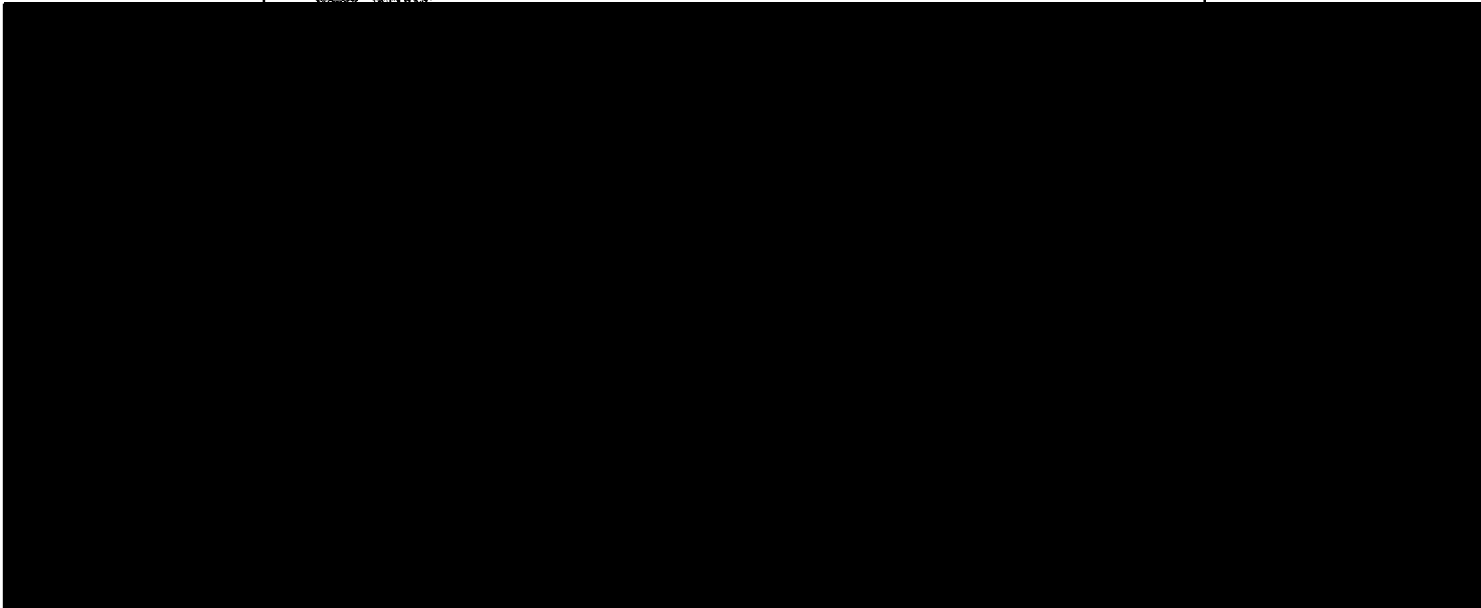
Identifying Non-KST NS Concerns

RAP Sheet: Non KST NS Concern indicator

Example for Training Purposes Only

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- This is a sample of a RAP sheet
- It says known or suspected terrorist on it! – Why is it in the non-KST category?
- Because KSTs don't come from LHMs – they only come from people who are on the watchlist

Example: Studies in National Security: Seemingly innocuous arrests

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Example: Studies in National Security: Seemingly innocuous arrests

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- Additional instructor notes:

LE

Identifying Non-KST

What are the non-KST watchlist exceptions?

LE

- *Contacting the TSC for match verification is still required...* but these exceptions are handled under CARRP as non-KST NS Concerns.

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Identifying Non-KST

What are the non-KST watchlist exceptions?

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- *Contacting the TSC for match verification is still required...* but these exceptions are handled under CARRP as non-KST NS Concerns.

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Identifying Non-KST NS Concerns

Example for Training Purposes Only

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Identifying Non-KST

Example for Training Purposes Only

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Identifying Non-KST NS Concerns

Example for Training Purposes Only

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Identifying Non-KST

Example for Training Purposes Only

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Identifying Non-KST NS Concerns

NIC/T: Former TECS Platform

Example for Training Purposes Only

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Identifying Non-KST ...

NIC/T: Former TECS Platform

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Identifying Non-KST NS Concerns

NIC/T: Former TECS Platform

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Identifying Non-

NIC/T: Former TECS Platform

Example for Training Purposes Only

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Identifying Non-KST

Fun with TECS Codes

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CAR001004

Identifying Non-KST

Fun with TECS Codes

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- 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
- And we're talking about the ending on the person record – the part where you see **LE**
- How many of these indicate a potential NS concern?

Identifying Non-KST

More Fun with TECS Codes!

-
-

LE

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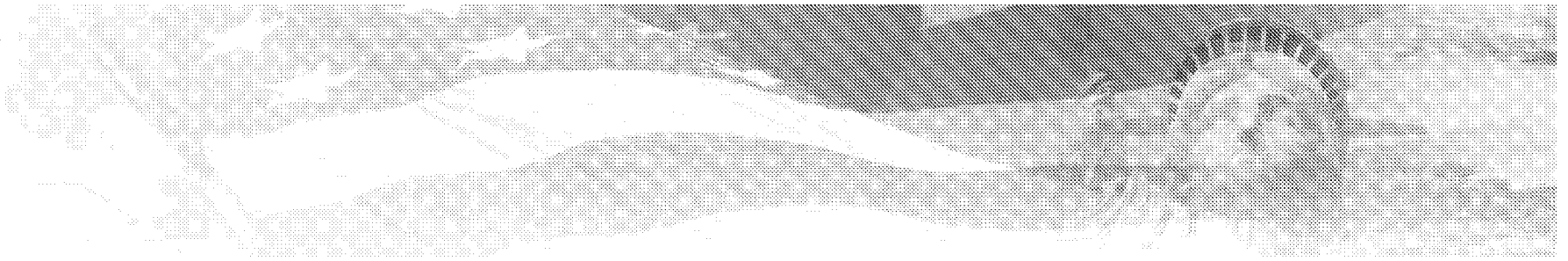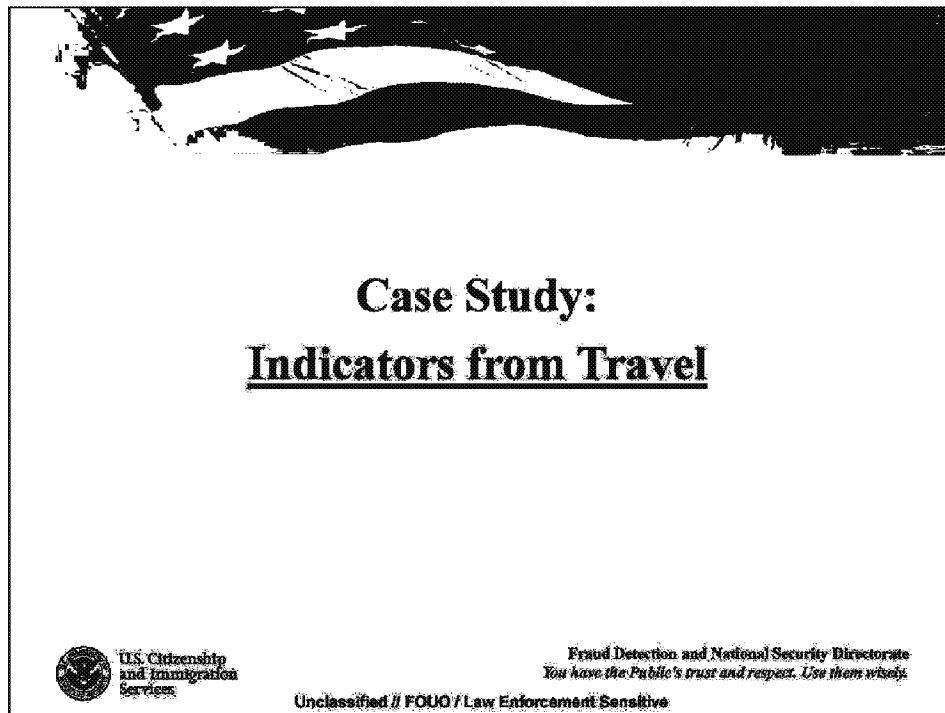**More Fun with TECS Codes!**

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-

LE

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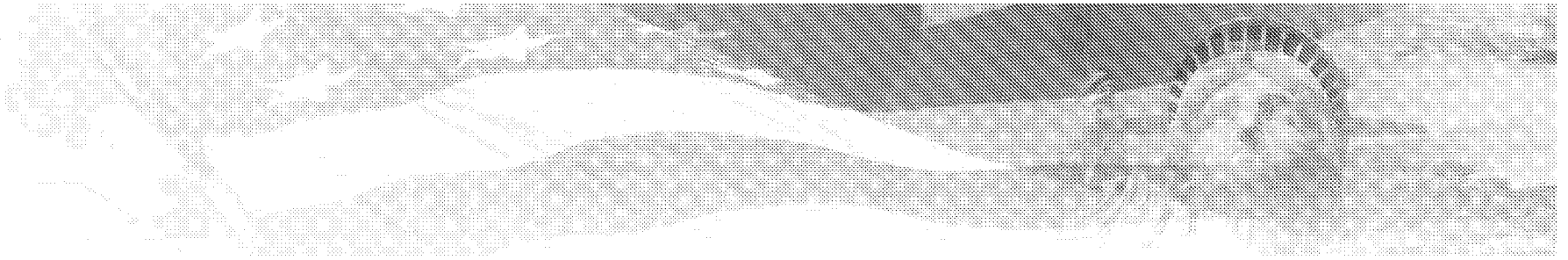
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Identifying Non-KST NS Concerns

Knowledge check...

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Examples for Training
Purposes Only

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CAR001009

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

Identifying Non-KST

Other CBP Systems & Queries

- ATS-P = Automated Targeting System (Passenger)
  - Contains travel records and information
  - Also includes secondary inspection results and information, including notes from CBP
  - May also show the targeting rule that an individual was referred under

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- ADIS = Arrival / Departure Information System
  - Older system but provides a detailed display of entry / exit records
  - Permits searches by multiple criteria with a different name search algorithm than ATS-P

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Case Study:

Indicators from Travel

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Case Study:

Indicators from Travel

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- 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 CARRP?

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Case Study:

Sen. Cruz Rahami Letter

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Case Study:
Sen. Cruz Rahami Letter

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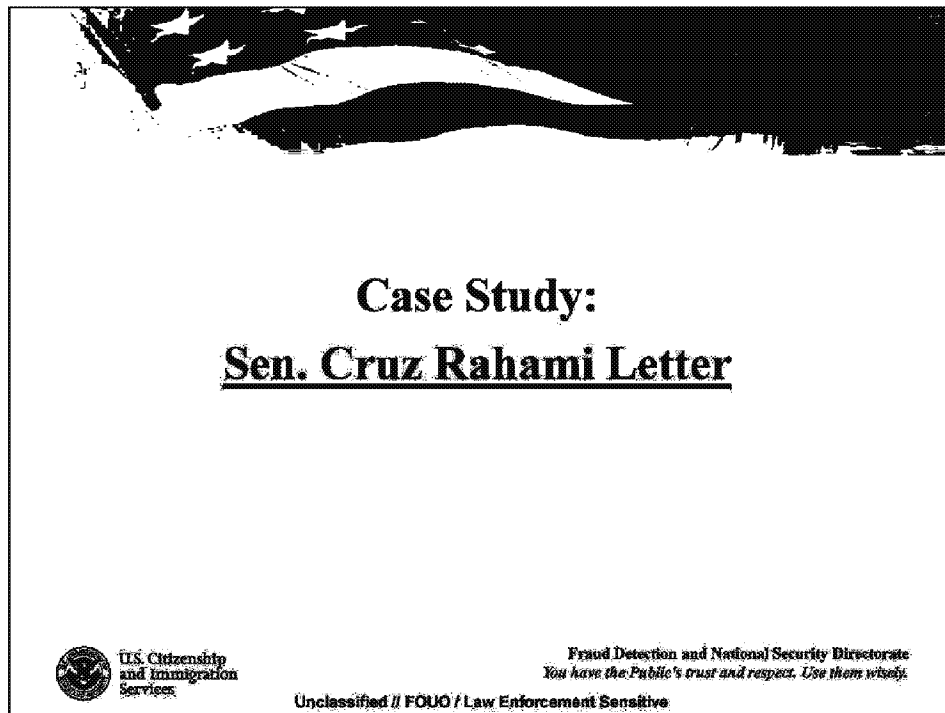
- Does this sound familiar?
- This is a letter to DHS from the Senate Judiciary Committee
- The subject of the letter is bombing attacks in New York and New Jersey committed by Ahmad Khan Rahami

-
-

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- This letter, by the way, is in the public domain – it's posted to Senator Cruz's website in its entirety

Confidential - Subject to Protective Order   **CAR001015**

Identifying Non-KST

CCD and SAO

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

- 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

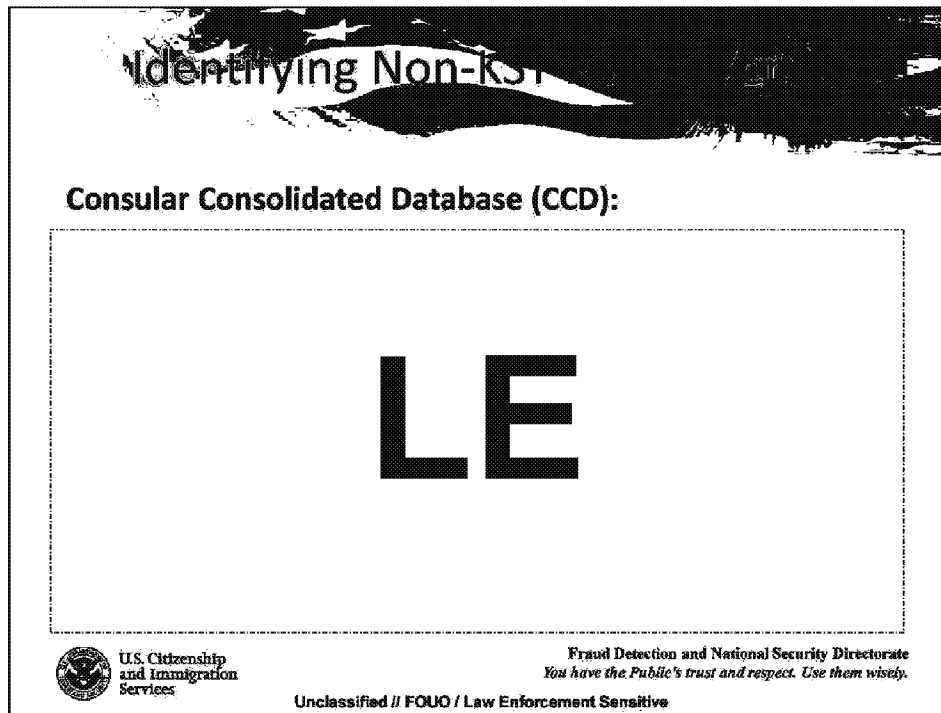- Within USCIS, SAO's are an adjudicative tool in refugee cases

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CCD = Consular Consolidated Database

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> SAO's help Consular Officers to make accurate adjudicative decisions

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CAR001017

Identifying Non-KST NS Concerns

Consular Consolidated Database (CCD):

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> Not all SAO's are derogatory

> SAO's help Consular Officers to make accurate adjudicative decisions

Identifying Non-KST

IDENT

- IDENT is the DHS biometric database.
  - Next Generation Index (NGI) is the FBI biometric database.
  - Automated Biometric Information System (ABIS) is the DoD biometric database.
- IDENT data set is accessed through <u>CPMS</u>.
- USCIS, CBP, ICE and other DHS component data is fed into IDENT.
- IDENT may contain hits from DoD holdings, information on immigration violations, and encounter data.
- Everyone has a watchlist, but...
  - IDENT watchlist **is not** the same as TSDB watchlist.
  - IDENT watchlist contains arrests, DOS records, DoD encounters, fraud, etc.

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U.S. Citizenship & Immigration Services

US-VISIT establishes and verifies the identities of people applying for immigration benefits, including asylum or refugee status.

U.S. Customs & Border Protection (CBP)

- US-VISIT establishes and verifies the identities of international visitors arriving at air, sea and land border ports of entry.
- US-VISIT also supports the U.S. Border Patrol's enforcement efforts by verifying the identities of illegal migrants apprehended at our land borders.

U.S. Immigration & Customs Enforcement (ICE)

US-VISIT provides ICE with actionable leads on people who have overstayed their visas and assists with the verification of the identities of arrested criminals.

U.S. Coast Guard

US-VISIT verifies the identities of illegal migrants the Coast Guard apprehends at sea in the Florida Straits; in the Mona Passage between Puerto Rico and the Dominican Republic; and other locations.

Department of Defense (DOD) & Intelligence Community

US-VISIT helps DOD and the intelligence community identify terrorists and terror suspects by analyzing biometric information they collect from locations where terrorists have been, such as safe houses or training camps.

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Identifying Non-KST NS Concerns

CPMS Examples

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CAR001022
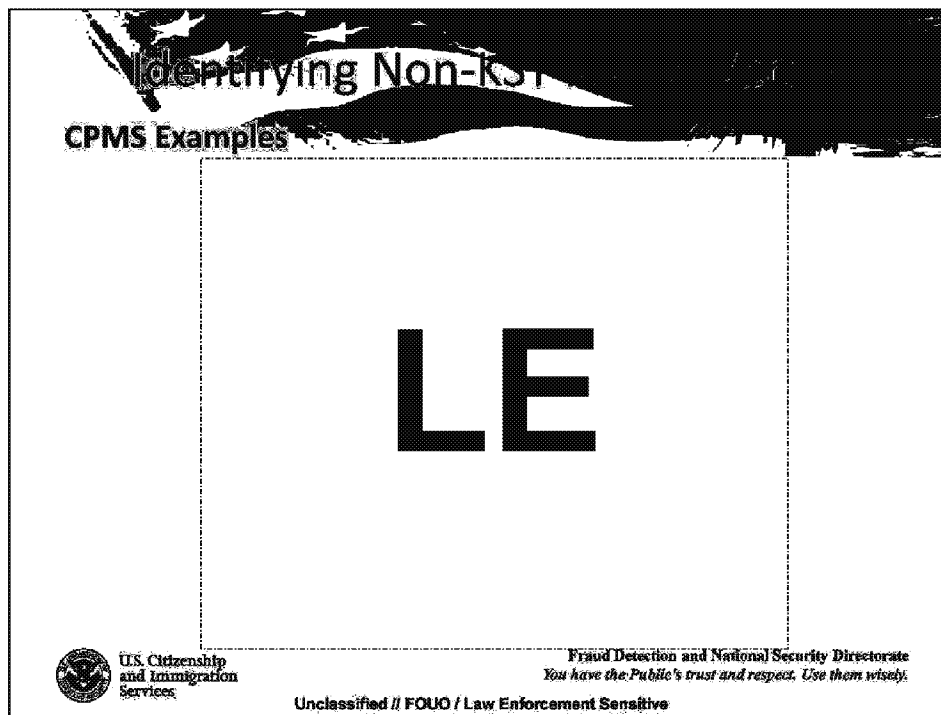
- We don't actually access IDENT through US VISIT anymore
- But the query results look pretty similar
- It's reporting biometric encounters, including at our ASC's
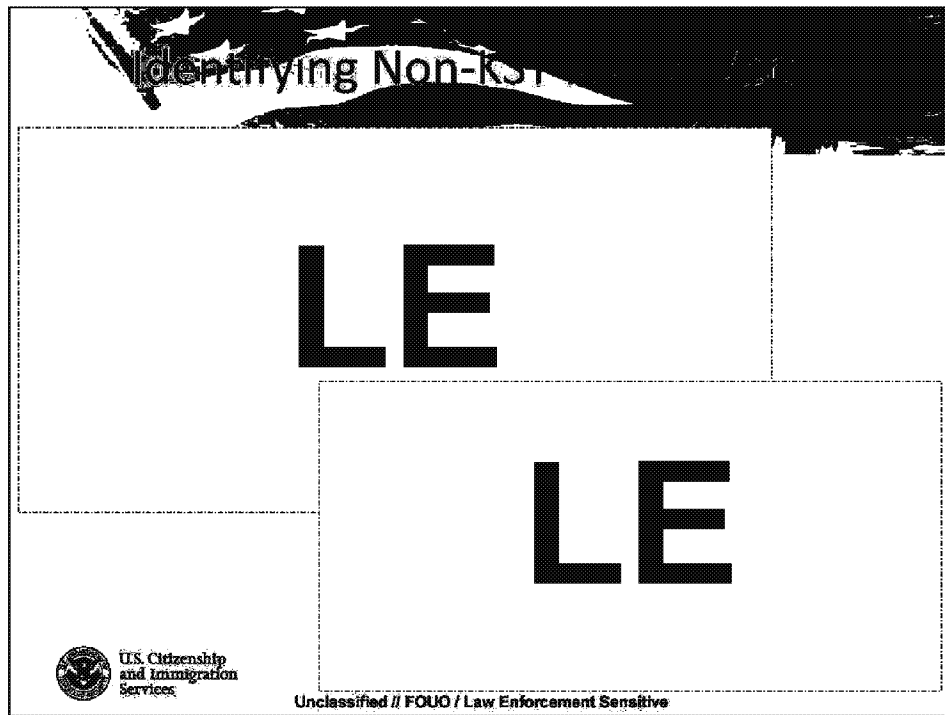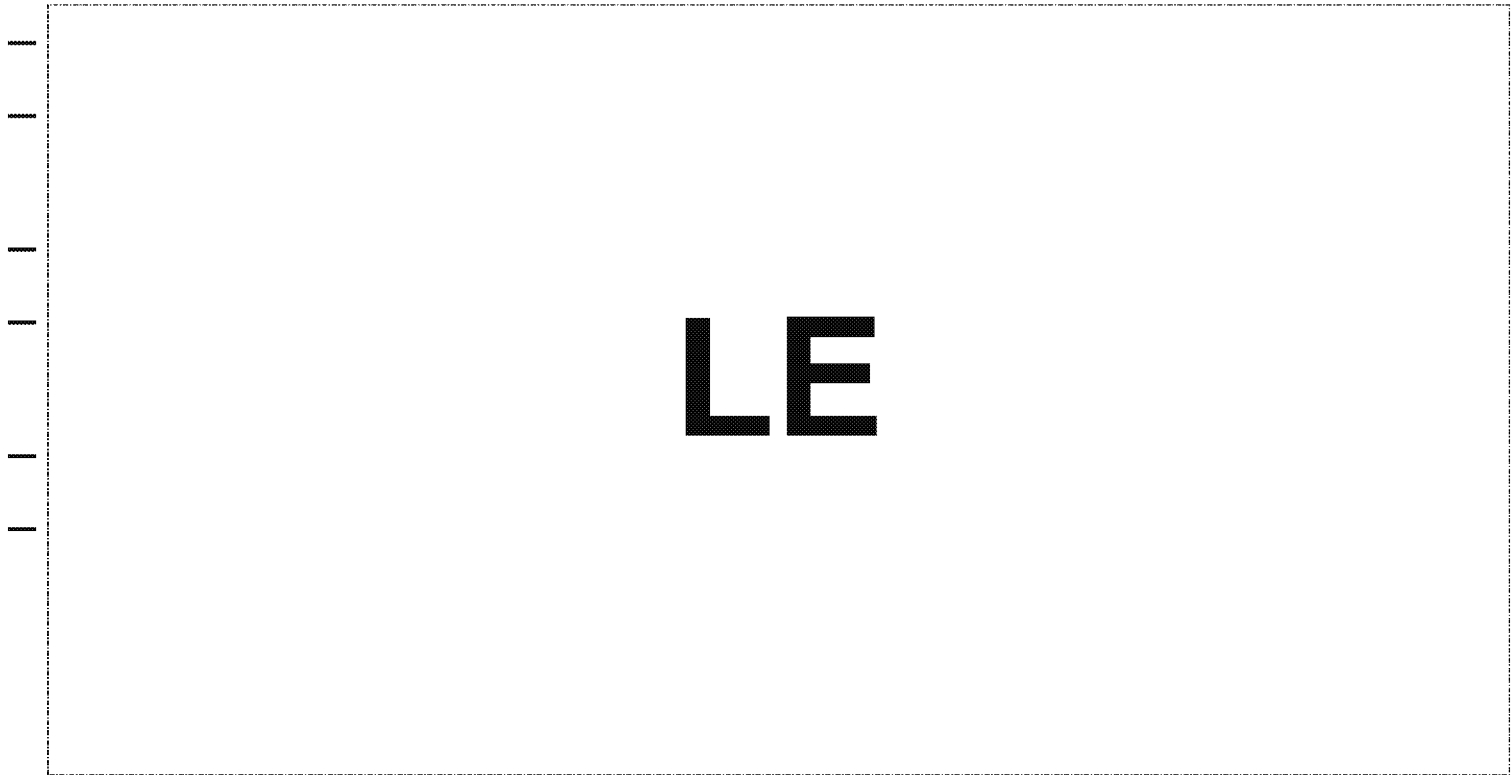
Identifying Non-KST NS Concerns

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CAR001024

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

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CPMS

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Identifying Non-KST

CPMS

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Identifying Non-KST

Self Reporting and Identification of a Non-KST NS Concern

- Indicators that might arise from self-reporting:

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Identifying Non-KST

Self Reporting and Identification of a Non-KST NS Concern

* Indicators that might arise from self-reporting:

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(i.e.,presence or travel, association with questionable groups, or involvement in criminal or terrorist activities).

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 (as we saw from the N-400 indicators exercise)

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Identifying Non-KST

Self Reporting: Examples of Non-KST identification

- Statements during an interview:

  - **LE**
  -

- Responses on an application:

  - **LE**
  -

- Evidence submitted in support of an application.

- Sponsorship / contact.

  - **LE**
  -

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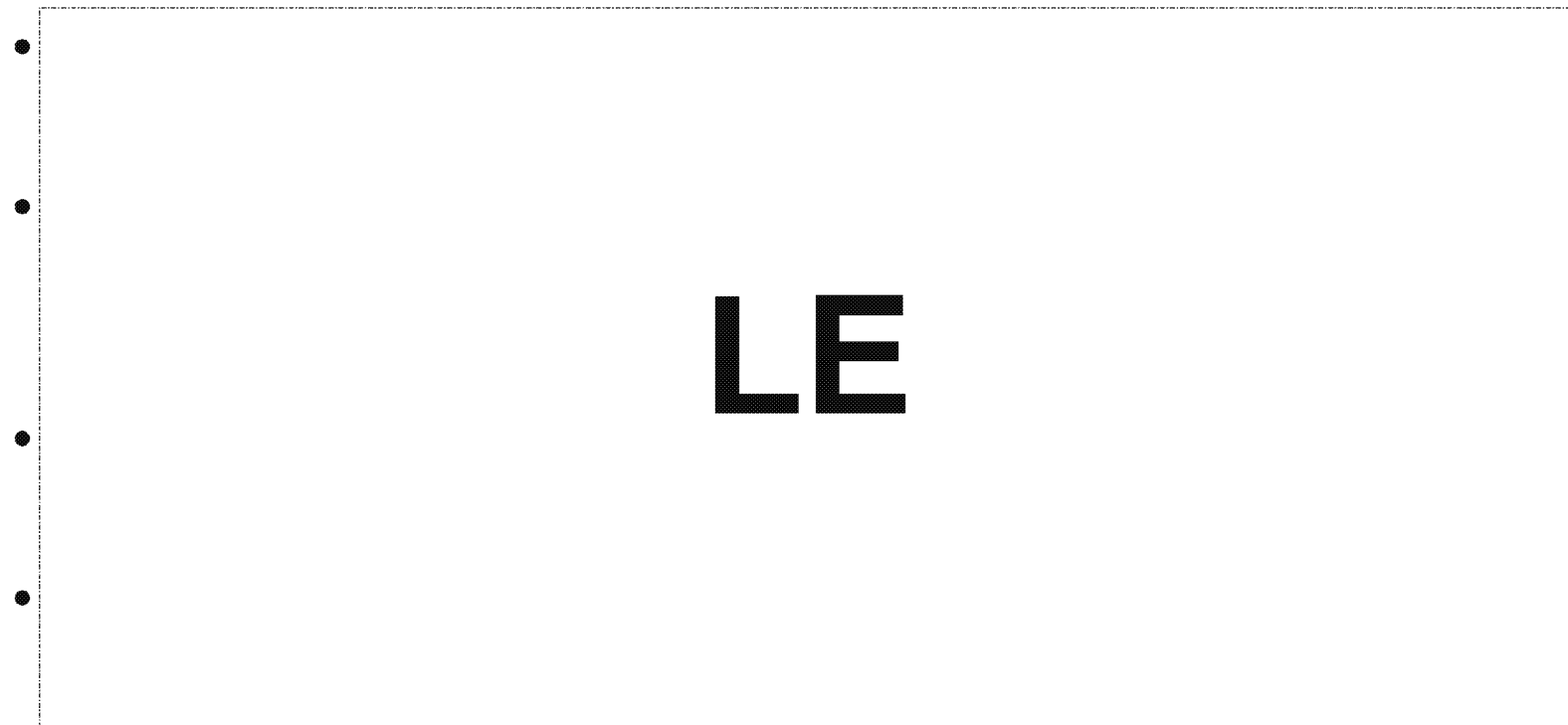Unclassified // FOUO / Law Enforcement Sensitive

CAR001030

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Identifying Non-KST

Self Reporting: Examples of Non-KST identification

- Statements during an interview:
  - LE
- Responses on an application:
  - LE
- Evidence submitted in support of an application.
- Sponsorship / contact.
  - LE

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- It's unlikely someone is going to volunteer that they're a terrorist or a spy
- But what could they tell you?

weighing the Ev

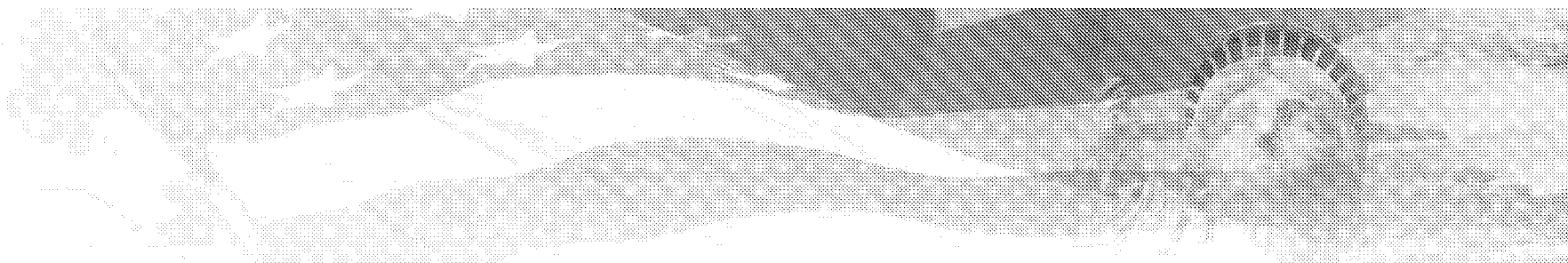## Example: Studies in National Security- a non-KST Case Study
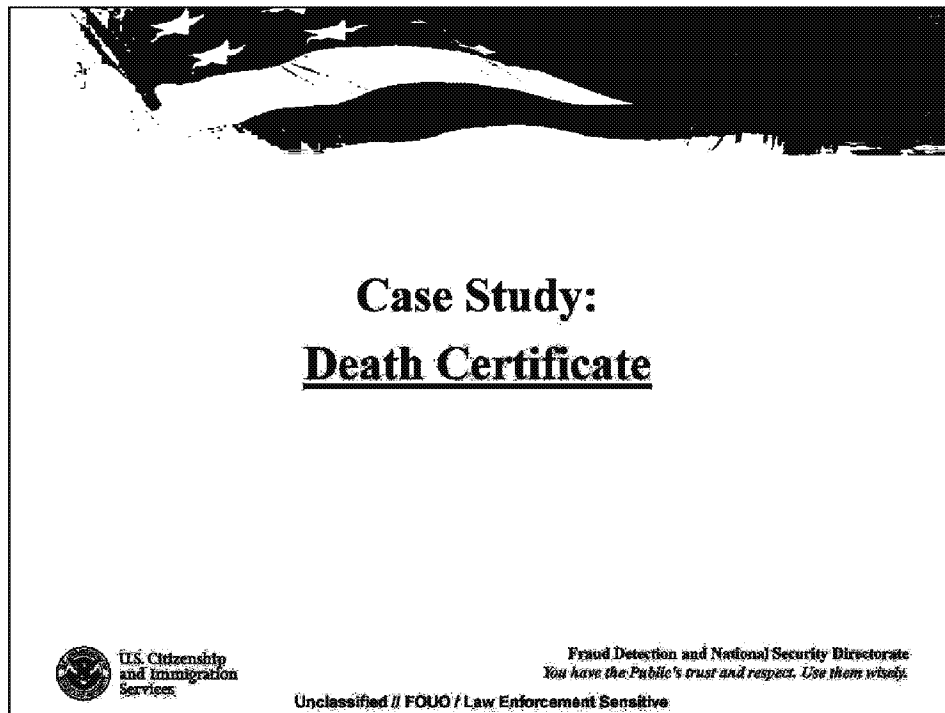
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Many of those sources of information we just saw appear in this example

You're going to see all of these things, and you're going to pick up on key facts and terms when you're reviewing evidence

Identifying Non-KST

Examples: (purely fictional) instances of self-reporting

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Identifying Non-KST

Examples: (purely fictional) instances of self-reporting

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Case Study:

Death Certificate

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Case Study:
Death Certificate

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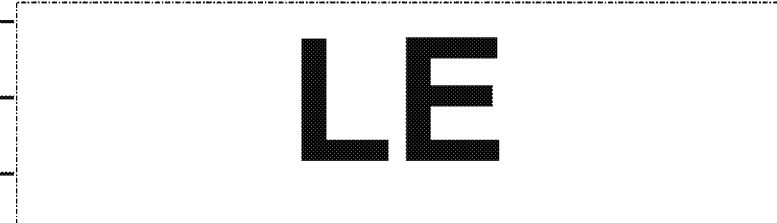Unclassified // FOUO / Law Enforcement Sensitive

- This is an actual piece of evidence provided by an applicant

LE

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

Recap KST vs Non-KST NS

Non-KST NS Concerns

KST NS Concerns
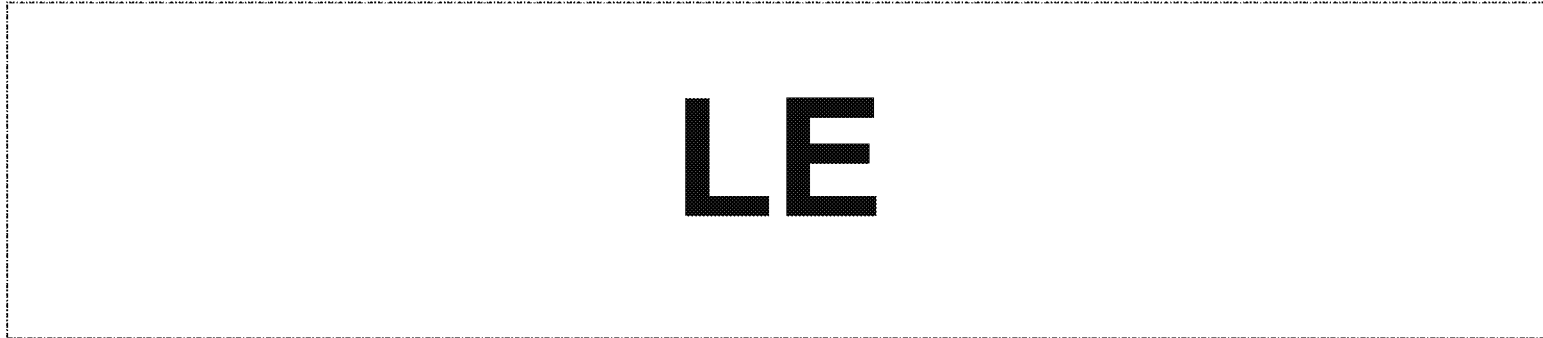
FBI Fingerprint Check

FBI Namecheck

IDENT

Applicant Testimony

LE

LE

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Identifying Non-KST

When LHM's may be non-derogatory:

- e.g. – Reference to an OGA cable.
  -
  - **LE**

- e.g. – Not the subject of an investigation.
  -
  - **LE**
  -

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CAR001039

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  LE

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- Not every record from the sources we just covered is NS
- We talked about SAO's not always being derogatory
- We talked about the LE thing 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 USVISIT 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 LE , a FDNS-DS record… not automatically a CARRP referral

CAR001040

Identifying Non-KST

When fingerprint records may be non-derogatory:

-

LE

When FDNS-DS records may be non-derogatory:

-

LE

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Identifying Non-KST

When fingerprint records may be non-derogatory:

- LE
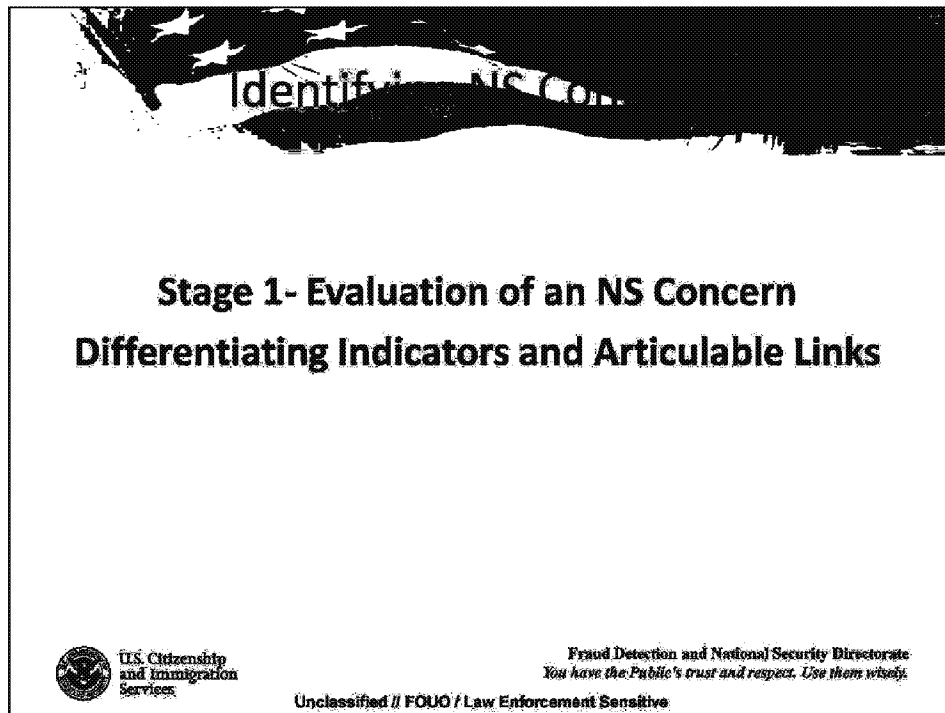
When FDNS-DS records may be non-derogatory:

- LE

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LE

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Identifying Non-KST

Non-KST NS Concern Recap:

- Non-KSTs come from anywhere, not just records or law enforcement

- The information in a record or in testimony is what's important – *not* the mere existence of a hit or a record

- Testimony or what's in the immigration record is just as important as law enforcement records

- Non-KSTs are subjective, especially when they're *not* coming from TECS, the FBI, or fingerprint records – Therefore, properly weighing the evidence is critical

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Stage 1- Evaluation of an NS Concern

Differentiating Indicators and Articulable Links

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CAR001044

- Why are we only looking at evaluating non-KSTs here?
- Because KSTs are definitive
    - Someone is either on the watchlist or they're not
    - And if they're on the watchlist, we don't question why (as part of identifying a concern up front)
- So this section is going to focus on the evaluation step of stage I
- We've covered where the concerns come from – how a potential NS concern gets discovered and referred
- And with KSTs we've covered how you evaluate post-referral – contact the TSC and decide if it's a KST or a watchlist exception

Roles

- Domestically (FOD and SCOPS) ⟶ focus is on the activities an individual is connected with, without deep consideration of timeframe and target in the identification stage
    - Remember CARRP as a yellow traffic signal: use the process to get country condition research, group histories, etc.
    - Potential concerns in SCOPS are referred to CARRP BCU's for evaluation
    - Potential concerns in FOD are referred to local FDNS units for evaluation
- SCOPS ⟶ Officers work applications from all over the country and encounter a broad range of populations, organizations, and case types
- FOD ⟶ May have familiarity with groups / populations in their office area, but generally have less time and depth of research than RAIO officers identifying concerns

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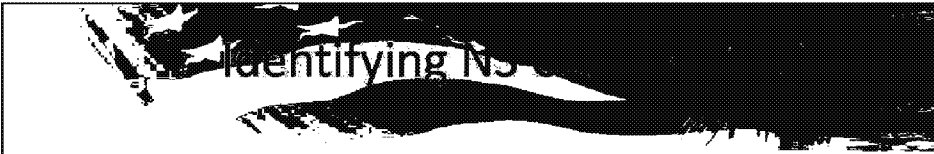
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Major Point: These challenges are the reason we tell people to focus on activities with which a person is connected and the intent of those activities, rather then <u>when</u> the activities happened or <u>whom</u> they were directed against

Roles

- RAIO ⟶ NS concerns may be identified during pre-screening in systems, but are also frequently derived from the interview
  - Reinforces that NS concerns can be identified at any point while working a benefit request
  - AO's and RO's conducting interviews must be able to spot NS indicators when an applicant is already sitting in front of them

- RAIO ⟶ Refugee Affairs Security Vetting and Program Integrity automatically pre-screens certain cases for NS indicators (including through high side checks) and provides additional guidance for the interview as necessary.

- RAIO ⟶ Asylum pre-screens certain cases based on local FDNS jurisdiction and RAIO FDNS IOs conduct case-by-case review upon request.

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Major Point: Everyone does CARRP a little differently to meet their own challenges, but it all still fits into the CARRP paradigm

instructor note: asylum is setting up a pre-screening center that will review cases prior to interview

Interview:

All officers in RAIO inquire into all activities or associations of possible NS concern identified pre-interview or during the interview itself.

Refugee and International Operations- officers are required to ask certain inadmissibility questions that are related to NS concerns for every applicant and dependent.

Asylum- officers are required to ask certain mandatory bar questions related to NS concerns of every applicant and dependent age 14 and older.

Identifying NS Co...

Individual / Organization	+	**Connection to**	+	**NS ground from INA**	=
Form: I-485		Based on:		Statutory ground:	
I-589		- Membership		- INA § 212(a)(3)(a), (b) or (f)	
I-924		- Money			
N-400		- Employment		- INA § 237(a)(4)(a) or (b)	
		- Criminal Activity			

National Security Concern

Handled under CARRP

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Identifying NS Con...

Individual / Organization +	Connection to +	NS ground from INA =
Form: I-485 I-589 I-924 N-400	Based on: - Membership - Money - Employment - Criminal Activity	Statutory ground: - INA § 212(a)(3)(a), (b) or (f) - INA § 237(a)(4)(a) or (b)

National Security Concern

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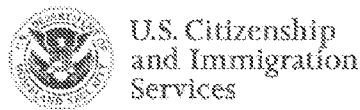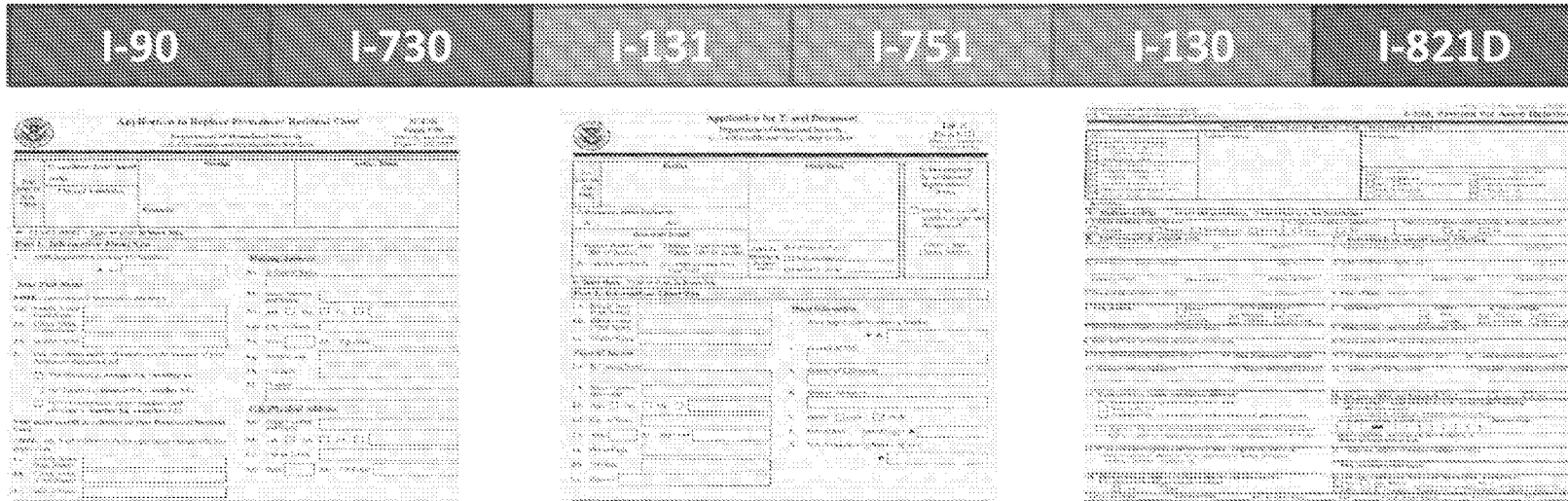*You have the Public's trust and respect. Use them wisely.*

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- This is our equation that we looked at before
- This is your paradigm 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
- Our person / org comes from any of our forms that are submitted
- Our NS grounds come from the law
- We're about to go more in depth on each of the parts of this definition

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Identifying NS Concerns.

- Individuals come from forms...

- But policy differentiates between status granting forms and other types of forms and petitions...

BENEFIT TYPE	CARRP Stage I?
	YES
	YES
	YES
	YES

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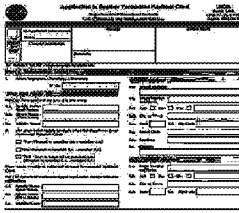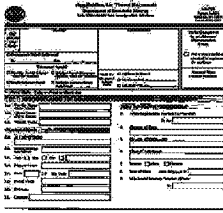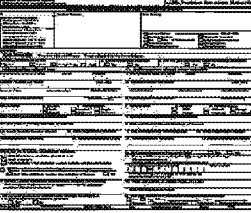
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- So, it's time to talk about where the people / organizations come from
- The things that we know about people / orgs. Come from background checks and interviews and the forms they submit
- We use that info to decide if someone is an NS concern
- Except that we don't treat all applications and petitions, and, by extension, all people, the same
- We know some applications – asylum, permanent residence, natz. – get referred to CARRP, but what about other benefit types?
- What's the common link between all the things on this chart?
- Answer: they may not go through ALL of CARRP, but they're all still subject to some part of it
- Which part? – Stage I
- No matter what the form, we identify concerns, and we document them – that's Stage I
- Even if it happens post-adjudication (like I-90's), it's still Stage I
- Even if we don't vet and resolve the NS concern, it's still Stage I, and therefore still CARRP

Identifying NS Concerns: Individuals

For ALL form types (even if post-adjudication)...

1. Identify an NS concern.

2. Document the NS concerns in FDNS-DS.

3. Deconflict the NS concern.

I-90	I-730	I-131	I-751	I-130	I-821D

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- So for our ancillary and non-status granting, we talked about how they all go through some part of CARRP.
- These types of forms go in to CARRP at least for the purpose of Identifying and Documenting the Concern and then deconflicting
- I-90's are adjudicated without resolving NS or EPS concerns
  - The NS may not matter for adjudication – if the person is who they say they are, and they're actually an LPR, we must approve - but you still want to document the concern in DS
  - And you also want to think – does the NS concern affect their LPR status? Are they removable? Do we need to refer to ICE? Even if they are, they are entitled to the I-90 until their LPR status has been rescinded or removed in removal proceedings.
- I-765's and I-131's when they are filed concurrently with a primary application are adjudicated without regard to NS or EPS concerns
  - Do we want to deconflict with law enforcement? YES
  - Make sure to let any LEA's know that the ancillary benefits are going to approved
  - USCIS granting a travel document could be highly relevant to an investigation

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- What about stand-alone I-131's or I-765's?
    - Those are handled differently and require more work in the CARRP process
    - We especially want to consider if action needs to be taken on the underlying benefit
    - Did we know there was a concern when we approved the underlying status? Should we have? Did the applicant misrepresent something to hide the concern from us?
- I-730's and I-751's – seem like non-status granting, right?
    - But they are still a priority that need to be fully worked through CARRP
    - Both of them result in a permanent benefit
- CARRP guidance generally only applies to status granting immigrant and non-immigrant applications and petitions
    - We'll refer I-129 (for non-change or extension of status), I-129F, I-130, I-140, I-360 (for Religious Workers), I-600, I-800, I-824
    - We'll refer to CARRP in order to document in DS and deconflict, but these really aren't going to be worked in CARRP
    - The I-526 used to be on the list of non-status granting (and therefore not referred) petitions
    - But remember our policy story from earlier? The EB5 policy memo in 2012 amended this to allow petitions for alien entrepreneurs and the application for a regional center can now be referred for CARRP
- DACA is non-status granting – is it subject to CARRP?
    - Yes, but it looks a little different
- **Our major takeaway: DECONFLICT and document EVERYTHING IN FDNS-DS, no matter the benefit type; however, some benefits must be granted while the NS concern remains.**

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National Security Grounds

Area of National Security Concern Include:	Section of the INA
Espionage	
Sabotage	§212(a)(3)(A), and
Exporting sensitive goods, technology, or information	§237(a)(4)(A)
Overthrowing the U.S. government by force or violence	
Hijacking or sabotaging transportation	
Hostage-taking	
Attack or assassination of any government official (U.S. or any other government)	§212(a)(3)(B), and §237(a)(4)(B)
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)

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- We talked about this chart before and emphasized that some bad things – drugs, money laundering, human rights – aren't on here
- Let's add another important point: this chart mostly doesn't specify targets
- 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 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 CARRP 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: LE

LE

Handout:

LE

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Handout:

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LE
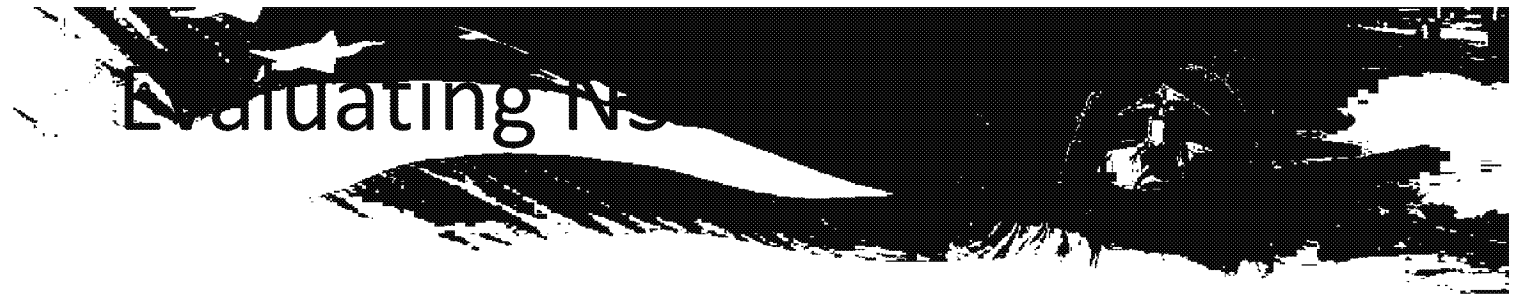
Additional considerations about NS Grounds:

- The grounds are part of *identifying* a concern - but they are generally not what we're going to *charge* in a decision

- Even though they're from the INA, (generally the inadmissibility and removability sections), that doesn't mean the grounds are going to be the basis for a decision

- Although the basis of a concern is connected to an INA ground this may not directly be reflected in the final adjudicative decision i.e. (An NS case can be referred on other grounds unrelated to the NS concern-such as an ineligibility provision)

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CAR001062

Application Exercise 4.1
"Open Source Fact Patterns"
(continued)

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**Application Exercise 4.1
"Open Source Fact Patterns"
(continued)**

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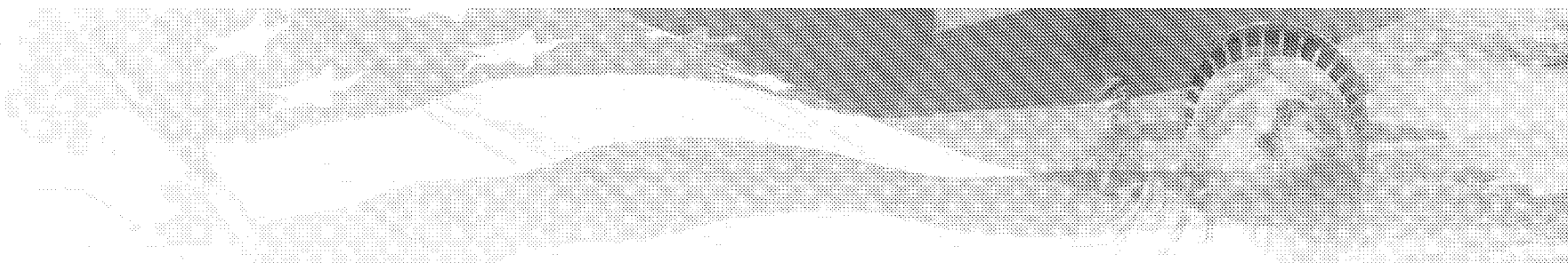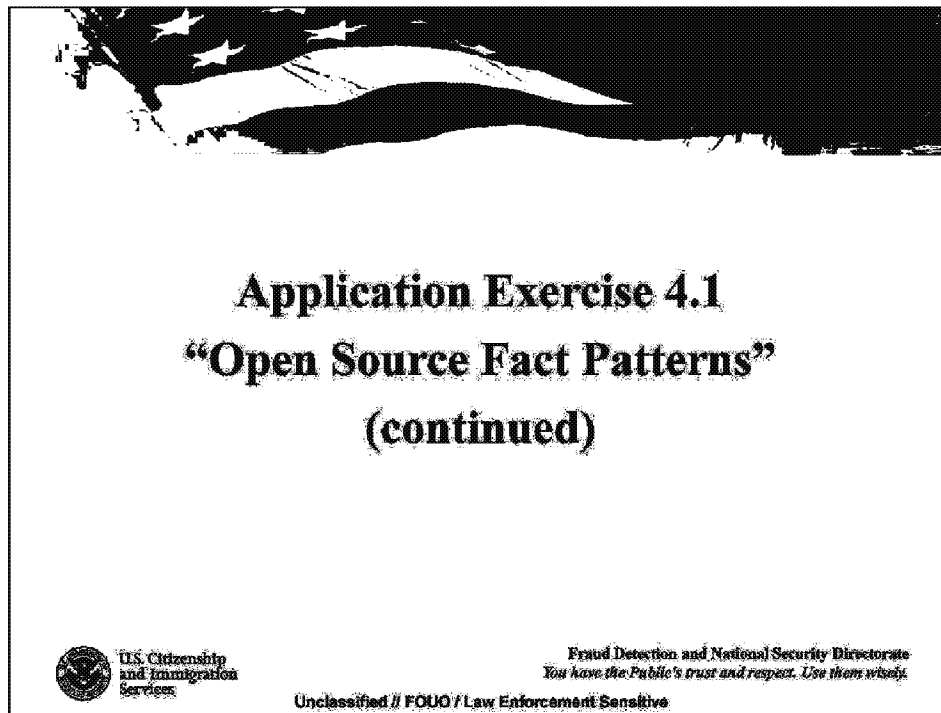
"NS / Non-NS Open Source Fact Patterns"

Materials: Word document link-list on ECN
Estimated Time: 30mins.

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

Identifying NS Concerns:

Articulable Link or Indicators
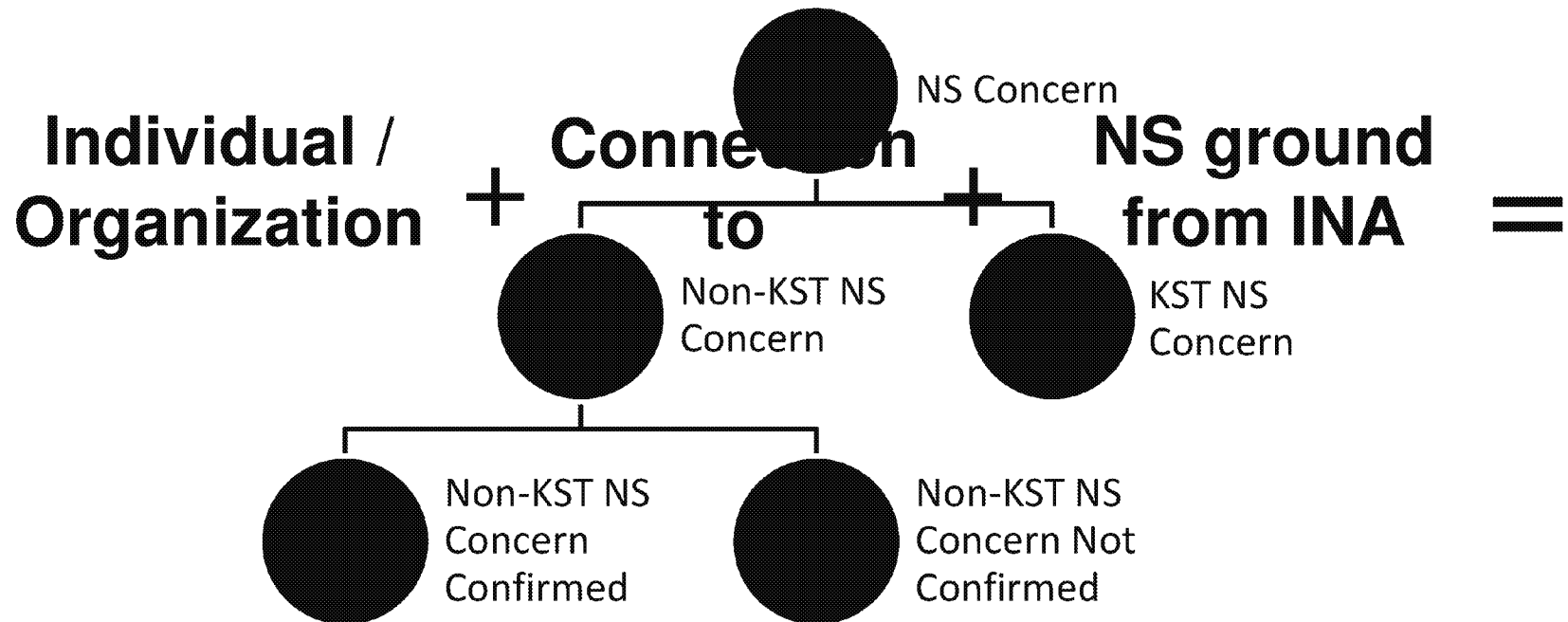
Individual / Organization + **Connection to** + **NS ground from INA** =

NS Concern

- Non-KST NS Concern
  - Non-KST NS Concern Confirmed
  - Non-KST NS Concern Not Confirmed
- KST NS Concern

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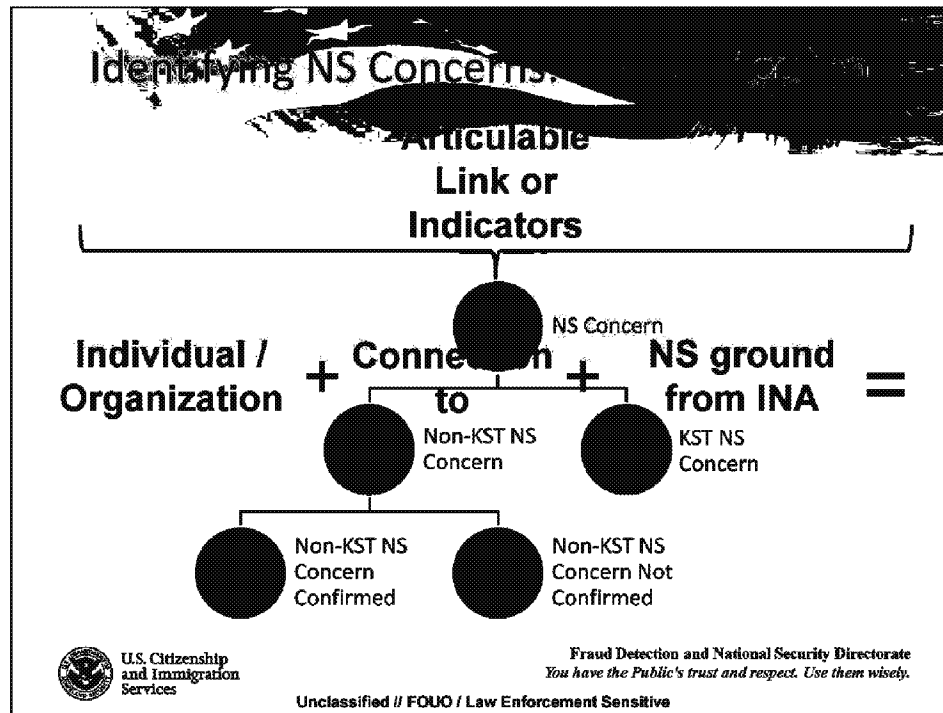
- So this is the chart where it starts to come together
- We've been talking about the equation, and how those three elements make an NS concern
- What was the summation of my equation? If you have all three elements, you have an NS concern
- Did I have another visual model that started with having an NS concern?
- This is how the two heuristics fit together
- Every time, you should think to yourself:
    - Do I have an individual or organization?
    - Do I have an NS ground?
    - Do I have a connection between them?
    - If I do, is my NS concern a KST or non-KST?
    - If it's non-KST, is it confirmed or not confirmed?
- Now, we've covered the individual / organization part
- And we've covered the NS grounds
- But I've left my middle part deliberately vague
- And those of you that have really been paying attention will remember

that when I defined Confirmed and not-Confirmed, I had some different words in the middle box up top

- That connection is really either an articulable link or indicators
- And that's what we're going to talk about a some length in the next two sections
- And please note the placement of my equation – it's BEFORE you determine KST vs. non-KST and BEFORE you determine Confirmed or Not Confirmed

CAR001067

The Conne___

Indicators vs. Articulable Link

- Both ties that connect a person / organization to an NS ground
- Both based on evidence – known facts
- But indicators and articulable links are not in opposition to

each other: They're both intervals on the same spectrum

| No indicators / evidence / facts | An indicator or fact | Multiple indicators / "NS not confirmed" | Multiple strong indicators / Articulable Link / "NS Confirmed" |

Increasing evidentiary standard

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Increasing evidentiary standard

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- Indicators and Articulable link are simply different levels of evidence
- Evidence is nothing more than the facts that we have in the case
- So when we're talking indicators and articulable link, what we're really asking is: how good is our evidence?
- What facts are present that are leading us to think there's a connection between the person and the NS concern?
- And the same as any other evidence, the facts we're looking for must be relevant and material
- So… when you think of indicators and AL, they are not a two-tiered system of more important and less important concerns
- They're different levels of evidence on the same spectrum
- If you start out as non-KST NS Not Confirmed, as you move through the stages of CARRP, you can find more information that shows you a clear link and allows you to change to Confirmed
- This applies to both KSTs and non-KSTs
- KSTs require an individual and a nexus to NS – the articulable link is just given to us by law enforcement
- Why is this important?
    - It impacts how we report the NS caseload to leadership

- It affects prioritization of NS cases
- **But**: in the field, all the vetting is the same for both Confirmed and non Confirmed Non-KSTs

CAR001070

A Practical Ex...

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 plasma TV is missing

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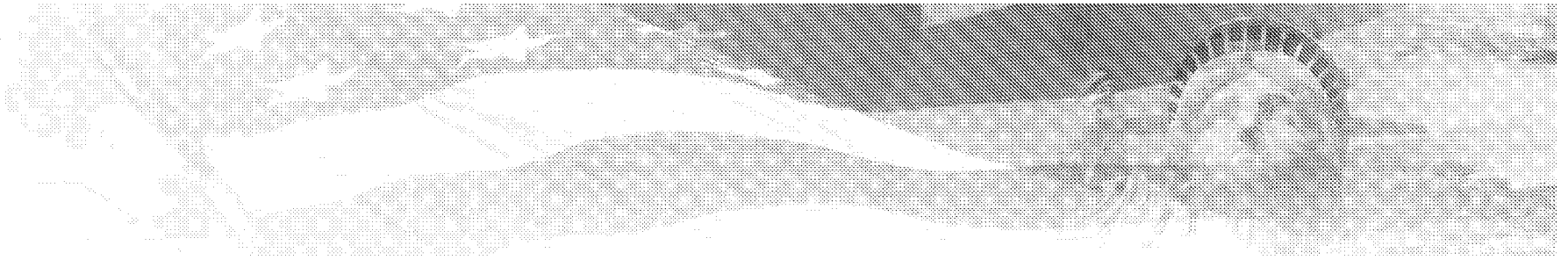
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- We're all familiar with evidence and evidentiary standards from criminal law

- 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 AL in a criminal context

- If there are tire marks in your driveway, are you worried about anything being wrong?

- 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?

- What if now you see that the window by your back door is broken?

- Do you think that the ~~totality of the circumstances~~—all the evidence you can see —is enough to call the police?

- If you're going to call the police, are you sure that a crime has taken place?

- And now you go in to the house and your plasma 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?

A Practical Example

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,
* but a bunch of them put together can add up to something big
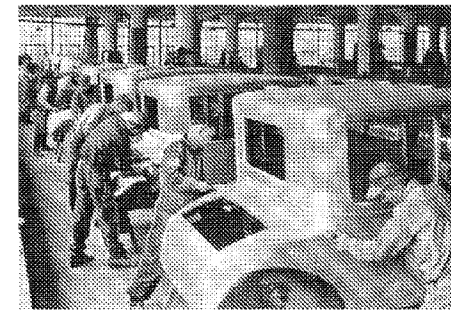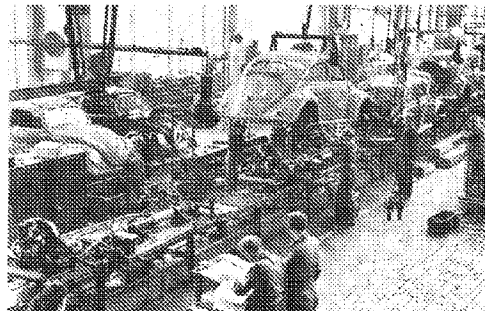
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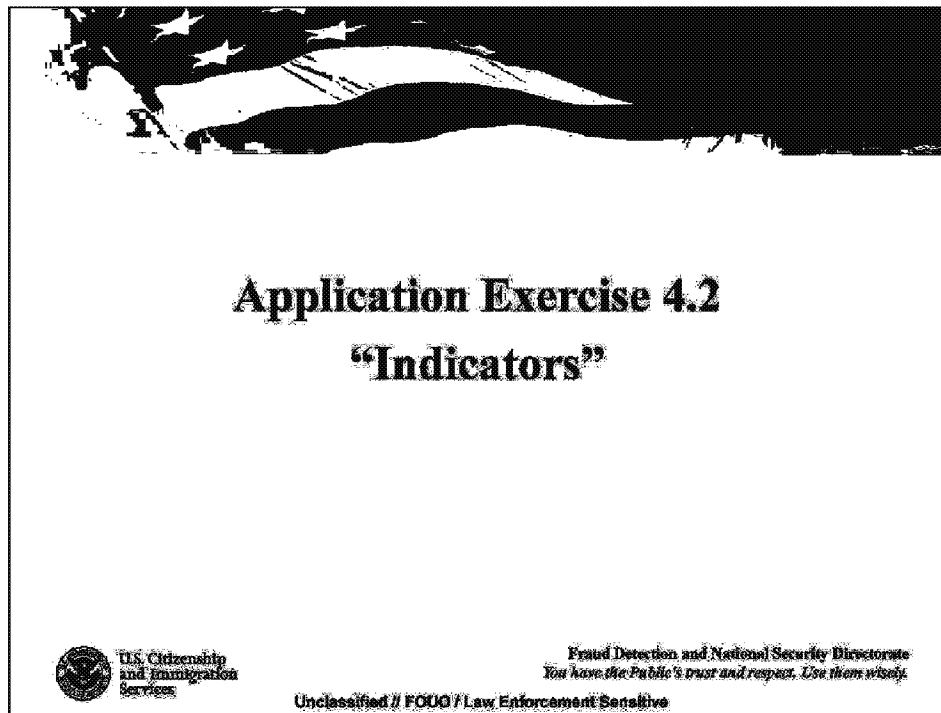and Immigration
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Indicators

DISCLAIMER: NONE OF THESE INDICATORS BY THEMSELVES MEAN SOMEONE IS AN NS CONCERN

Examples of *possible* indicators:

(a non-exhaustive list)

-
-
-
-
-
-

LE

But: a sufficient amount of indicators (based on the totality of circumstances) may cause us to take a closer look via

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CAR001074

DISCLAIMER: NONE OF THESE INDICATORS BY THEMSELVES MEAN SOMEONE IS AN NS CONCERN

Examples of *possible* indicators:
(a non-exhaustive list)

> # LE

But: a sufficient amount of indicators (based on the totality of circumstances) may cause us to take a closer look via

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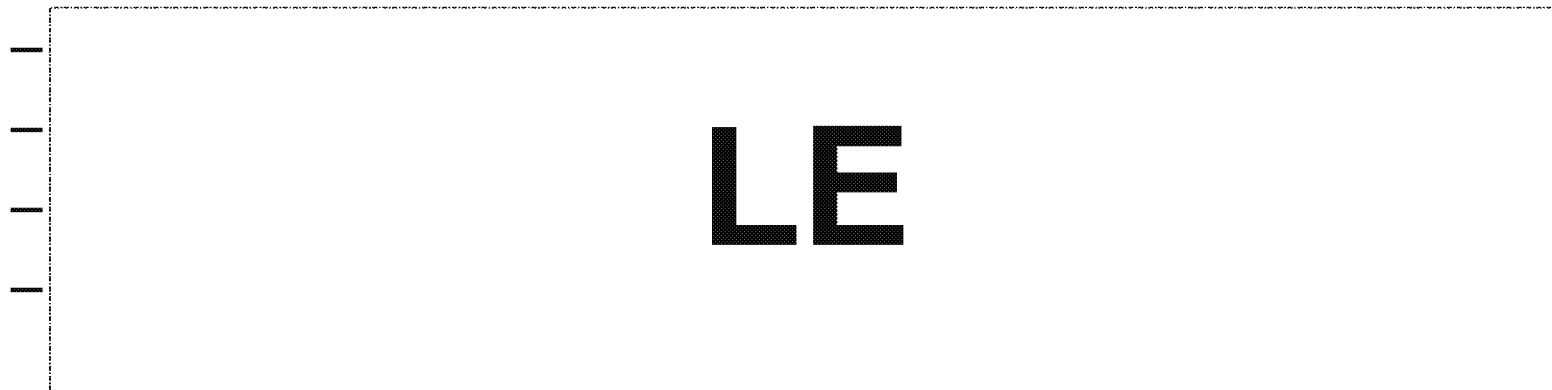Unclassified // FOUO / Law Enforcement Sensitive

- So what are some examples of indicators?

> # LE

- 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 CARRP just based on indicators?
- YES – we do it all the time

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- 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 a CARRP case
- So think back all the way to my definitions, when I mentioned non-KST NS Confirmed and non-KST NS Not Confirmed
- What did I say the difference between those two labels was?
- NS Confirmed rises to the level ~~or~~ of an articulable link
- NS Not Confirmed is based on indicators

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Handout:

LE

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Handout:

LE

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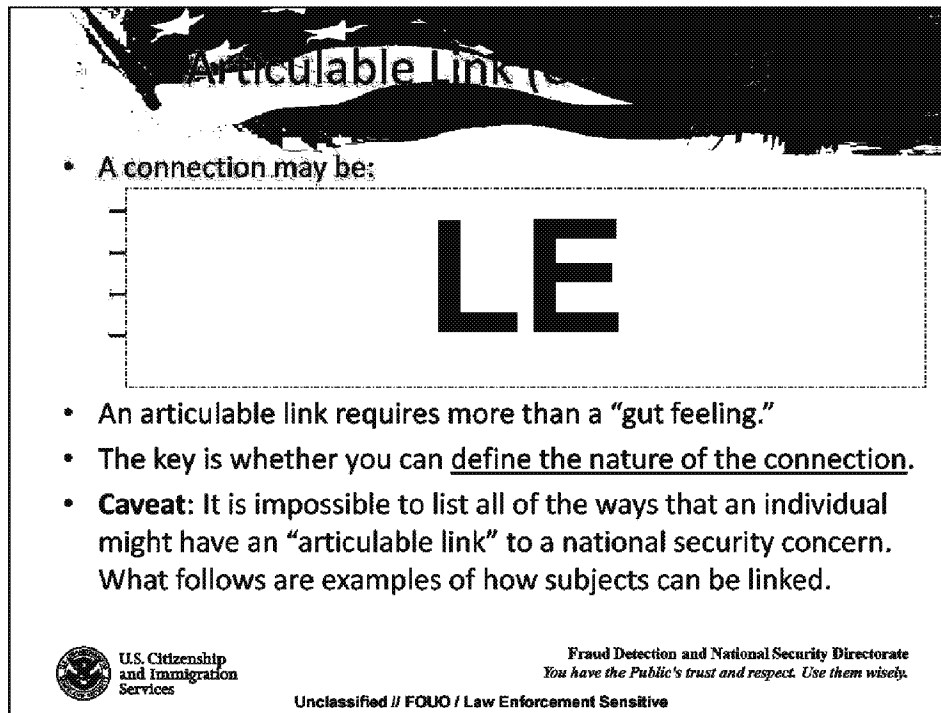
LE

Application Exercise 4.2

"Indicators"

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Application Exercise 4.2
"Indicators"

U.S. Citizenship and Immigration Services

Fraud Detection and National Security Directorate
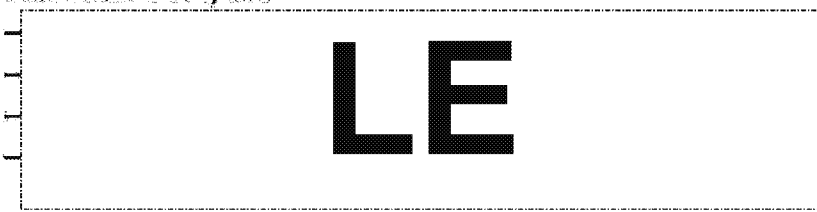*You have the Public's trust and respect. Use them wisely.*

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- 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

Articulable

- An articulable link exists when:

You can *describe* …

in *a few simple sentences* …

a *clear connection* between a person …
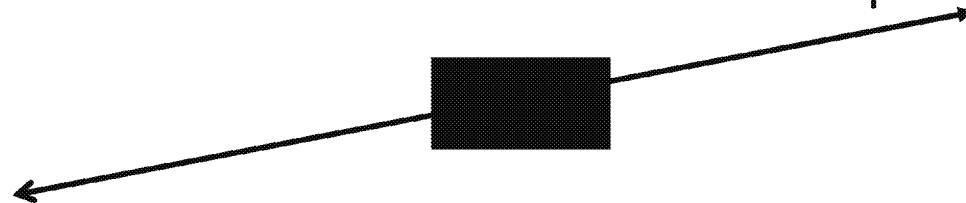
an activity that threatens the safety and integrity of the United States or another nation.

- Cases with an articulable link to national security must be handled according to CARRP.
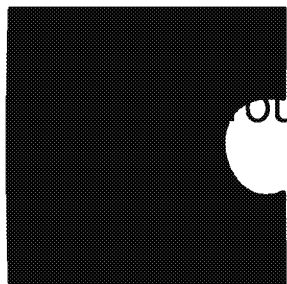
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- So now that we've covered indicators and talked about the evidentiary standard we're looking for…
- The next question is when we pass from having indicators to having an articulable link

- 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
- We'll give you the HQ FDNS thought process at the end
- One more note – we are concerned with finding the articulable link primarily with non-KST NS concerns
- Our equation applies to identifying anything that will be handled in CARRP, but we defined KSTs earlier as being on the watchlist
- Well, 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 a little trickier, 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

86

Articulable Link

- A connection may be:

  —

  —

  LE

  —

  —

- An articulable link requires more than a "gut feeling."

- The key is whether you can <u>define the nature of the connection</u>.

- **Caveat**: It is impossible to list all of the ways that an individual might have an "articulable link" to a national security concern. What follows are examples of how subjects can be linked.

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Articulable Link

- A connection may be:

  LE

- An articulable link requires more than a "gut feeling."
- The key is whether you can <u>define the nature of the connection</u>.
- **Caveat:** It is impossible to list all of the ways that an individual might have an "articulable link" to a national security concern. What follows are examples of how subjects can be linked.

U.S. Citizenship and Immigration Services

Fraud Detection and National Security Directorate
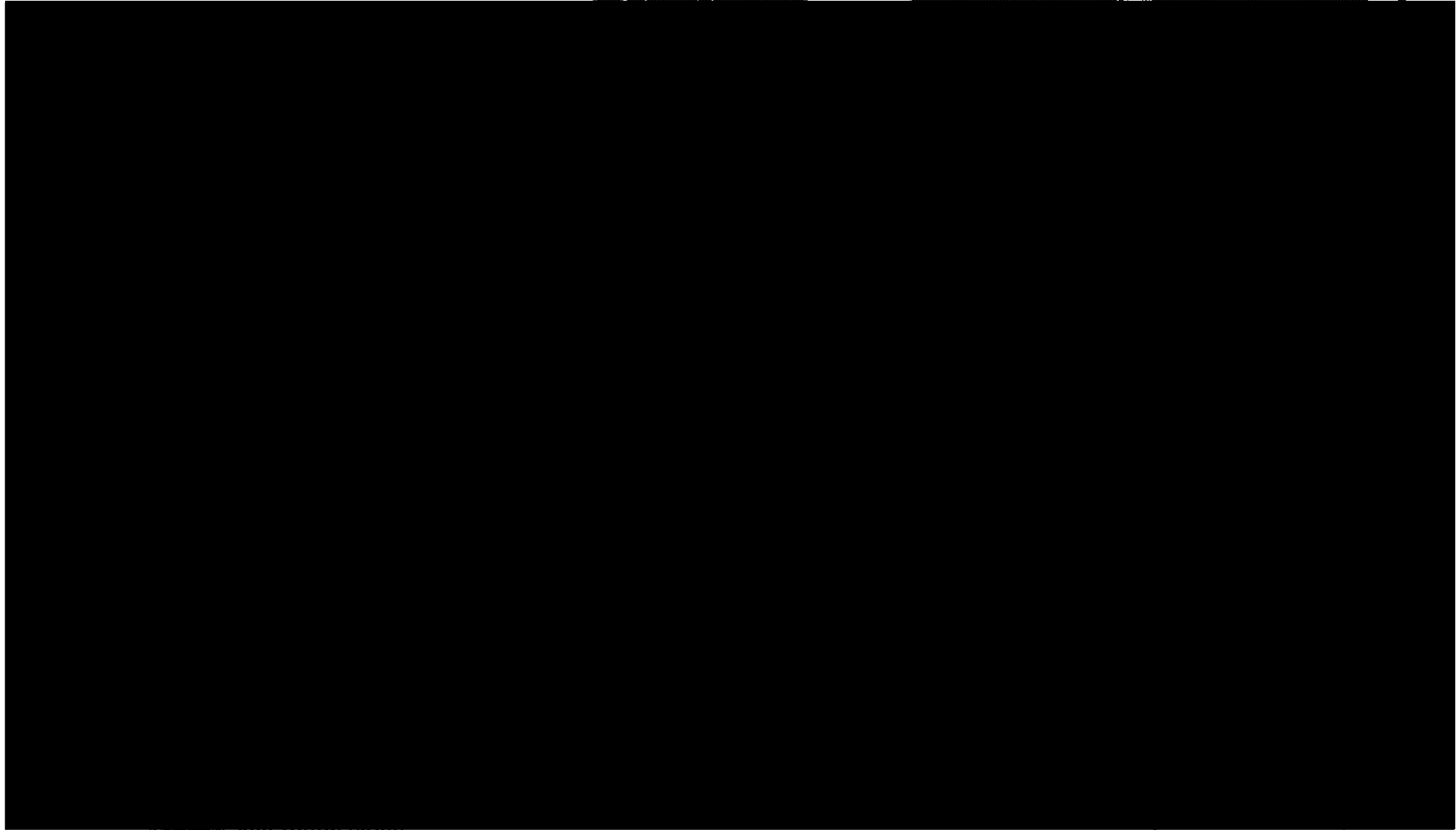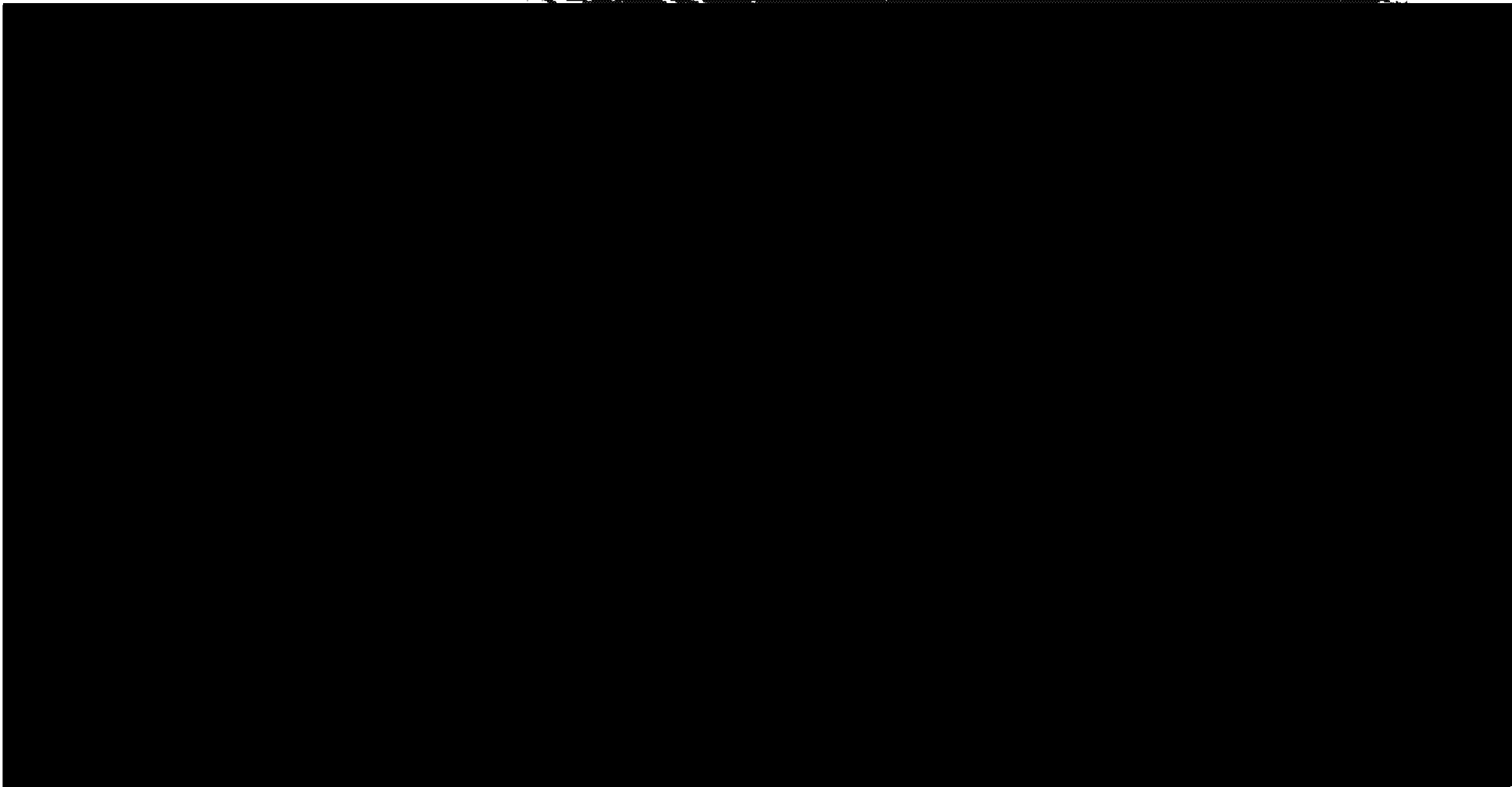*You have the Public's trust and respect. Use them wisely.*

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- 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
- Takes more than a "gut feeling" – and more than indicators!
- 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

Putting the Pie

...ou have now ar... ...k between Bob a...
Nat... ...y Concern

Gives Money to

Supports

Helps Cond...

Conducts

Plans

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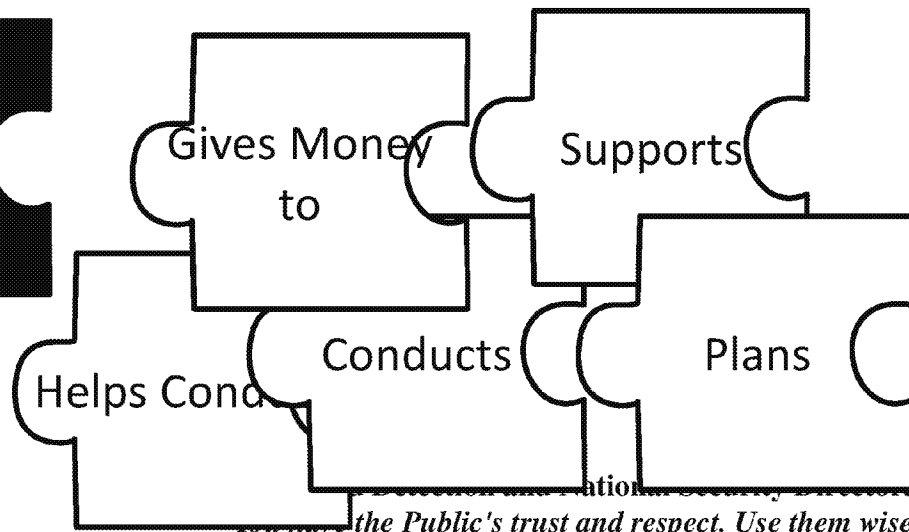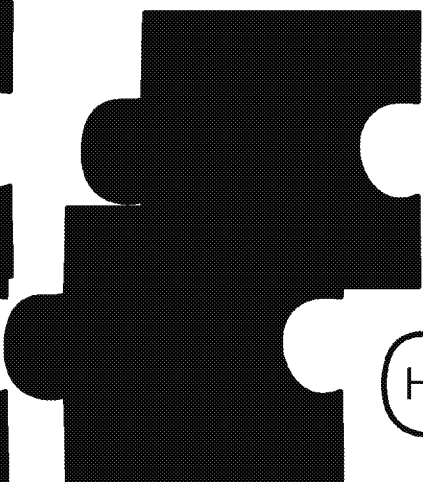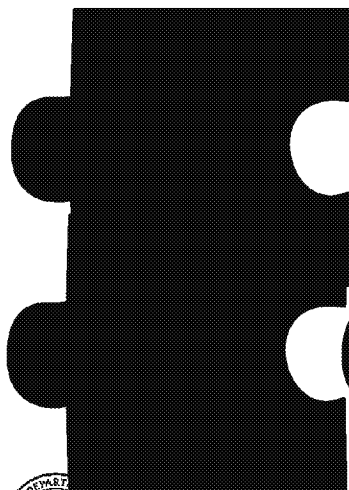
Unclassified // FOUO / Law Enforcement Sensitive
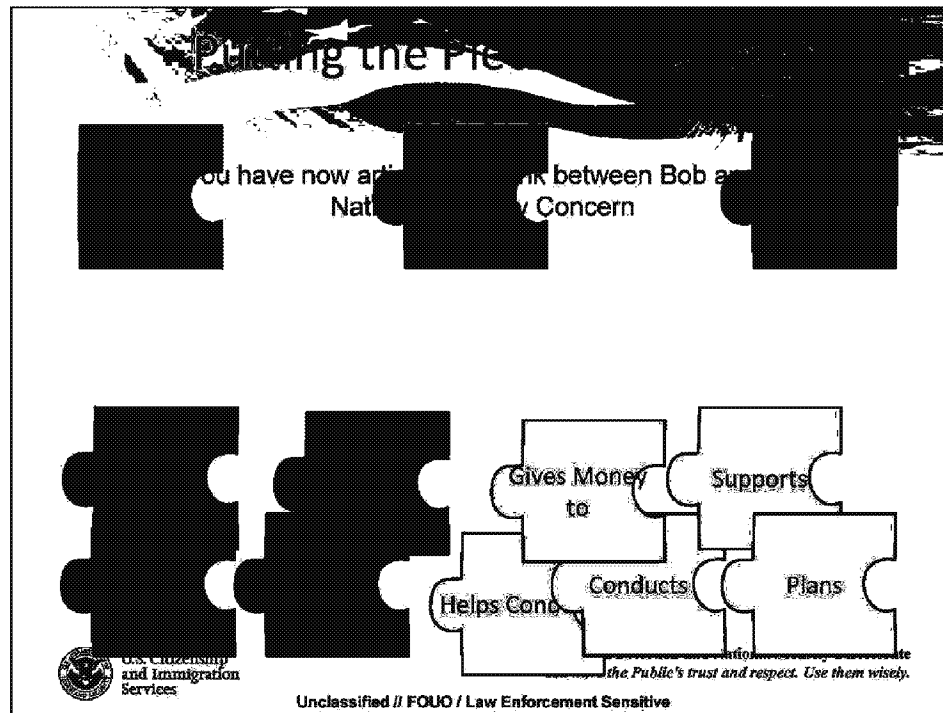
When determining whether there is an articulable link, you must be able to make a connection between the actions and the terrorist organization or terrorism related grounds

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)

Strong Dire...

Supports
Helps Conduct
Conducts
Plans
Gives Money To

- The strongest link is apparent when the Subject is actively participating in those activities:

  - **LE**

- Here, you can draw a single, direct line between the Subject and the national security activity.
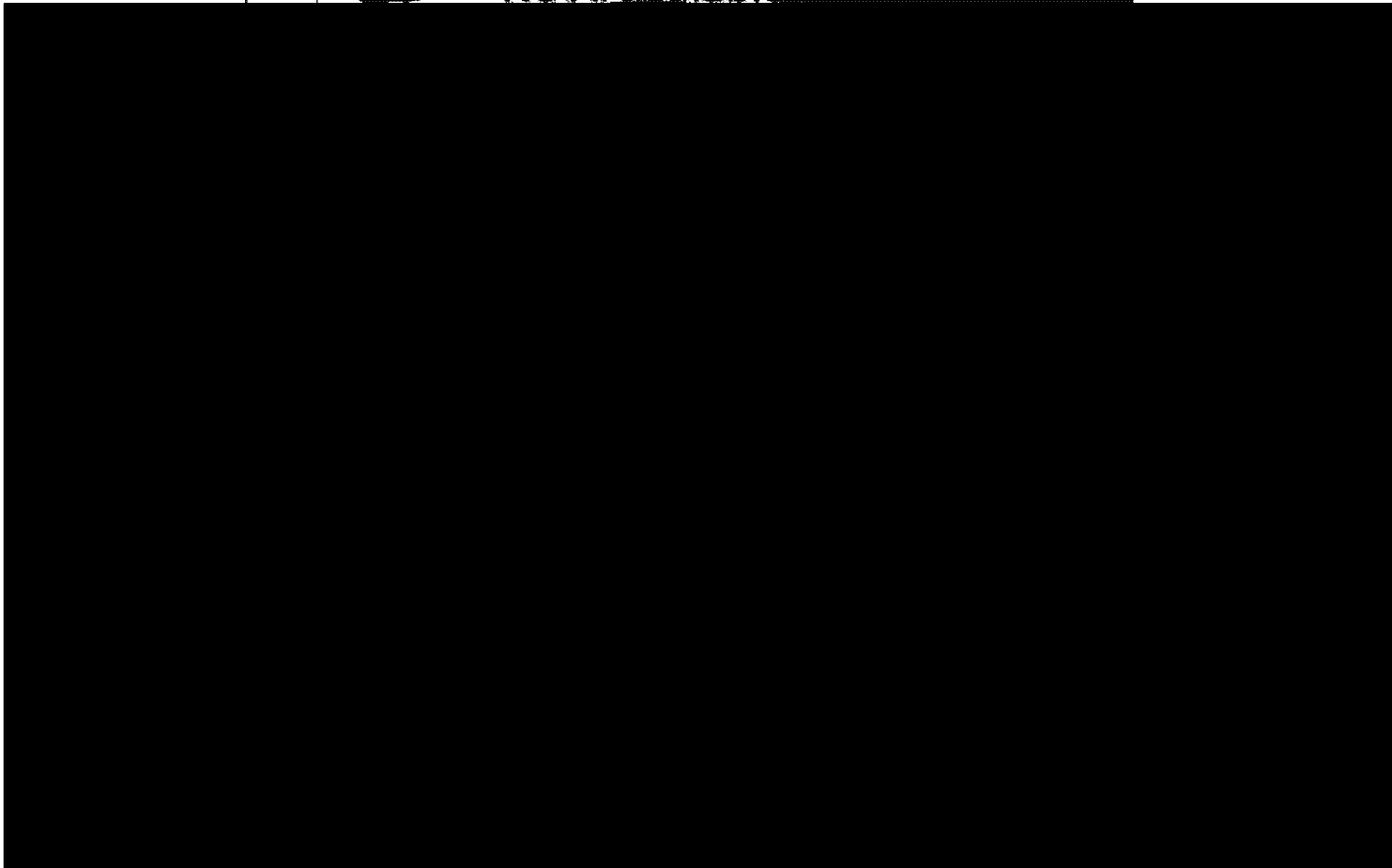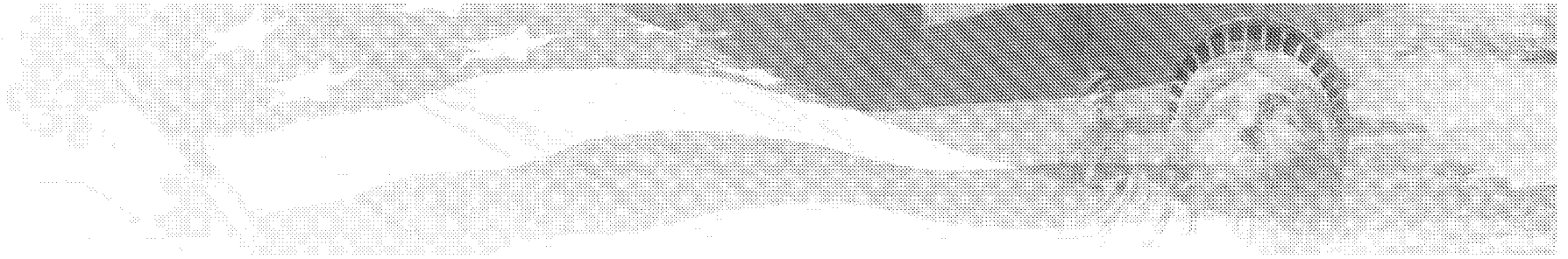
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  - ## LE
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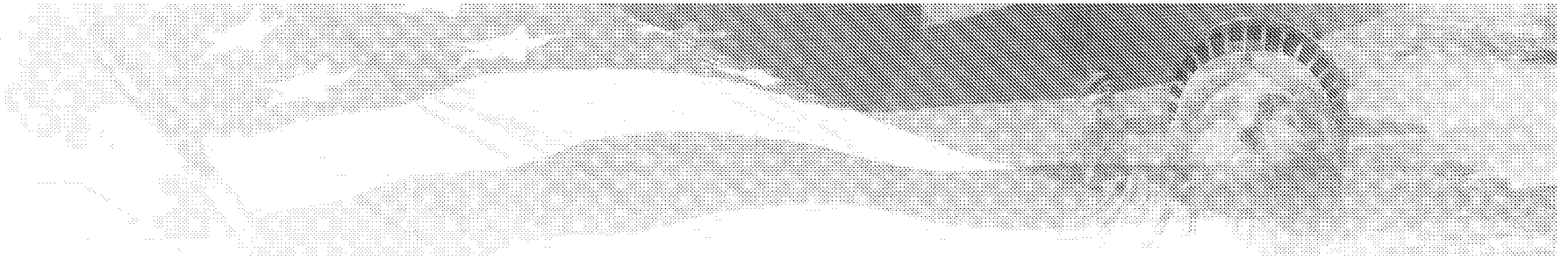
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Now, we all know that real life isn't quite this simple

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
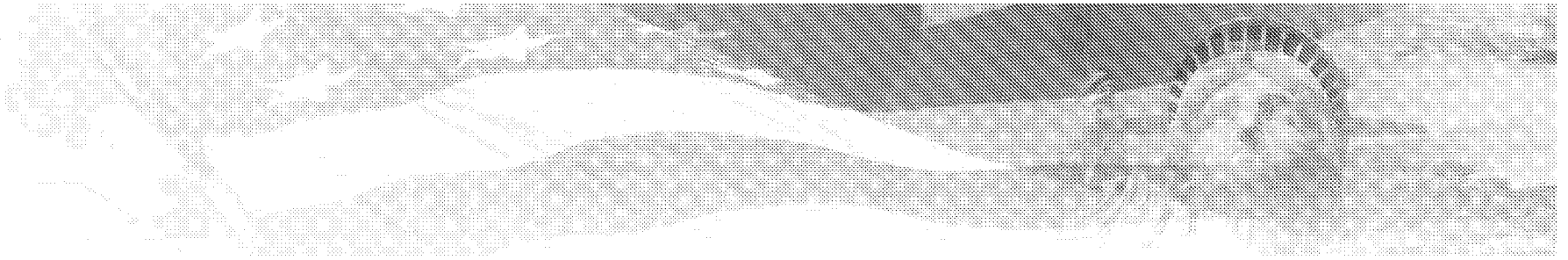
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Indirect

Services

Indirect Link – Ma

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Links Requiring F

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No Articula

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93

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Handout:

Structured Framework for Articulating Links to National Security

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Studies in National Security:

Articulable Link Writing 101

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Application Exercise 4.3

"Articulable Link Writing"

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Handout:

DOS Country Reports on Terrorism

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Handout:

DOS Country Reports on Terrorism

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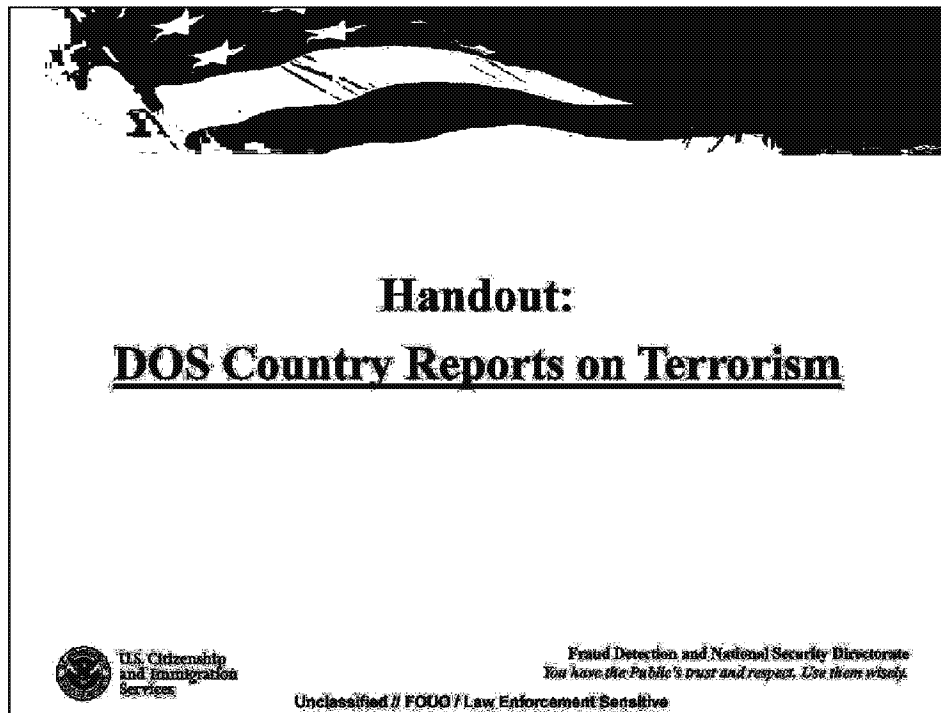
- Supposing that in our exercise you weren't sure if one of the groups someone was connected to (like Sendero Luminoso) was a terrorist organization, where could you look?

Evaluating NS Concerns Recap:

- 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 (remember the idea of inference of culpability) – do the facts suggest that the subject of concern was knowingly or deliberately involved with one of our NS 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 and thoroughly document

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Evaluating NS Concerns Recap:

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- 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 and thoroughly document

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- In this module, we've shown you facts that came from forms, facts that came from testimony, facts that came from traditional TECS or FBI hits, and even facts that came from newpaper articles
- By the end of this course on Friday, we're also going to show you facts on a PowerPoint slide that are completely conjured out of thin air

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

Wrap-up: Evaluating

Example 1:

LE

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Example 1:

LE

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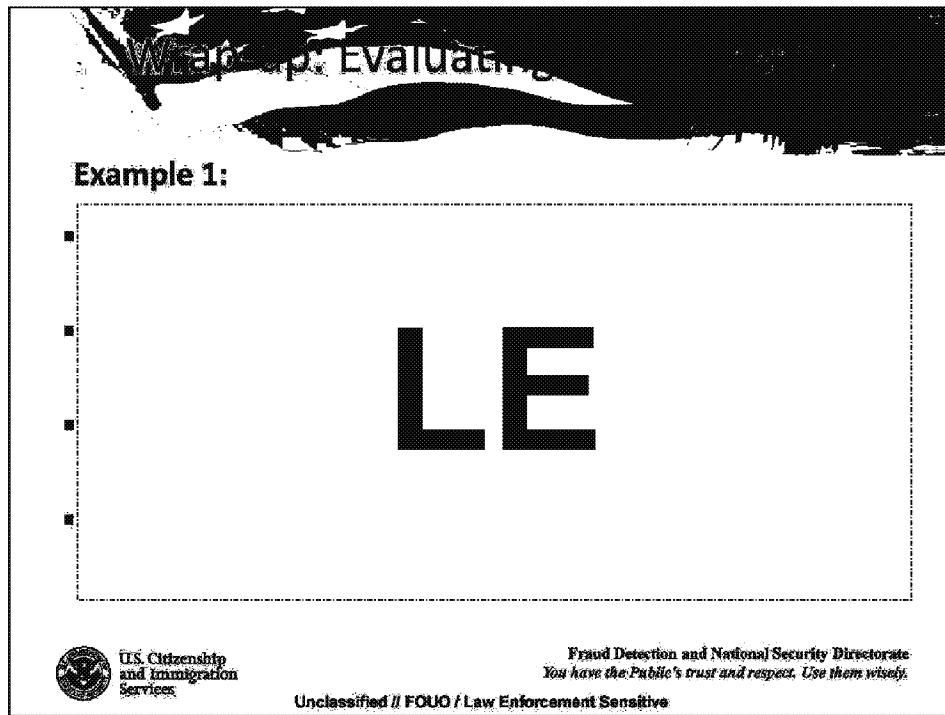
We're going to wrap up our discussion of articulable link here with a sneak preview of the capstone exercise you'll do on the last day of class

For that exercise, we're going to present a series of facts, like this one (read through the fact pattern)

As a class, you're going to walk through the through process for identifying and evaluating a concern

So, in an example like this one, we're going to ask:

> 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?

# Wrap-up: Evaluating

Relying on Law Enforcement

- If a law enforcement or intelligence agency tells us that their investigation uncovers a threat to national security, we will consider that case a national security concern.

  - This concern could be NS Confirmed or NS Not Confirmed, case depending on the specific information provided.

- The opposite, however, is not necessarily true: Even if another agency tells us that an individual does not threaten the national security of the U.S., the case may be handled under CARRP if an articulable link or indicators are present.

  - If you identify an area of national security concern, and suspect that the applicant may be involved with it, USCIS can explore the information to identify if an articulate link exists.

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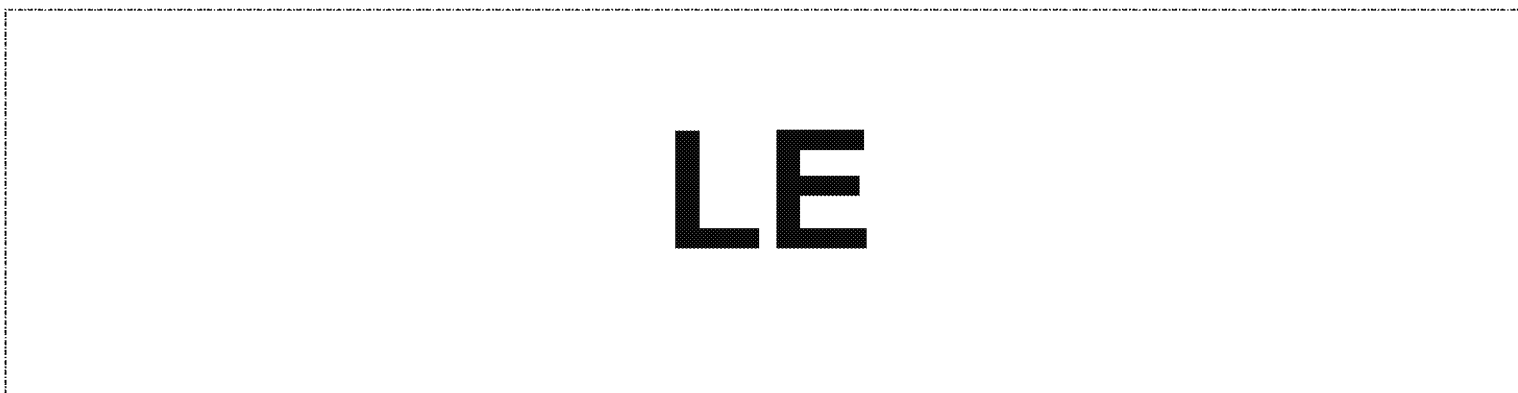*You have the Public's trust and respect. Use them wisely.*

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Wrap-up: Evaluating

Relying on Law Enforcement

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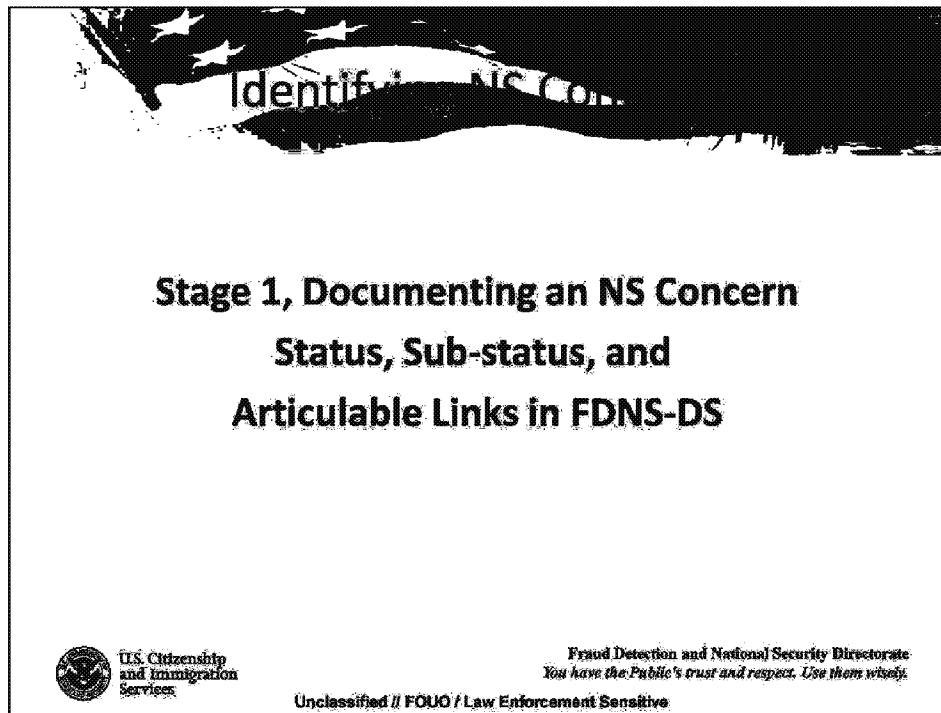Unclassified // FOUO / Law Enforcement Sensitive

Similar to law enforcement determinations: country determinations
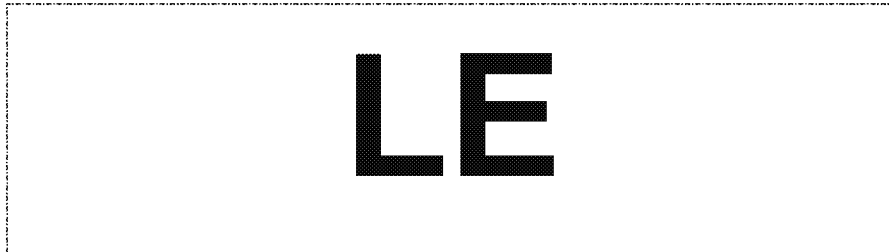
LE

Wrap-up: Evaluating

Example 2:

-
-

LE
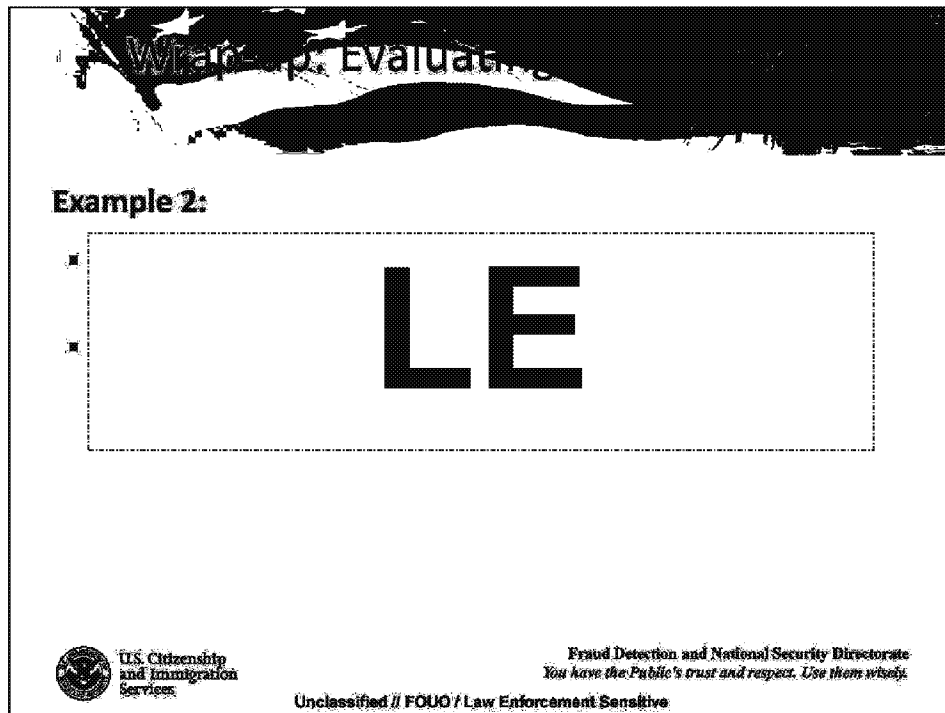
This is another one of our examples

So think now about how you're going to work through this using the things we've just discussed

This one has the element of law enforcement telling us about a person

I'm certain this individual is connected to something

But is it actual an NS concern?

CAR001108

Wrap-up: Evaluating

Ongoing Review

- Many times, articulating a link (or determining that no link exists) cannot be accomplished purely from file review.

- This may require contact with another agency, or research in another system.

- As new information is received officers should review and determine whether or not the evidence supports an articulable link.

- Until a definitive judgment is reached about whether an articulable link exists, the case must remain open.

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Example 3:

- ▪
- ▪
- ▪

LE

And as a final example, consider how facts change

We just talked about ongoing review

LE

How do different facts change your identification and evaluation of the concern?

Stage 1, Documenting an NS Concern Status, Sub-status, and Articulable Links in FDNS-DS

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Stage 1, Documenting an NS Concern Status, Sub-status, and Articulable Links in FDNS-DS

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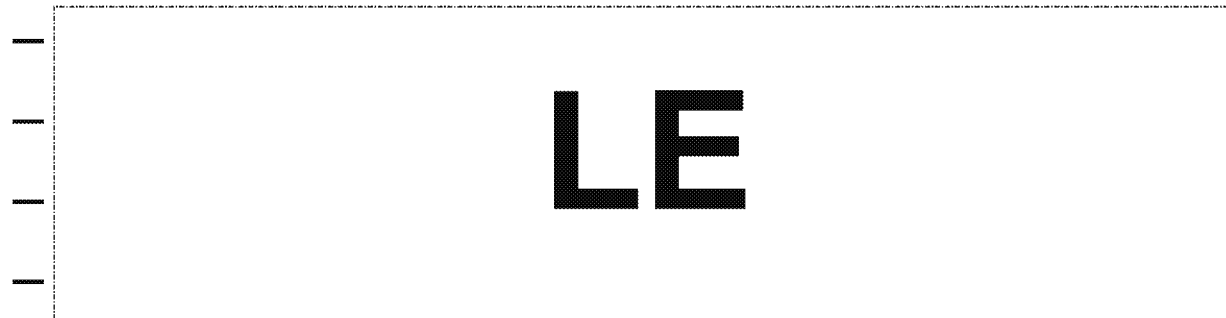*You have the Public's trust and respect. Use them wisely.*

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- Why are we only looking at evaluating non-KSTs here?
- Because KSTs are definitive
    - Someone is either on the watchlist or they're not
    - And if they're on the watchlist, we don't question why (as part of identifying a concern up front)
- So this section is going to focus on the evaluation step of stage I
- We've covered where the concerns come from – how a potential NS concern gets discovered and referred
- And with KSTs we've covered how you evaluate post-referral – contact the TSC and decide if it's a KST or a watchlist exception

Documenting in

FDNS-DS Entry

- Before you build a new CME, query FOPA:
  - Forms
  - Organizations
  - People
  - Addresses
- Use wildcard queries when needed
  -
  -
  -

LE

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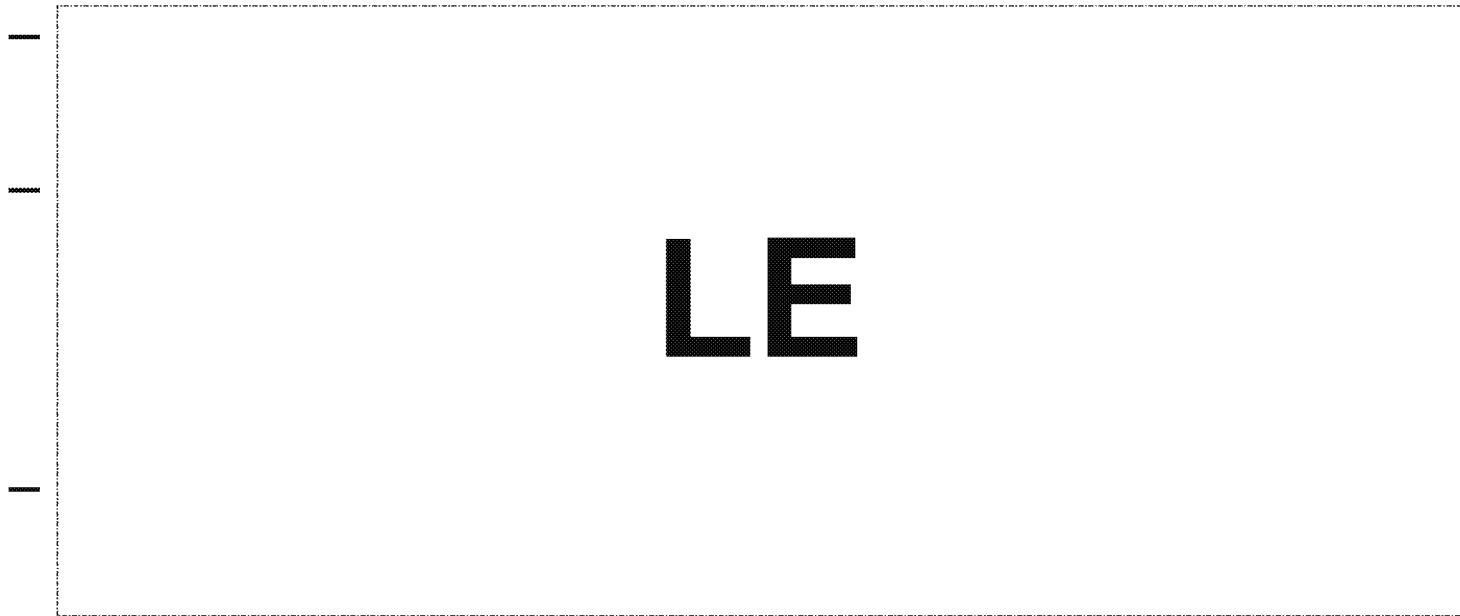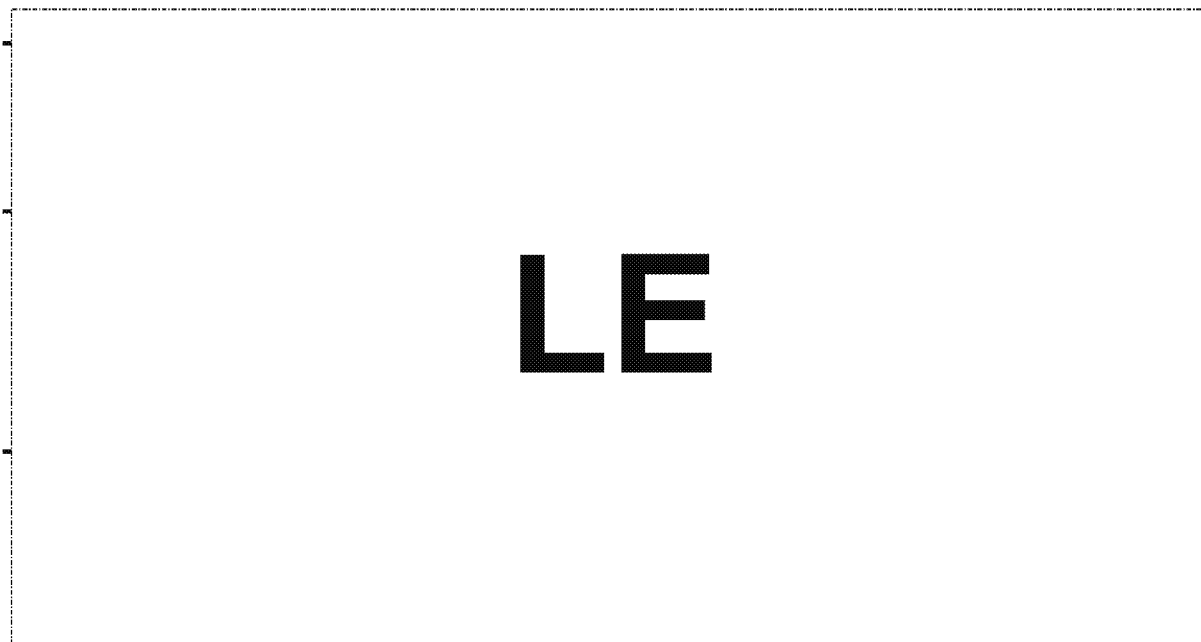Unclassified // FOUO / Law Enforcement Sensitive

Documenting in

FDNS-DS Entry

- Before you build a new CME, query FOPA:
  - Forms
  - Organizations
  - People
  - Addresses
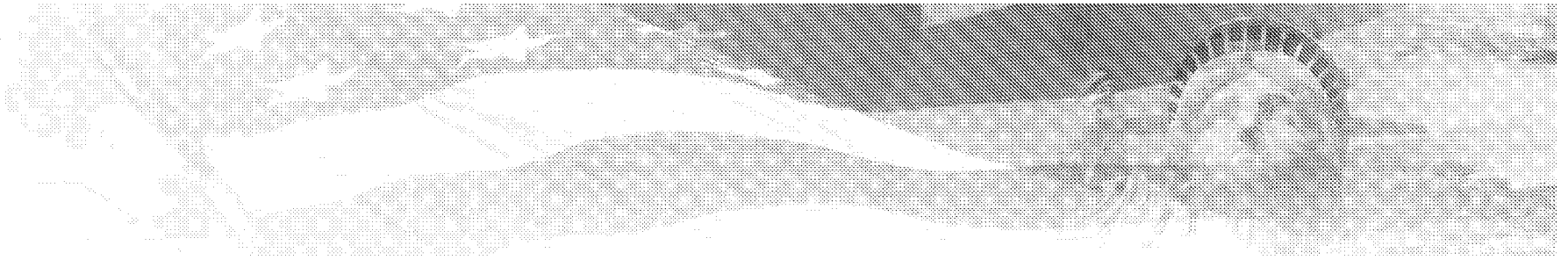- Use wildcard queries when needed
  -
  -
  -

LE

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- When you are data entering, do not use hyphens in names

Documenting in

FDNS-DS Entry

- If the subject is not already in DS:

  -

  - **LE**

  -

  -

- The person and form must be linked to the NS CME

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Documenting in

FDNS-DS Entry

- Build a CME
  - —
  - —

LE

  - —

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Documenting in

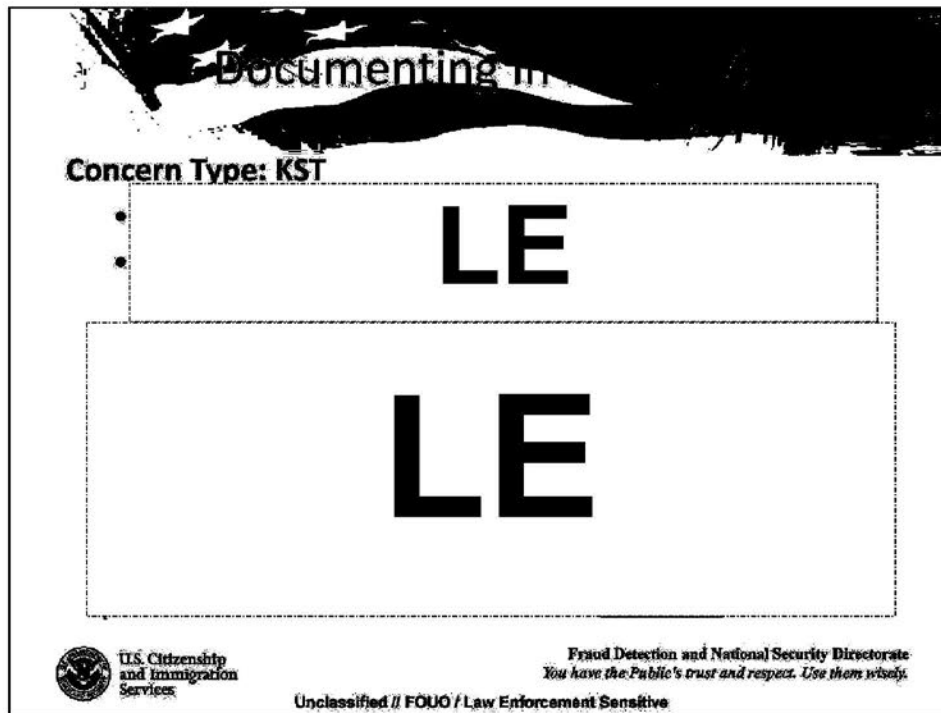## FDNS-DS Entry

- Other NS CME Required Fields:

LE

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Studies in National Security:

FDNS-DS Data Integrity, Part I

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Documenting in FDNS-DS

Concern Type: KST

-
-

LE

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- What else do we have to do for a KST?
- Very first thing, before we even know a case is a KST NS concern and start our documentation…
- Verify with the TSC!
- TSC verification of a LE record gets documented in the Deconfliction sub-tab

Documenting in FDNS-DS

Concern Type: non-KST

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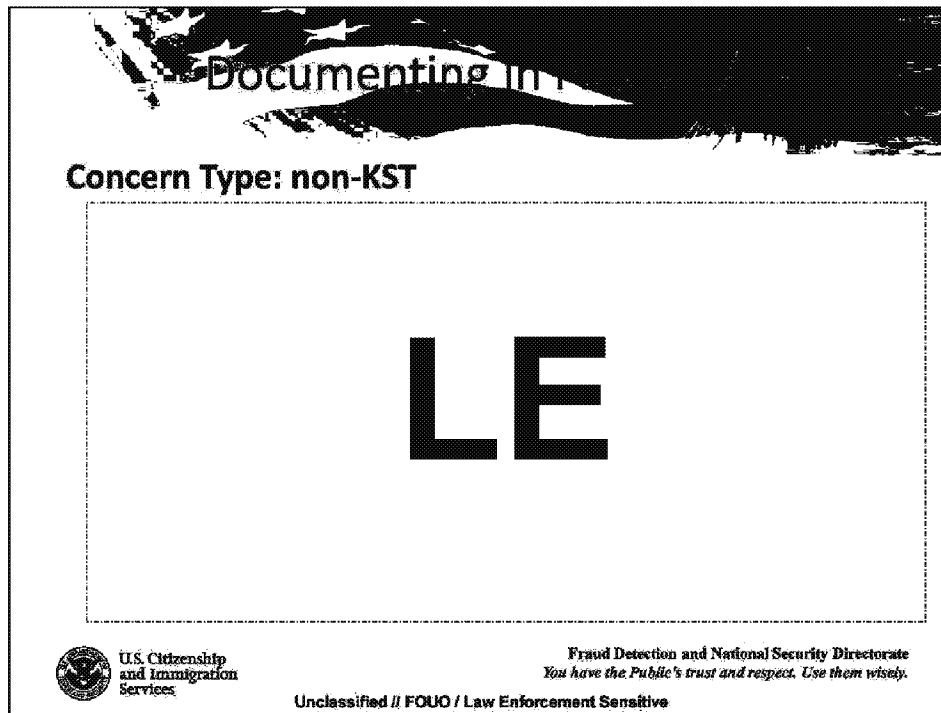
- If you have an articulable link, your case is logged as NS confirmed in the sub-status of the CME
- You must also write out the articulable link
- And then you must get someone to agree with you
- Why do we make you do this?
- Because it's subjective! We've talking in depth about how this is a judgment, and sometimes people just see things different ways
- But we're going to view Confirmed and Not Confirmed a little differently at the HQ level, so an accurate distinction is really important to us
- Why do we not make you do this with indicators?
- Because what are you going to write down? There's no firm, couple of sentences, describable link!

111

Documenting

Concern Type: non-KST

LE

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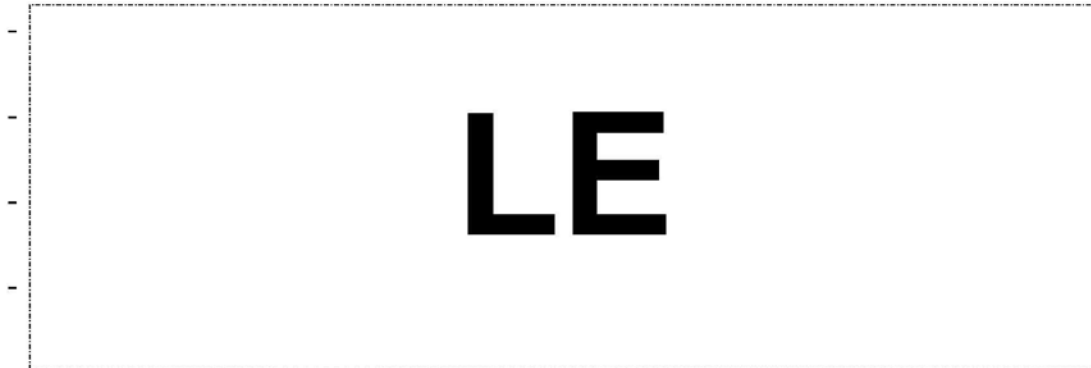*You have the Public's trust and respect. Use them wisely.*

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CAR001124
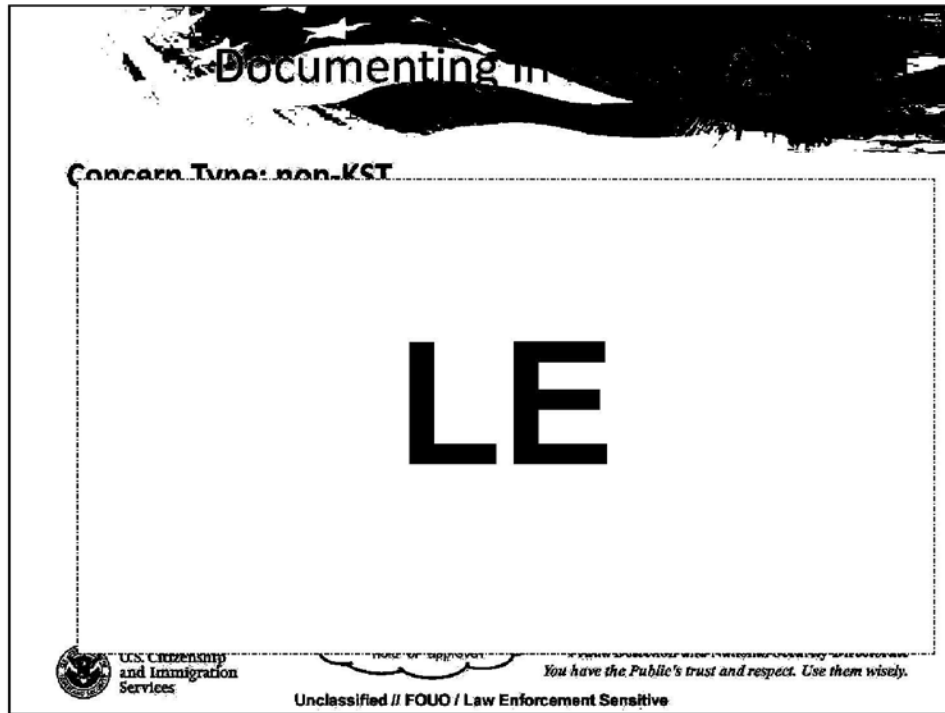
- So here's how you write it down
- And we have a question in our quote bubble on the bottom…

CAR001125

When Articulable Links are Classified

- Classified LHM's often raise NS concerns, but…
  - Classified information ≠ "NS Confirmed"
  - An articulable link is still required for selecting NS Confirmed
- To base an articulable link on classified information, both officers should write in the comment field of their recommendation:

> # LE

- You should still discuss the articulable link with a second officer!

Never put classified information in FDNS-DS

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When Articulable Links are Classified

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> # LE

- You should still discuss the articulable link with a second officer!

Never put classified information in FDNS-DS

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Please remember that the presence of classified information doesn't automatically mean NS Confirmed, or even that there is an NS concern at all

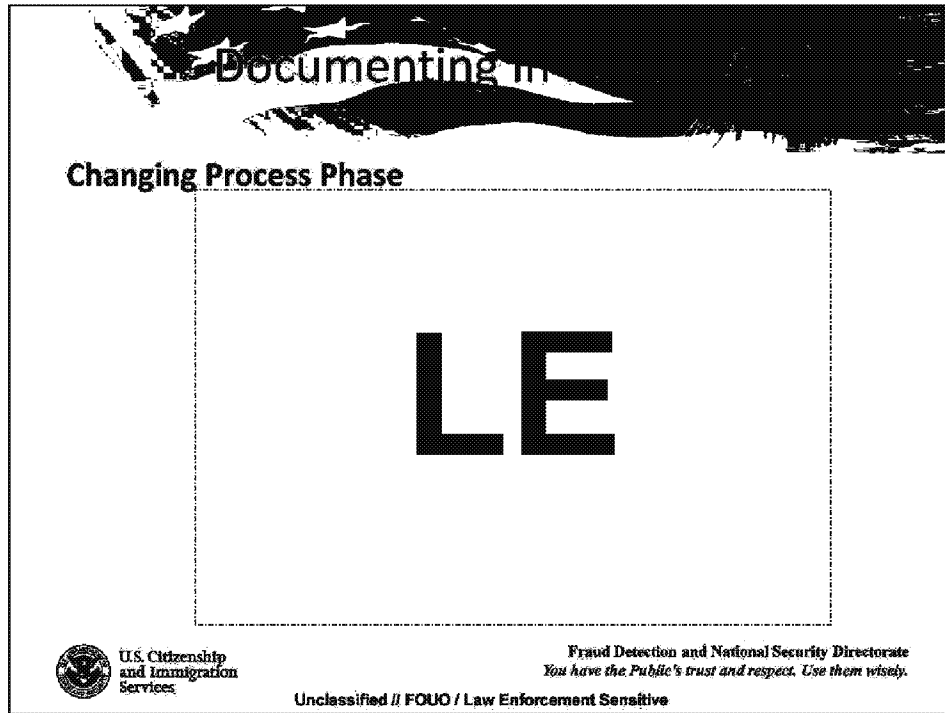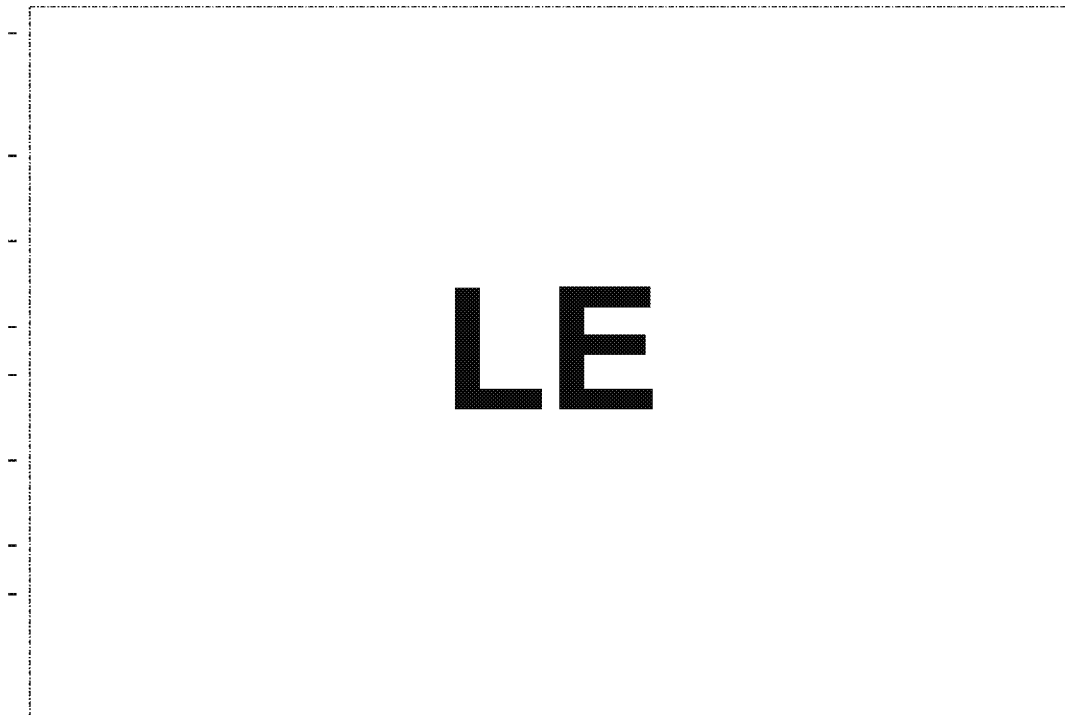# Documenting in FDNS-DS

Changing Process Phase

LE

Changing Process Phase

Documenting in

LE

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- For all FDNS-DS entries, you must also use the recommendations sub-sub-tab to change process phase

LE

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Documenting

Heffron's Second Law of Data Entry:

Recommendations get lonely, so they always come in pairs

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Heffron's Second Law of Data Entry:

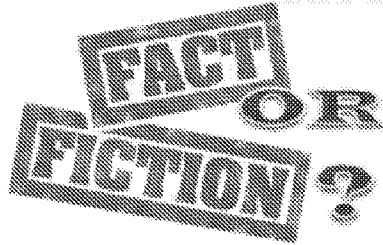# Recommendations get lonely, so they always come in pairs

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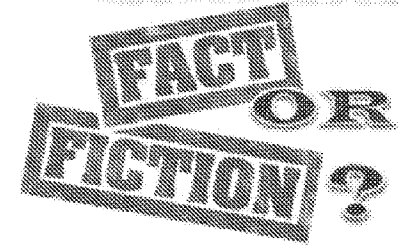*You have the Public's trust and respect. Use them wisely.*

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Stage 1 Recap

Identifying NS concerns

FICTION

All LE Tracks KSTs

FICTION

Positive FBI Name checks are always an NS Concern

FACT

Individuals can be removed from the terrorist watchlist

FICTION

If there is no articulable link to an NS concern, it's not a CARRP case

FICTION

All LE records relate to terrorism

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Stage T

FACT OR FICTION?   Identifying NS concerns   **FACT OR FICTION?**

FLE FICTION

Positive FBI Name checks always an NS Concern   **FICTION**

Individuals can be removed from the terrorist watchlist   **FACT**

If there is no articulable link to terrorism, it's not a CARRP case   **FICTION**

All LE is terrorism   **FICTION**

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Stage Th
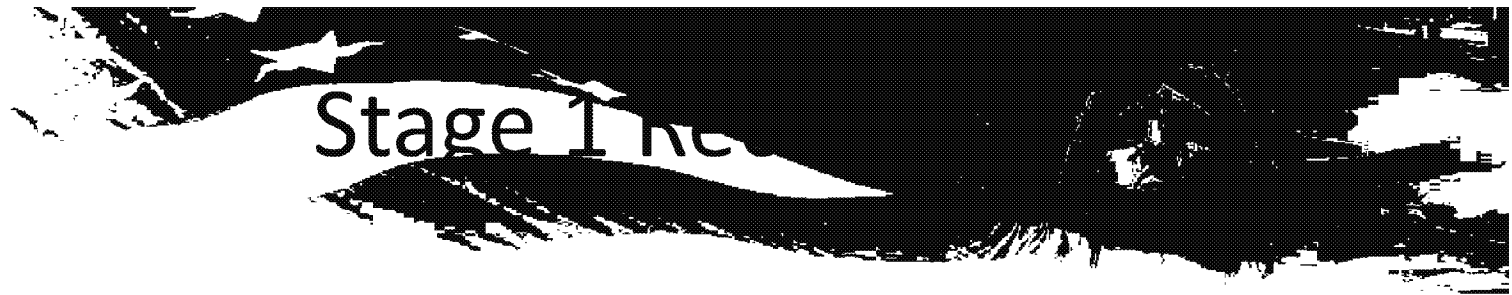
NS Determination Questions:

❑ Does derogatory information exist?

❑ 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?

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Stage T...

Roles

- Asylum officers, Refugee officers, HQ RAIO, and field and service center ISOs are on the front lines!

- Identifying concerns ⟶ EVERYONE

- Confirming with TSC ⟶ FDNS IO (field and asylum offices)

  ⟶ BCU CARRP ISO (service centers)

- Writing articulable links ⟶ CARRP ISOs, FDNS IOs, or AOs

- Concurring with articulable links ⟶ Supervisor or designated officer

- FDNS-DS entry ⟶ FDNS IO or CARRP ISOs

- Who in your office reviews CARRP referrals and assigns CARRP cases?

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Stage 1: Identifying N

✓ Use all available evidence to identify a potential NS concern.

✓ Differentiate between indicators and articulable link as the connection between an individual and an NS ground.

✓ Distinguish between KSTs and non-KSTs.

✓ Identify sources of information for KST and non-KST determinations.

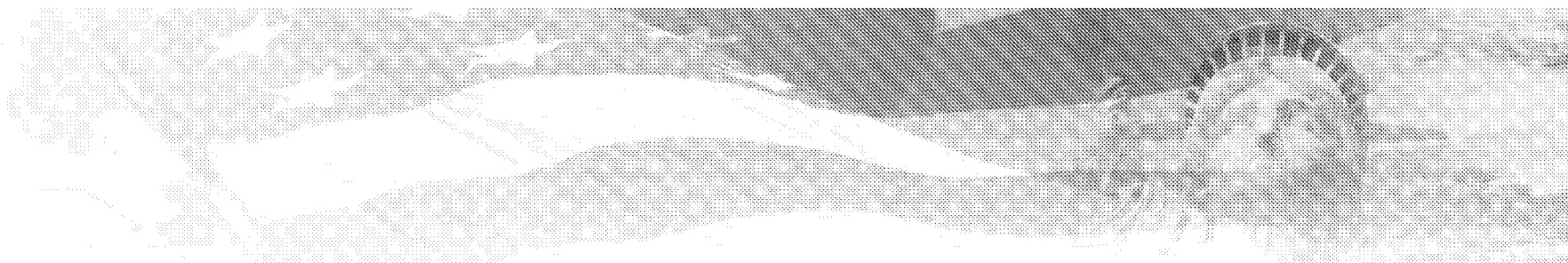✓ Understand the watchlisting process.

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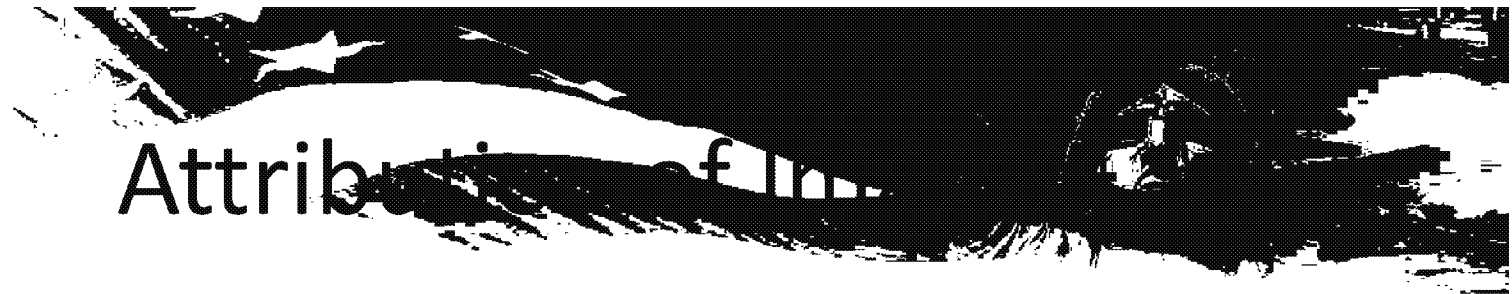
Practical Exercise: CARRP Stage 1

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>
> http://jdayhistory.weebly.com/uploads/8/9/5/0/8950306/2594377_orig.jpg
>
> https://frmilovan.files.wordpress.com/2010/05/ford-assembly-line.jpg

Slide 116, "Fact vs. Fiction" Image:
> http://www.sevenwholedays.org/wp-content/uploads/2012/07/ffiction-300x180.png

Slide 119 "Success" Image: https://automofo.files.wordpress.com/2011/02/increasing-success-photo.jpg

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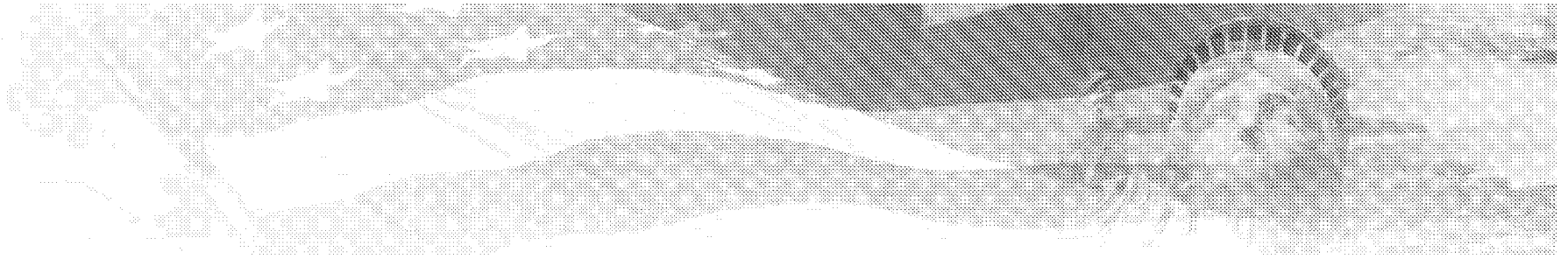
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