

Exhibit 7
-- Filed Under Seal --



Controlled Application Review and Resolution Program (CARRP)



Identifying and Documenting NS Concerns

National Security and Public Safety
Division

Updated December 2017

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- Author: HQ FDNS National Security and Public Safety Division
- Date of last revision: December 2017
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Stage 1: Identifying NS Concerns

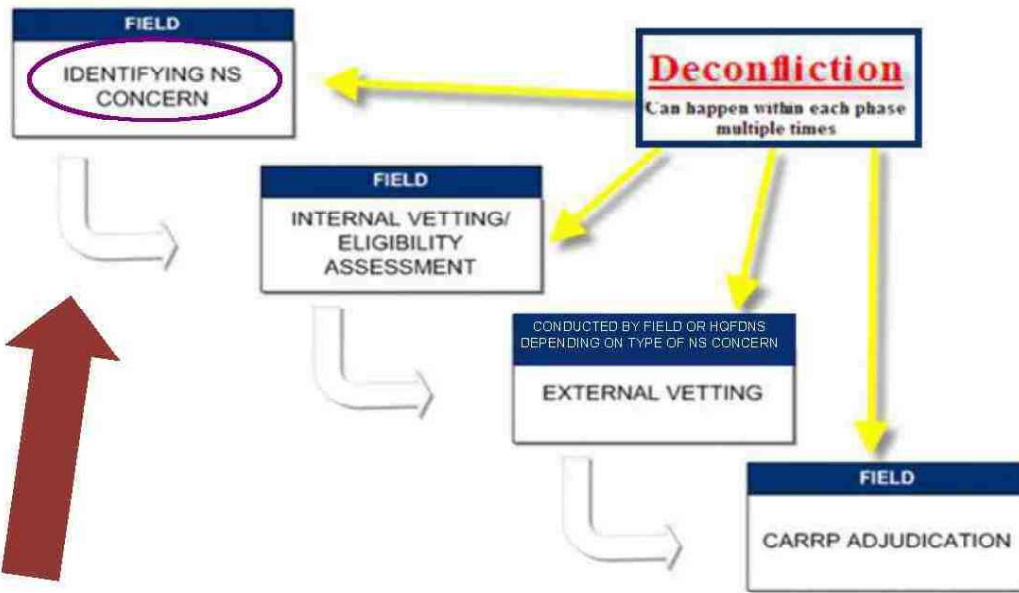


- Use all available evidence to identify a potential NS concern.
- Differentiate between indicators and articulable link as the connection between an individual and an NS ground.
- Distinguish between KSTs and non-KSTs.
- Identify sources of information for KST and non-KST determinations.
- Understand the watchlisting process.

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CARRP Stage One



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Identifying NS Concerns



Three elements to Stage I:

- Initial identification of a potential concern
What facts are present?
- 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?
- Documentation of the NS concern
Is there an existing CME or does a new one need to be created?
What documentation elements are required based on 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 will generally come from FDNS; although it can be anyone who is CARRP trained – the CARRP trained and designated thing is key at this point, because this step can serve as the sanity check – is the thing we're looking at really a concern?

The documentation portion can be anyone who is CARRP trained, but will often be from FDNS

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

Identifying NS Concerns



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 they come from?

Identifying KST NS Concerns



What is a KST?

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

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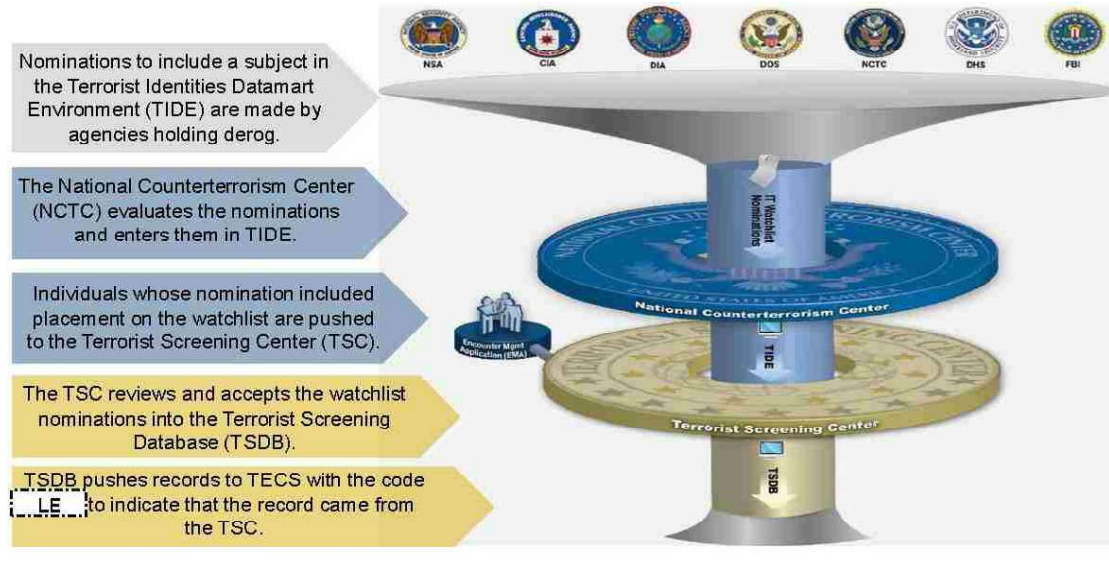
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Nominations are made by law enforcement, intelligence, and homeland security entities

Identifying KST NS Concerns



Where do KSTs (and certain non-KSTs) come from?



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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

TSDB contains the USG Terrorism Watchlist

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 information 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: **LE**



Handout:
TIDE Category Codes

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Identifying KST NS Concerns



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 exception
- Nomination as a KST requires a reasonable suspicion 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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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 derogatory information doesn't rise to the reasonable suspicion standard, other category codes (including exceptions) exist

Identifying KST NS Concerns



How does USCIS *identify* KSTs?

- TECS records:
 - With a TECS record ID [LE]
 - [LE] means that the record came from the TSC.
 - [LE] other than [LE] watchlist exceptions.
- NCIC records:
 - Contains a [LE] number.
 - Indicates subject is a possible terrorist organization member or international extremist.
 - Does not reflect a record in the [LE]

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All [LE] should have a corresponding [LE]
 But... you may encounter have a [LE] without a [LE] and vice versa
 A [LE] without a [LE] is still a [LE] - call the TSC!
 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)
 If you see one of these [LE] records - there's a spot for it in FDNS-DS
 Either in the systems checks sub-tab of your NS CME or in the TECS # field as part of the subject record in the People tab

The [LE] code defines those who qualify for watchlisting and lays out the corresponding [LE] codes based on types of national security concern. Watchlist exceptions are those whose category codes are NOT considered known or suspected terrorist, but are considered eligible for inclusion in downstream screening systems in support of immigration and border screening processes. Only two of the watchlist exception codes, [LE] are treated as watchlist exceptions by USCIS. All other watchlist exception codes are treated as KSTs by USCIS.

Identifying KST NS Concerns

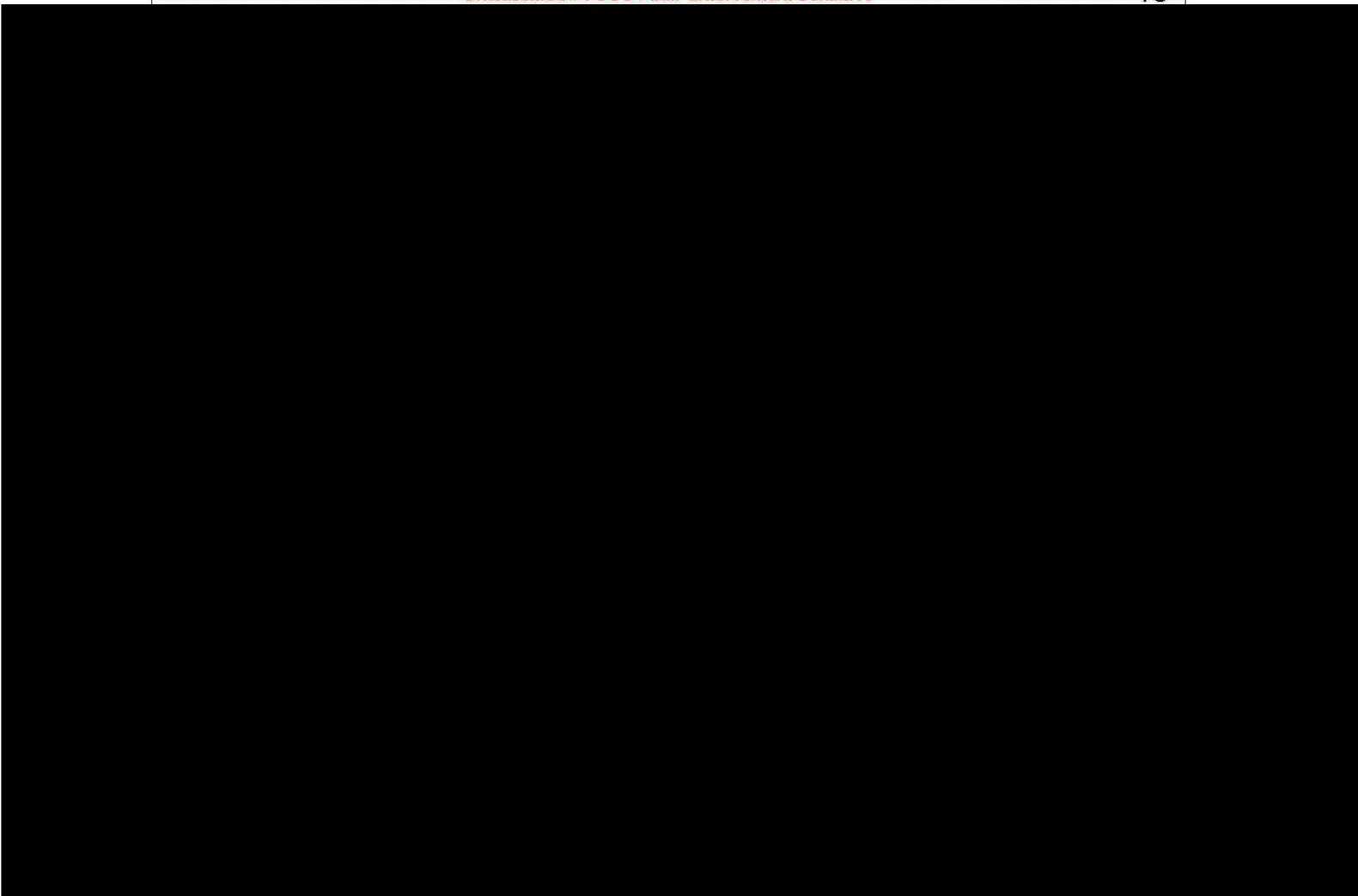


TECS Mod platform View

LE

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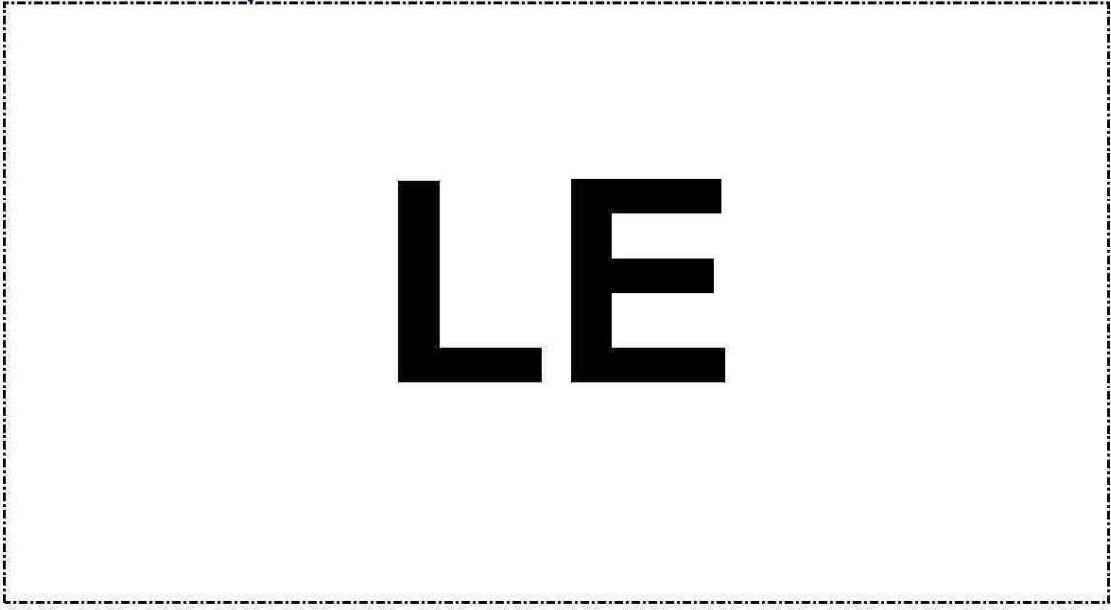
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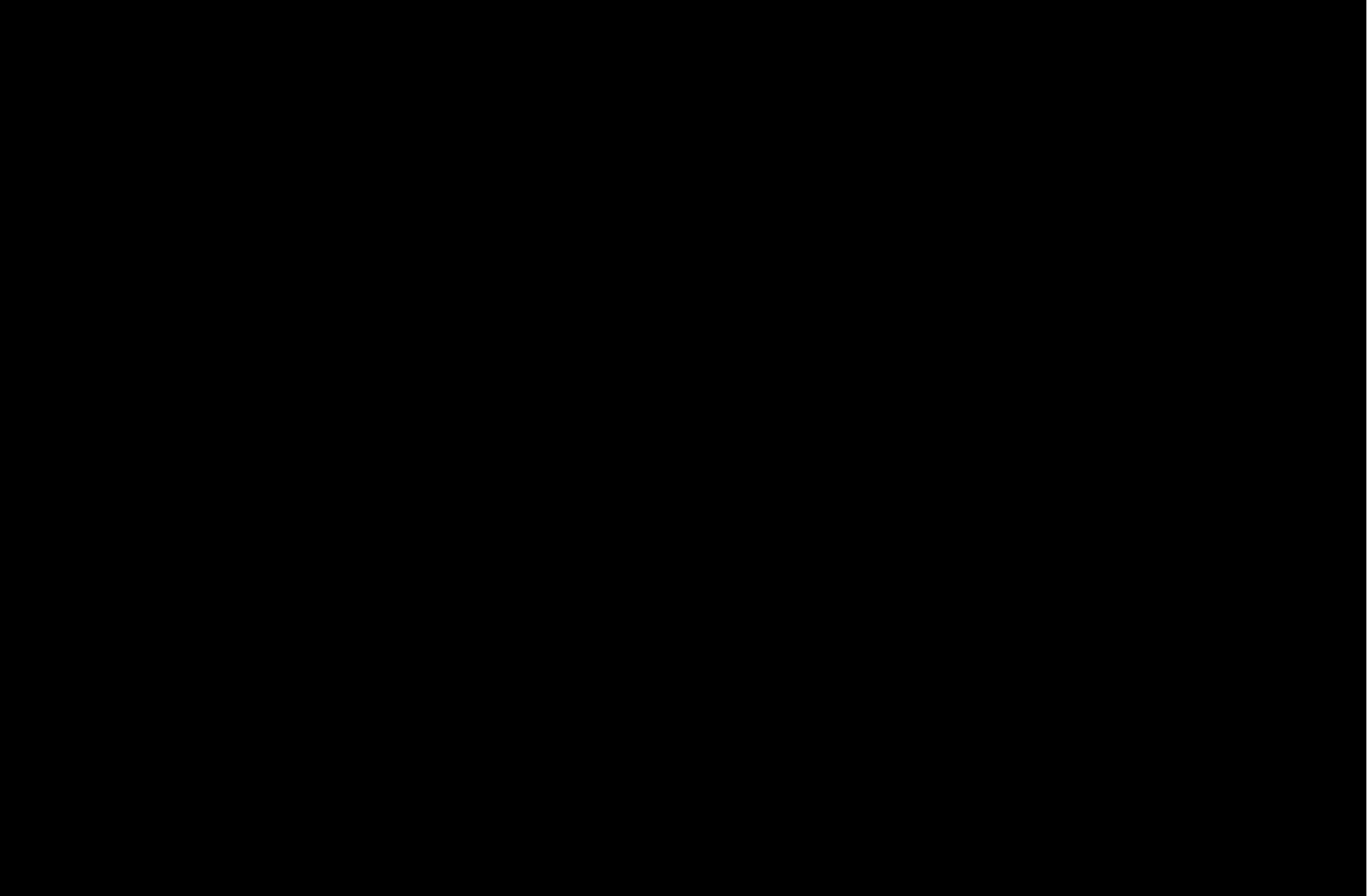
Identifying KST NS Concerns



TECS Mod platform View



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Identifying KST NS Concerns



LE Record, Terrorism: Former TECS platform

Example for Training Purposes Only

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Note that the

LE

Identifying KST NS Concerns



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 (including **LE** category codes).
- 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 **does not** contact the National Targeting Center (NTC) on **LE**
- USCIS **does not** externally vet or deconflict with the

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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 (in relation to **LE** records).

"Suspected match" in this context means anything that cannot be definitively ruled out as not relating to the individual queried

- For example, if the gender and SSN of a **LE** record do not match your subject, that's pretty conclusively not your person

- But if all that's in the record is first name, middle initial, last name, and those all match your subject, that's a suspected match

Identifying KST NS Concerns



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 ([REDACTED]), including any pictures provided in support of the application.

Contact TSC via email: [REDACTED]

TSDB



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Contact with the TSC is done by email

The TSC request form is a template

The TSC request form is posted to your class page under Handouts



Handout:
TSC Request Form

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Identifying KST NS Concerns



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** because those are exceptions and are not watchlisted KSTs)
- There *should* be an associated **LE** 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

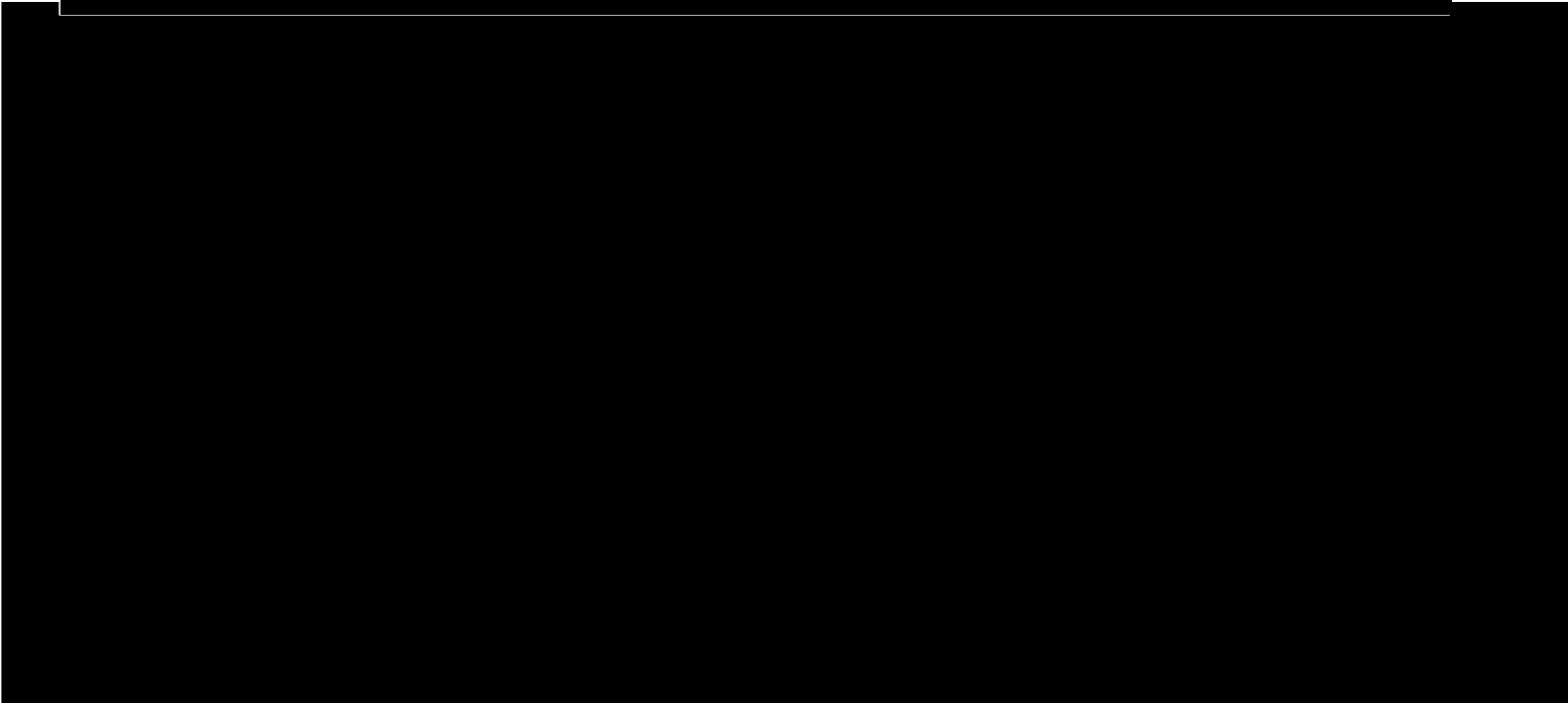
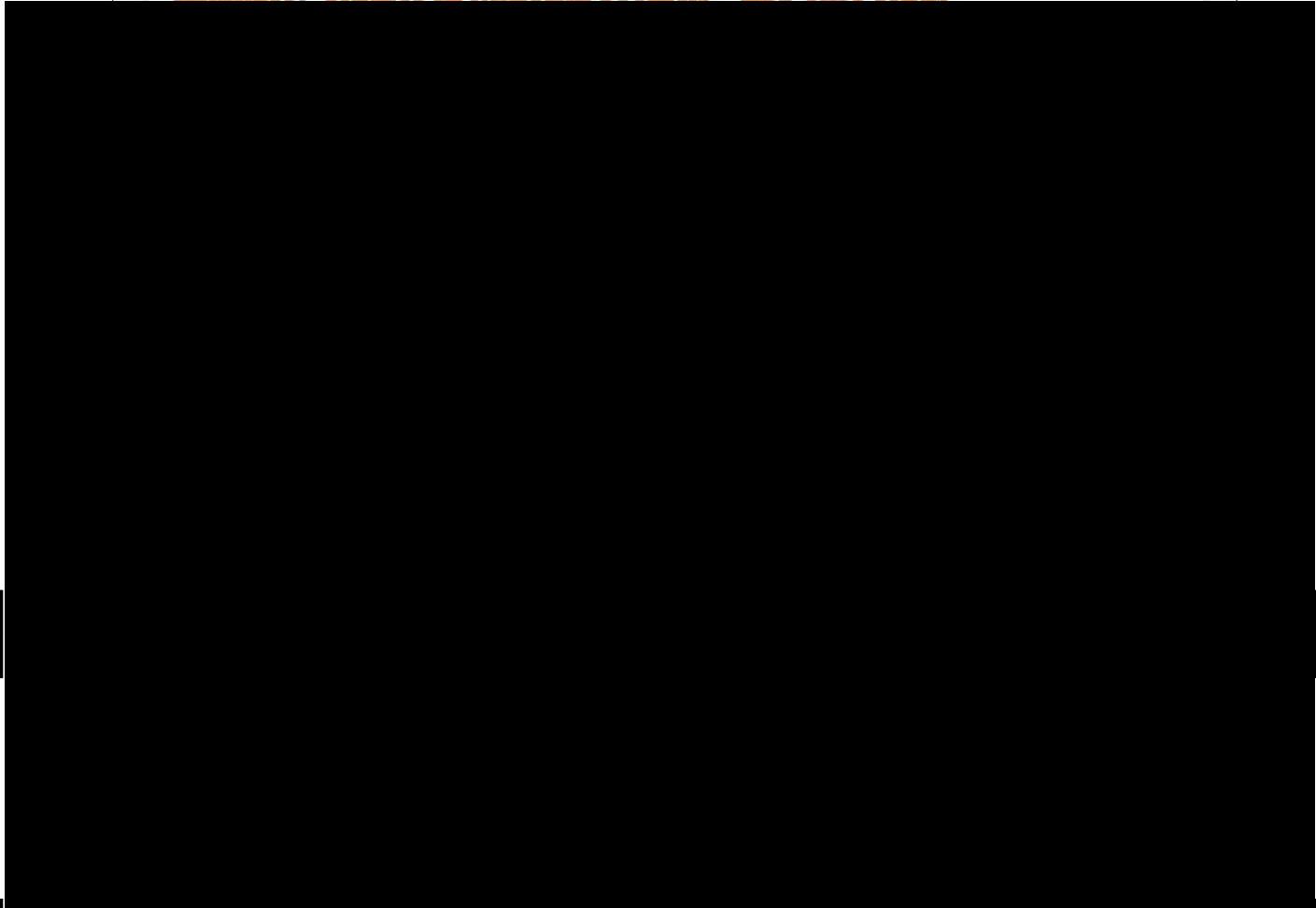
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Identifying KST NS Concerns



Example: Studies in National Security - KST Case Study



Documenting KST NS Concerns



LE

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These slides are discussion based only and are meant to show the class different requirements for KST NS Concern documentation:

There are several unique things that you're going to do for KST concerns in FDNS-DS

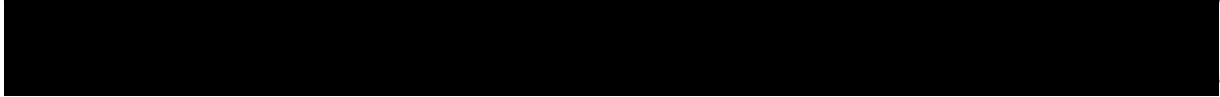
You must identify the case as a KST

If you identify it as a KST, what is your source of information? TECS!

If you have a **LE** TECS record, is it a good idea to write down that record somewhere?

You can document the TECS record number and other information from the TECS record in the Subjects sub-tab

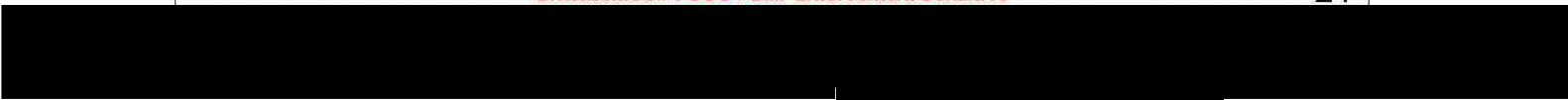
Documenting KST NS Concerns



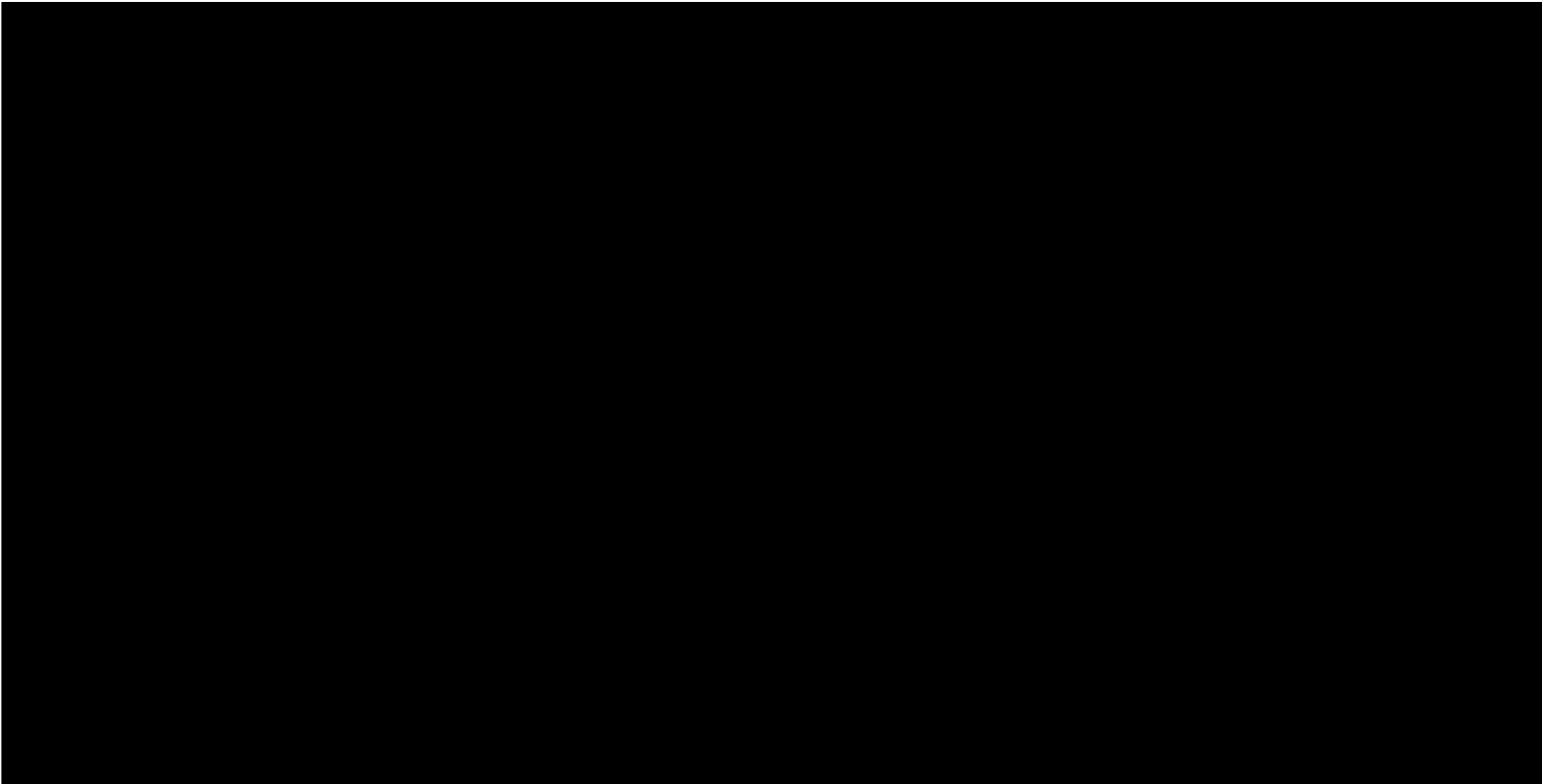
LE

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The other place you can document the KST TECS record is in the [REDACTED]
Just make sure you write your **LE** record # (or #s) down

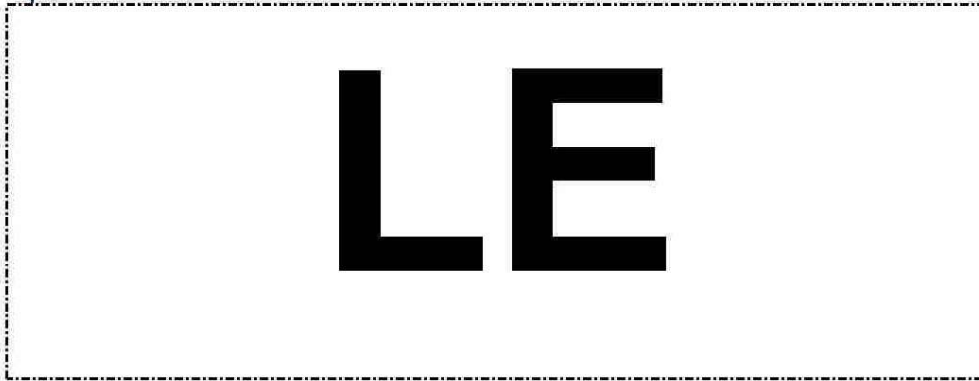


Documenting KST NS Concerns



How do you document TSC confirmation in FDNS-DS?

- TSC cannot be contacted for deconfliction...
- But the identity verification of a **LE** record is documented in the FDNS-DS



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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 [REDACTED] even though it is not technically a deconfliction.

Identifying NS Concerns



Stage 1, Initial Identification Sources of Information for Non-KSTs

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Identifying Non-KST NS Concerns



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 (not an exhaustive list):
 - Watchlist exceptions **LE**
 - **LE**
 - Saboteurs;
 - Weapons or technology proliferators;
 - Agents of foreign governments etc.

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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 FDNS-DS and have different process for ultimate resolution on the case depending on eligibility for the benefit.

Identifying Non-KST NS Concerns



Other Potential Non-KST NS Concern Examples:

- TECS record indicates an ongoing or closed JTTF investigation/interest.
- Association with KSTs (via travel, addresses, business, religious or social activities).
- Indicators of Investigative Hits involving NS Activity.



- NaBISCOP [Appendix C](#) has a listing of common terms and acronyms in TECS that may relate to national security.

Identifying Non-KST NS Concerns



How does USCIS identify Non-KST NS Concerns?

- FBI Namecheck – LHM;
- FBI Fingerprint check – RAP sheet;
- TECS / NCIC;
- Consular Consolidated Database (CCD);
- Department of State Security Advisory Opinion (SAO);
- IDENT database;
- Relationships with law enforcement;
- Self-reporting – interview, application, or supporting docs.

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SAO's are used by the refugee program

IDENT is frequently used by asylum

Testimony based and self-reported NS Concerns are common in RAIO, but aren't limited to that directorate (as we saw from the N-400 indicators exercise)

Identifying Non-KST NS Concerns



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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Just because the FBI says they closed their case, does that necessarily mean they resolved the NS concern? NO

LE

Just because they don't have a concern, could USCIS find another indicator in some other vetting? YES

Identifying Non-KST NS Concerns



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.

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These are the classes of LHMs that relate to NS

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

Identifying Non-KST NS Concerns



FBI Fingerprint Categories: Examples that relate to NS concerns

- -
 -
- # LE

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- Similar to Namecheck, these are the fingerprint categories that are likely to indicate an NS concern
 And again like namecheck, seeing a fingerprint record that says someone is a known terrorist DOES NOT make them a KST for our purposes – only the watchlist does that

LE

One place you could check for additional information on these types of indicators involving arrests and detentions is Bi2r. In any of these scenarios, we have a non-watchlisted NS concern – could USCIS recommend that the individual be watchlisted if they meet the reasonable suspicion standard? - YES!

Identifying Non-KST NS Concerns



RAP Sheet: Non KST NS Concern indicator

Example for Training Purposes Only

LE

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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

Weighing the Evidence



Example: Studies in National Security: seemingly innocuous arrests



Identifying Non-KST NS Concerns



Which watchlist exceptions does USCIS process as NON-KSTs?

- Not all **LE** are KSTs.
- TECS records beginning with **LE** which have **LE** codes or **LE**
- These records have a **LE** because they originated from the TSC.
- *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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Instructors **LE** are also considered watchlist exceptions by the interagency community – however, present USCIS policy treats them as KST. **LE**

LE

Identifying Non-KST NS Concerns



TECS: **LE** code: Former

Example for Training Purposes Only

LE

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This is a **LE** with an **LE** code of **LE**. why is this in the Non-KST category?

What's different about this **LE** compared to the ones we saw earlier?

Remember that there were two types of watchlist nominations: KST and exceptions

LE is a watchlist exception code

Per USCIS policy (which aligns with broader USG watchlisting efforts) **LE** are non-KST

Data on **LE** is exported downstream to TSDB and produces **LE** records

But the category code means that the USG has insufficient information to actually put the individual on the watchlist

So they are considered an exception

And they are a non-KST even though there is a **LE** record

Identifying Non-KST NS Concerns



TECS LE code: Former

Example for Training Purposes Only

LE

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LE is the other exception

LE is the watchlist code for LE

Reiterate: LE are to be treated as Non-KSTs

You still call the TSC to confirm

You still put them in CARRP

But they are non-KSTs because they are watchlist exceptions

They are in TSDB, which is where the LE come from, but they are not on the watchlist

Identifying Non-KST NS Concerns



LE Former TECS Platform

Example for Training Purposes Only

LE

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We saw this exact screenshot before

It's **LE** record relating to terrorism

The **LE** field clearly states **LE**

Identifying Non-KST NS Concerns



LE Former TECS Platform

Example for Training Purposes Only

LE

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This is a different **LE** record – you can see **LE** at the bottom

It's really three screens worth of NCIC data on one page, which is why it looks different

So why is this in the non-KST section?

Because it's a **LE**

The **LE** on this one doesn't say **LE** it says **LE** so you would not contact the TSC on this example.

Now here's the curveball – is gang membership NS or EPS?

It could be NS, if there is other derog about the person or the group – if there's an articulable link using the gang affiliation as the nexus between the individual and an assassination, for example

Or this record could just be an EPS case, which is non-NS

So again, make sure you are carefully examining system checks, documents in the A-file, anything associated with a CARRP case.

Identifying Non-KST NS Concerns



TECS Codes

- **LE** records come from the TSC
- Other common person record endings:

LE

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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**

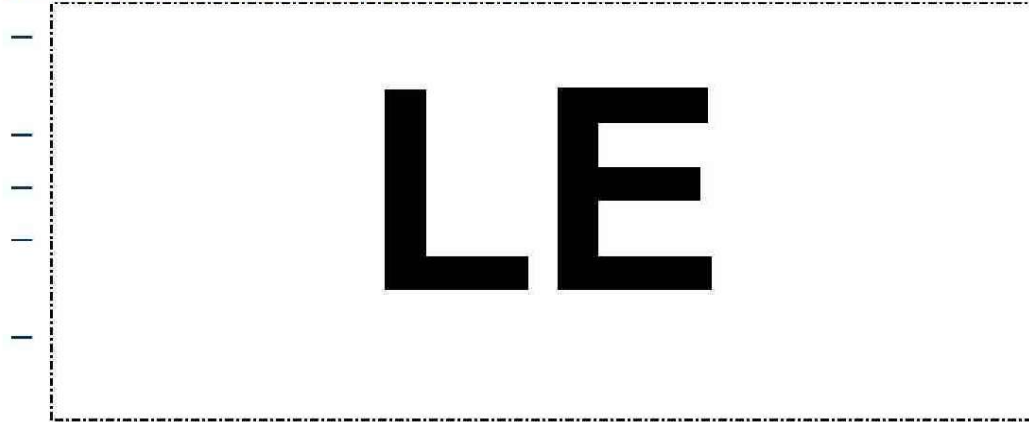
How many of these indicate a potential NS concern?

Identifying Non-KST NS Concerns



TECS Codes (continued):

- **LE** codes reflect the watchlist category code
- What else can be in that field?



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LE

Are all of these codes and all the 212a3 referrals inherently NS?

No, they are not

But what about SGN's? What about referral "cheat sheets" in the service centers?

Just because something gets referred by a cheat sheet or by an SGN still doesn't mean it's automatically NS

Those referrals are no different than adjudications referring a case

The CARRP trained officer still needs to determine – independently, using their subjective judgment, based on the definition of an NS concern and all of our models and equations and paradigms – if an NS concern is present

The only automatic CARRP case is a TECS record ending in **LE** – that is it

Do not rely on labels and record endings to tell you if something is an NS concern!

Identifying Non-KST NS Concerns



Knowledge check

LE

Examples for Training
Purposes Only

LE

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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

So how would we handle these records?

Are they NS Concerns? NO

Indicators of a concern? Could be

A watchlisted KST? NO

LE

Identifying Non-KST NS Concerns



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

LE

- ADIS = Arrival / Departure Information System (can also be accessed through TECS now)
 - 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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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?
Not everyone who travels to Pakistan is an NS concern



Case Study:
Sen. Cruz Rahami Letter

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- This is a letter to DHS from the Senate Judiciary Committee

The letter is in regards to the bombing attacks in New York and New Jersey committed by Ahmad Khan RAHAMI

Focus on the bottom of page 1 through midway on page 2

This is a similar fact pattern to what we just saw on a totally different case in ATS-P

We're still not saying that last case should have been in CARRP, and we're not necessarily saying that USCIS did anything wrong in RAHIMI's case, but these are the kind of things we need to be paying attention to.

This letter is available in the public domain – it's posted to Senator Cruz's website in its entirety

Identifying Non-KST NS Concerns



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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Identifying Non-KST NS Concerns

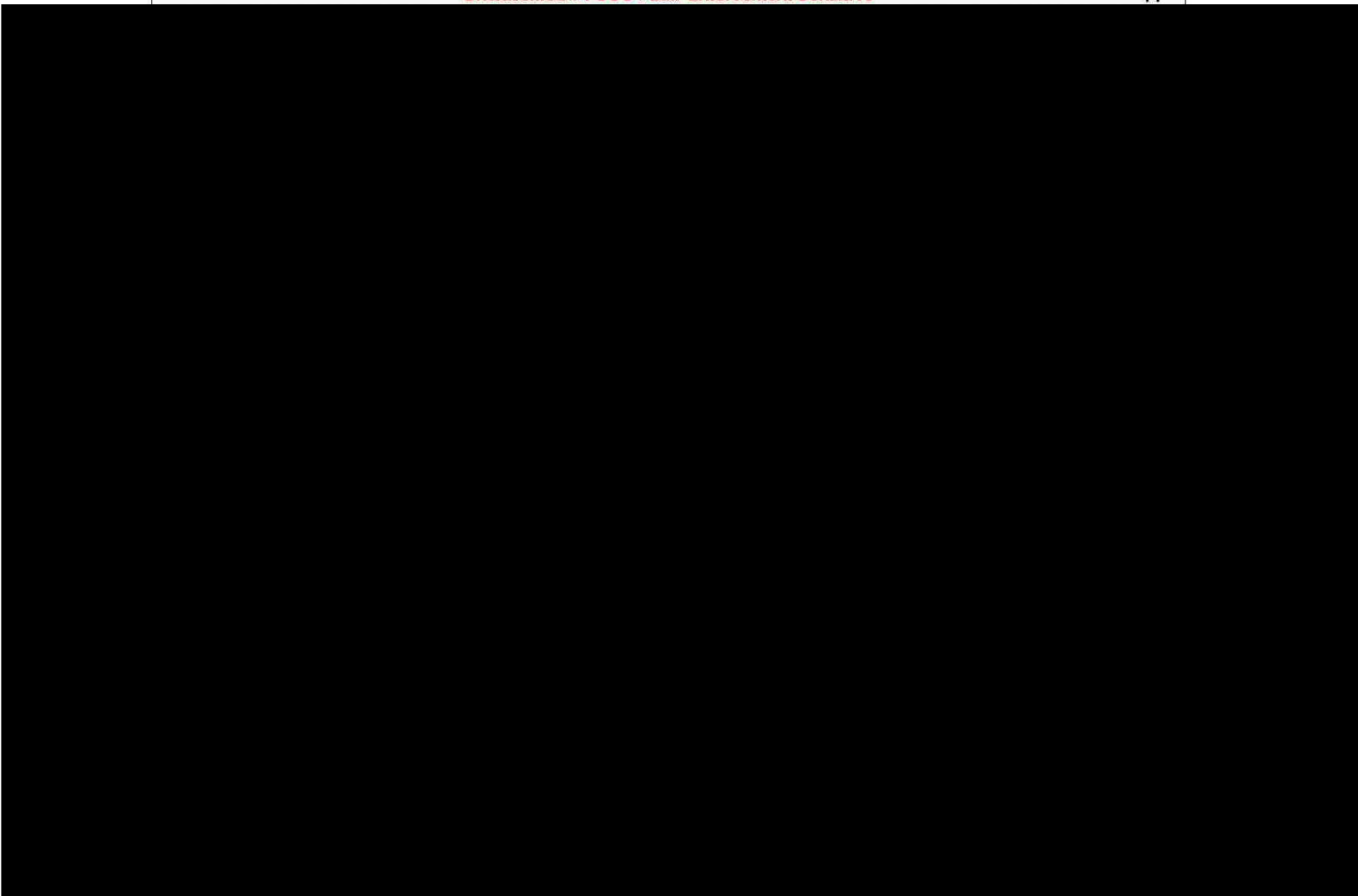


Consular Consolidated Database (CCD):

LE

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Identifying Non-KST NS Concerns



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 CPMS.
- 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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Identifying Non-KST NS Concerns



CPMS Examples

LE

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We don't 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

Customer Profile Management System

U.S. Citizenship and Immigration Services

HOME CARD QUERY CPMS QUERY IDENTITY VERIFICATION TOOL HELP LOGOUT

Customer Profile Management System

LE

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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

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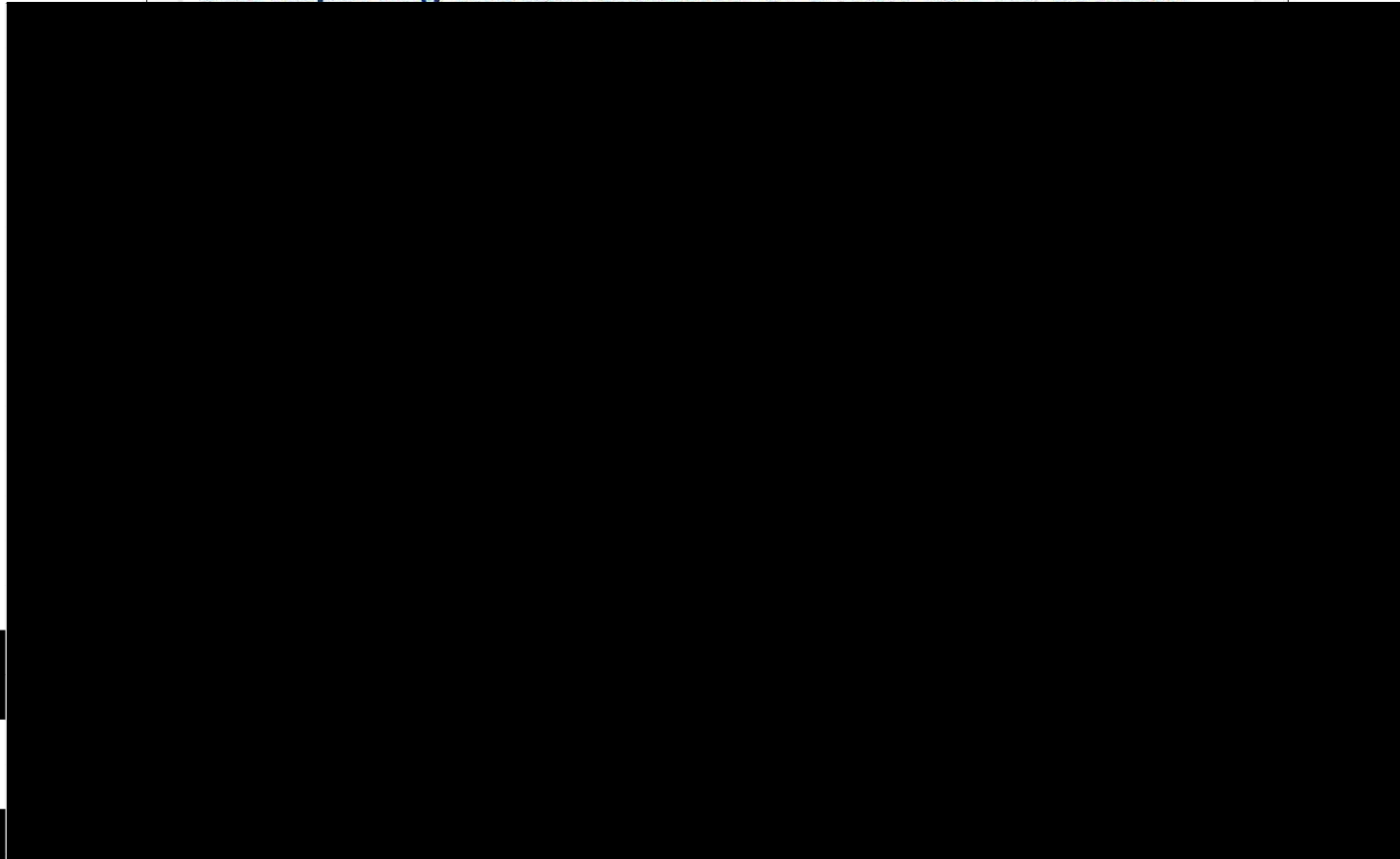
51

This is some of the language that someone actually found in CPMS for a military biometric encounter

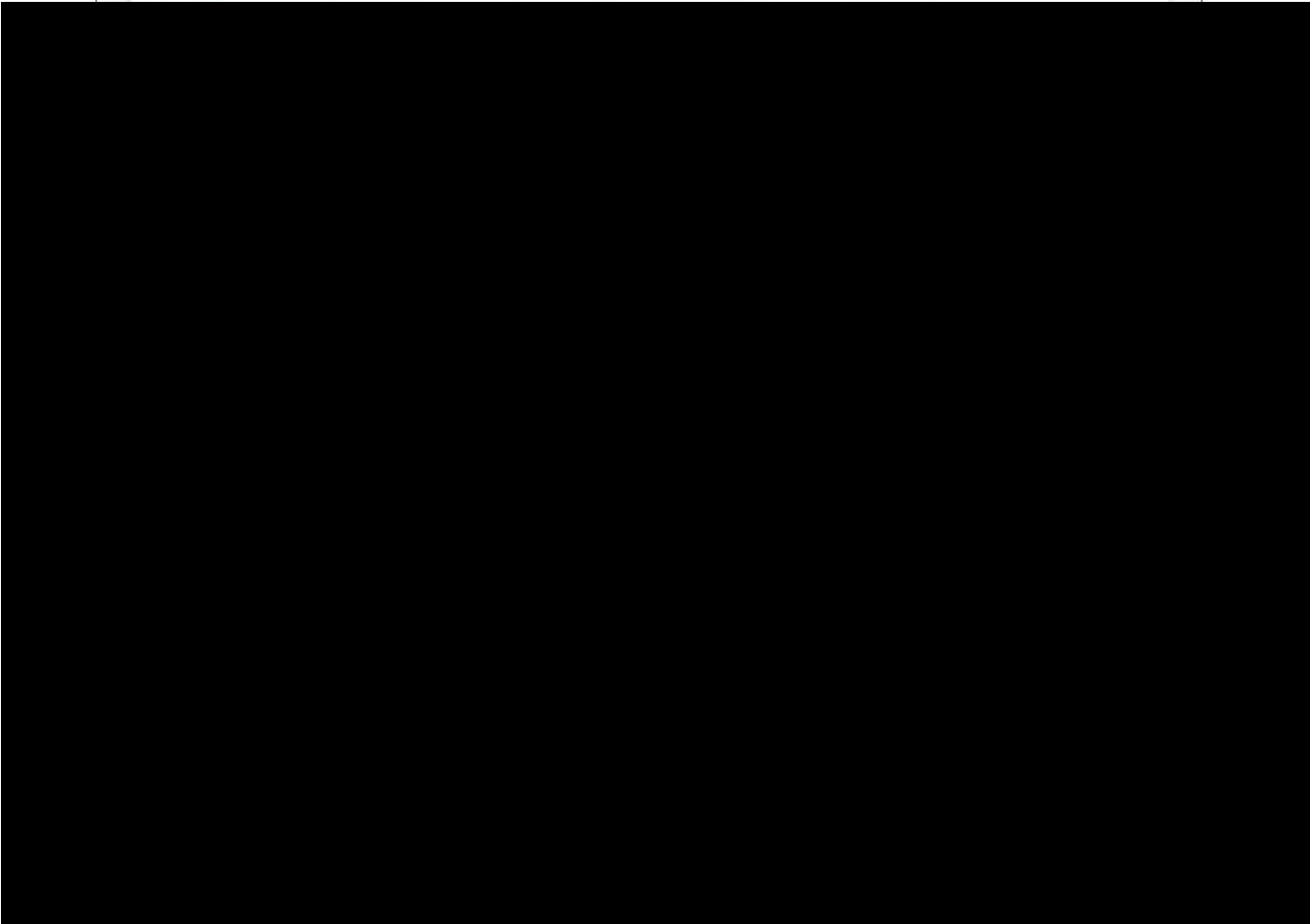
Identifying Non-KST NS Concerns



Self Reporting and Identification of a Non-KST NS Concern



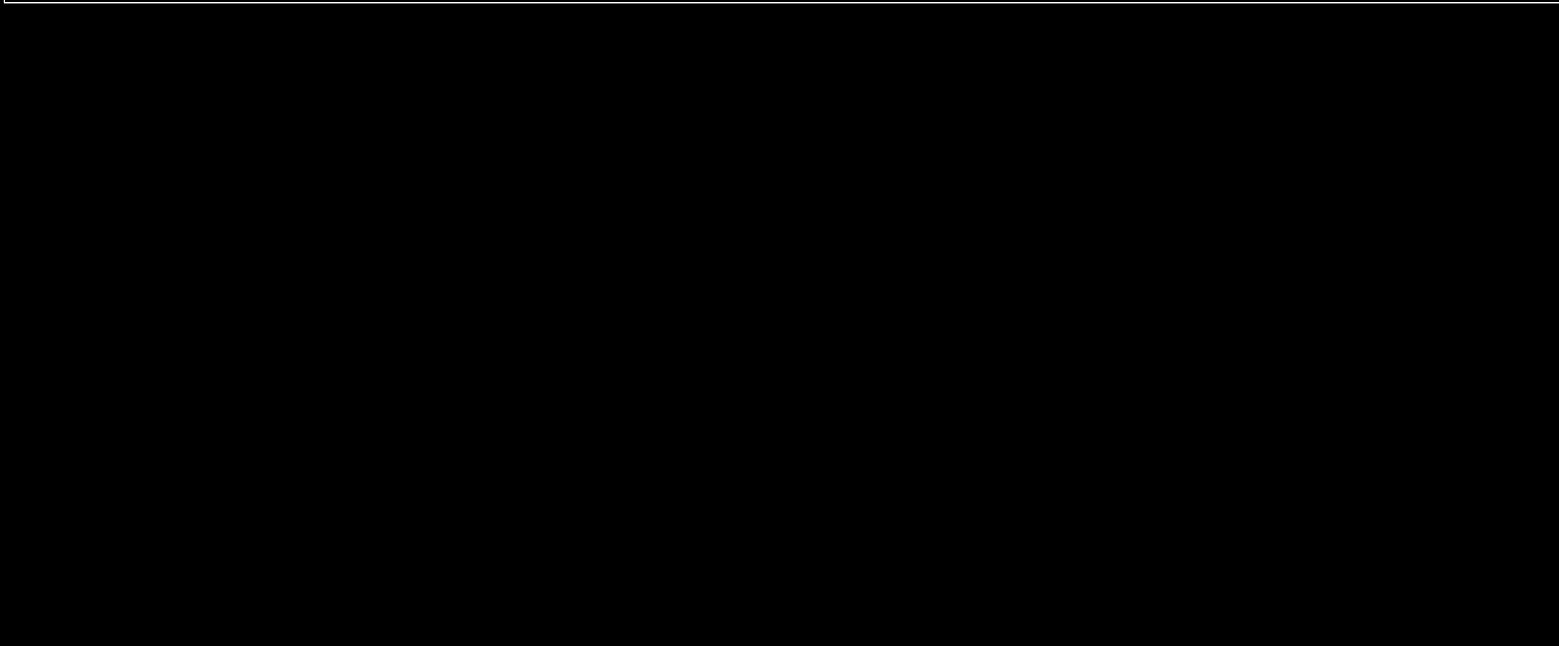
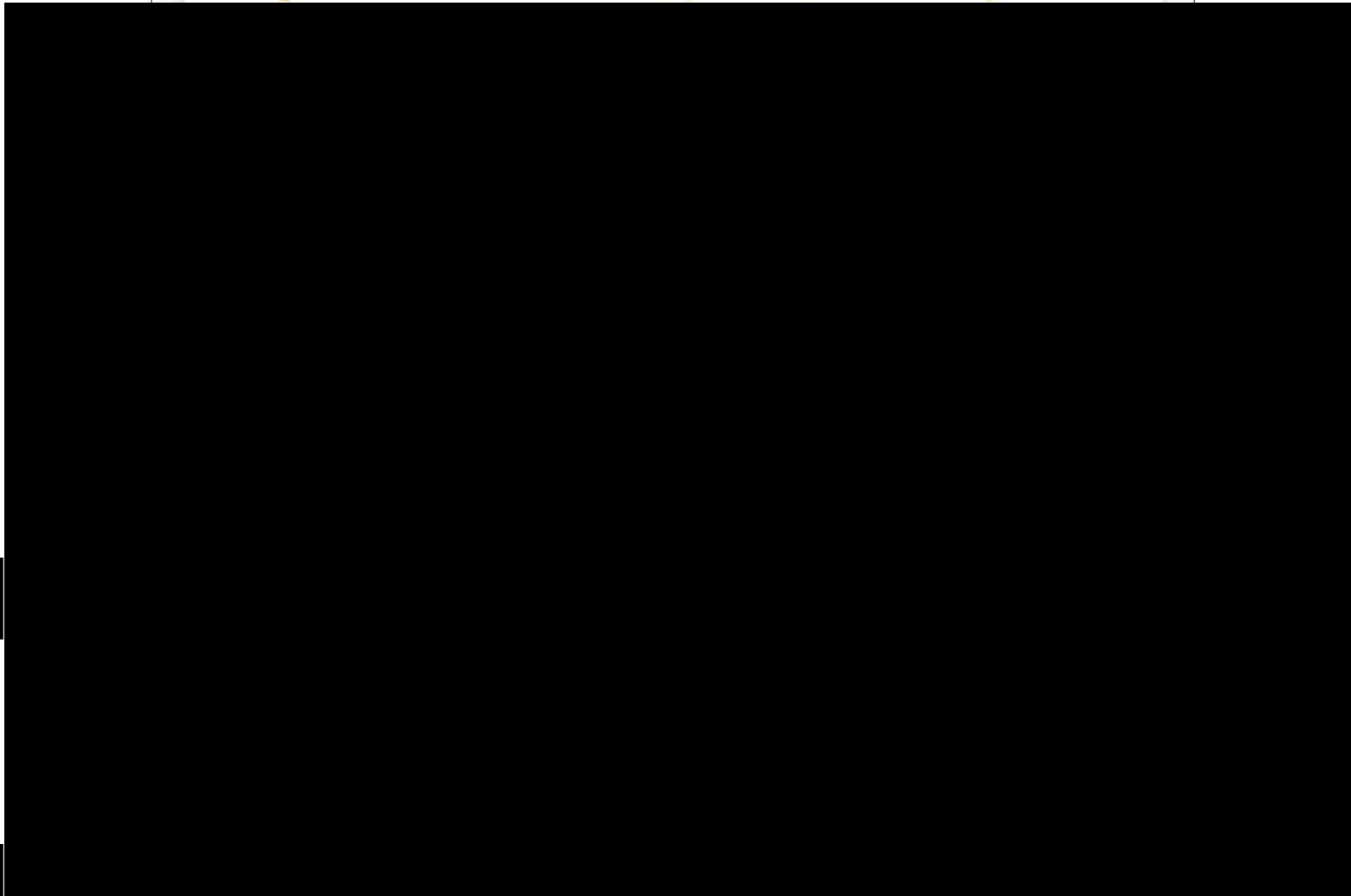
Identifying Non-KST NS Concerns



Weighing the Evidence



Example: Studies in National Security- a non-KST Case Study



Identifying Non-KST NS Concerns





Case Study: Death Certificate

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

LE

Is this a sub par translation? A little bit. Yes.

Major Point: Make sure you're carefully reviewing applicant provided evidence and running leads like this to ground to make sure there is no nexus to NS.

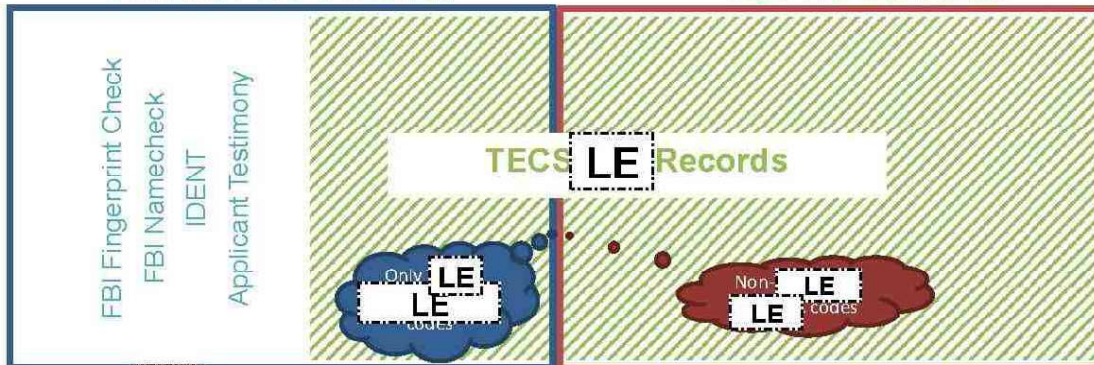
Sources of Information

Recap: KST vs Non-KST NS concerns



Non-KST NS Concerns

KST NS Concerns



TECS **LE** records can be either a non-KST... or a KST NS Concern.

The **LE** code (representing the TSDB category code) indicates whether an individual is in TSDB under a KST category code or is a **watchlist exception**. 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** records with a watchlist exception code of **LE**.

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Identifying Non-KST NS Concerns



When LHM's may be non-derogatory:

- e.g. [LE]
 - Has to go in CARRP to obtain the information...
 - But the [LE] may end up not being derogatory.

- e.g. - [LE]
 - [LE]
 - [LE]
 - [LE]

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Not every record from the sources we just covered ends up being national security related

We talked about SAO's not always being derogatory

We talked about the [LE] hit already - if it's gang related, it may not be NS. It's derogatory information but not NS information

We see derogatory information 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 information 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... are not automatically CARRP referrals

Identifying Non-KST NS Concerns



When fingerprint records may be non-derogatory:

-

LE

When FDNS-DS records may be non-derogatory:

- Syrian TPS.

-

LE

- VSC creates a record in FDNS-DS.
- HQFDNS Intelligence Division vets the hit and determines it does not relate to the applicant.

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On the Syrian TPS, cases that aren't cleared are reported back to VSC via HQ-FDNS
VSC enters them in FDNS-DS

LE

The DS record is then closed out as Non-NS

Identifying Non-KST NS Concerns



Non-KST NS Concern Recap:

- Non-KSTs can come from anywhere, not just records / hits 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 and / or what's in the immigration record is just as important as law enforcement records
- Non-KSTs can be 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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Identifying NS Concerns



CARRP Stage 1: Evaluating NS Concerns Differentiating Indicators and Articulable Links

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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

Identifying NS Concerns



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 BCUs 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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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 than when the activities happened or whom they were directed against

Identifying NS Concerns



Roles

- RAIG → NS concerns may be identified during pre-screening in systems, but are more frequently derived from the interview
 - Reinforces that NS concerns can be identified at any point while working a benefit request
 - AOs and ROs 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 classified system 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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Interviewing:

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 Concerns



$$\text{Individual / Organization} + \text{Connection to} + \text{NS ground from INA} =$$

Form: I-485
 I-589
 I-924
 N-400

Based on:
 - Membership
 - Money
 - Employment

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

National Security Concern Handled under CARRP

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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

Identifying NS Concerns: Individuals



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

BENEFIT TYPE	CARRP Stage I?
I-90	YES
Ancillary Benefits (e.g. concurrently filed I-765 or I-131)	YES
Non-status granting applications / petitions (e.g. 3 rd preference I-140)	YES
Petitions filed with a primary application (e.g. I-130 / I-485)	YES

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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 that 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 concern 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 conducting deconfliction

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

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 because 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.

National Security Grounds



Area of National Security Concern Include:	Section of the INA
Espionage	§212(a)(3)(A), and §237(a)(4)(A)
Sabotage	
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)	§212(a)(3)(B), (a)(3)(F), and §237(a)(4)(B)
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.	

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We talked about this chart before and emphasized that some 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 the applicant is planning to commit espionage but haven't done it yet, it's still an NS ground

If the applicant has committed sabotage, it's an NS ground

If the applicant is trying to overthrow the government of the US, it's an NS ground

212(a)(3)(B) is a little different

Using chemical weapons is contemporaneous

Using other weapons is a present-tense statement

If someone used biological, chemical or nuclear weapons 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: if the applicant was part of a group many years ago that the USG supported, and the applicant was 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 the applicant's group wasn't also engaging in activities that the USG didn't support at the time?

Could the applicant's group have gone on to do other things that USG didn't support later on?

Could the applicant have met some other people and groups (associates!) that the USG didn't like quite so much?



Handout:
DOS Mantis Tech Alert List

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Evaluating NS Concerns



Additional considerations about NS Grounds:

- The grounds are part of *identifying* a concern - but even though they are from the INA, they are generally not what we're going to cite as a basis for ineligibility in 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 denied on other grounds unrelated to the NS concern, such as an ineligibility provision)

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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

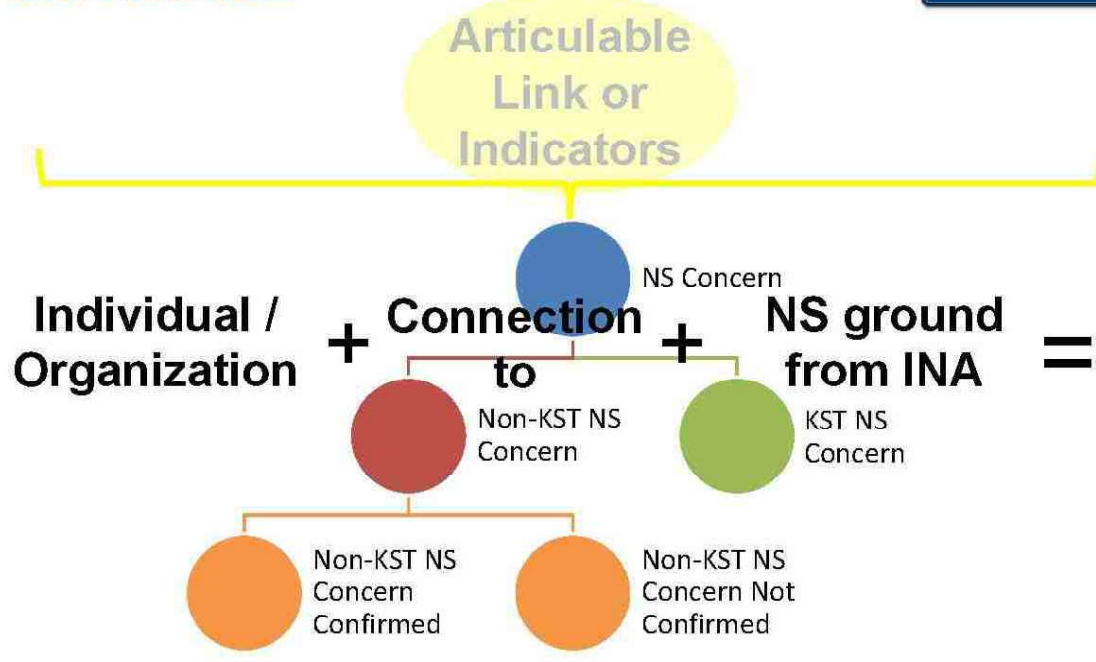
Estimated Time: 30mins.

This exercise continues training students to consider the facts present and ensure that there is an area of NS concern.

Use the instructor guide to cover the second half of the news articles (more complex fact patterns for this half).

***Remember – not everything we see on the internet has trustworthy sourcing; there is a lot of mis-information out there so be careful when using open sources. Later in module 5, we will discuss some potential pitfalls with open source vetting.

Identifying NS Concerns: The Connection



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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 the equation? If you have all three elements, you have an NS concern

This is how the two models 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 we've left the middle part deliberately vague

The connection to the NS ground is really either an articulable link or indicators (and / or both)

And that's what we're going to talk about a some length in the next two sections

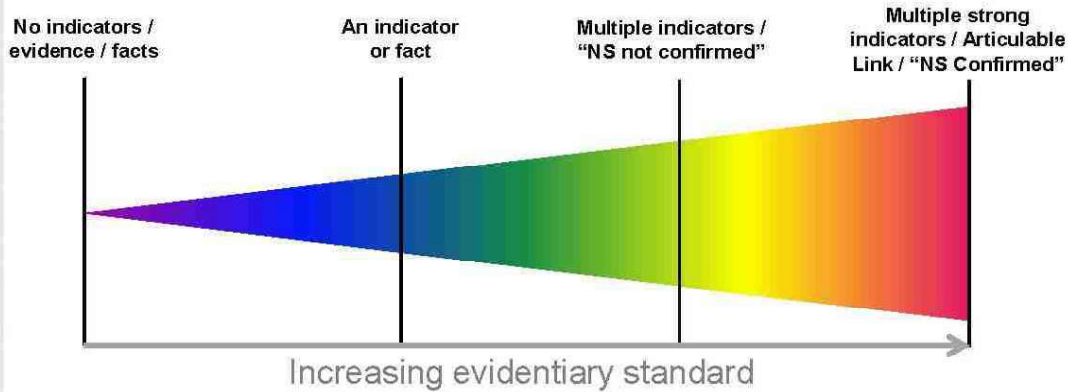
And please note the placement of the equation – it's BEFORE you determine KST vs. non-KST and BEFORE you determine Confirmed or Not Confirmed

The Connection



Indicators vs. Articulate 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



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Indicators and Articulate 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 articulable link, 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 already given to us by law enforcement... the person has been accepted for placement on the terrorist watchlist.

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

A Practical Example



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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- We're all familiar with criminal TV shows which describe evidence and evidentiary standards from criminal cases

Everyone has probably seen Law and Order or NCIS or one of these criminal procedurals TV shows

So let's consider for a moment indicators and articulable 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 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



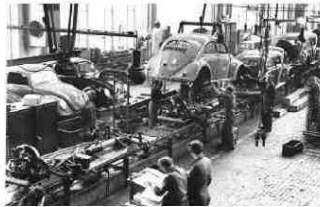
Another way of thinking about indicators:

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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Indicators



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



[Redacted]

Handout:
National Science Foundation Federally
Funded Research and Development
Centers 2015

[Redacted]

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[Redacted]



Application Exercise 4.2 “Indicators”

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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

Students should review the N-400 pdf document (they were sent a link to this N-400 on the first day of class). Students should take note of / write down any item they consider to be an NS indicator for class discussion after the review period.

Instructor: refer to the instructors guide for talking points and items to highlight for the class as indicators (in case they miss them). Ask the class if they would refer the case based on N-400 review alone and no other hits evident.

Articulate 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.

- 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

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 indicators

Articulate Link (Continued)



- A connection may be:
 - Conducting 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 an NS concern.
- 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. What follows are examples of how subjects can be linked.

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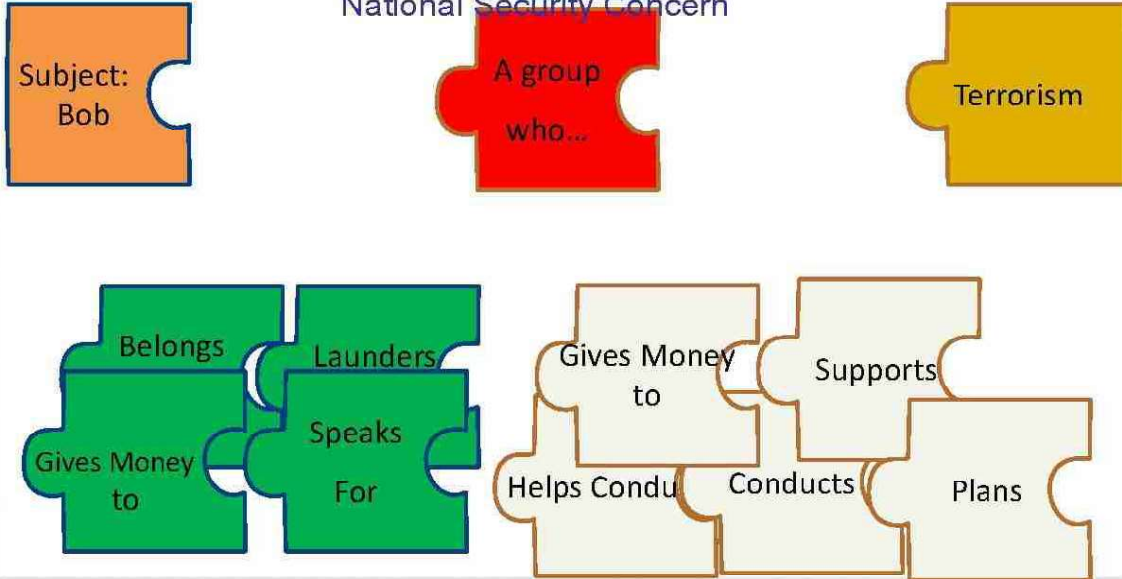
This looks very similar to the indicators slide, right?

That's because your evidence for both, the facts that support your determination, are the same kinds of things
Articulate link takes more than a “gut feeling” – and more than indicators!

Putting the Pieces Together



You have now articulated a link between Bob and a National Security Concern



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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

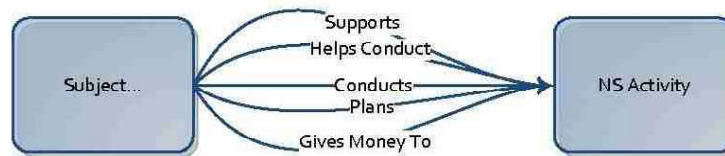
The rest of the puzzle pieces can be used to assemble a link between Bob and terrorism

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

Strong Direct Link



U.S. Citizenship
and Immigration
Services



- The strongest link is apparent 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.

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

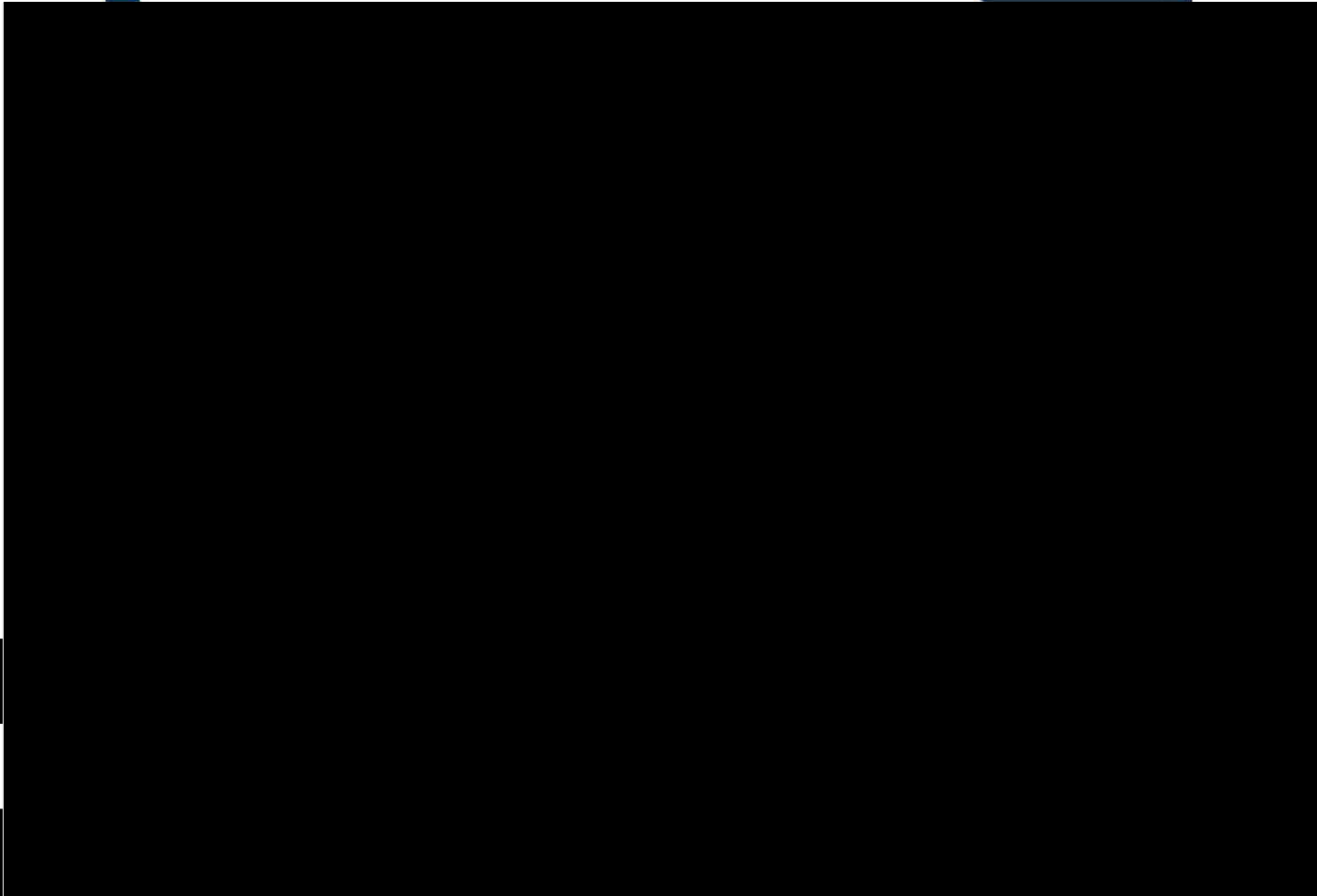
But the goal of the structured framework is to get everyone thinking in the same way

You will see straightforward fact-pattern cases and more complicated ones, but the method of thinking of them is the same

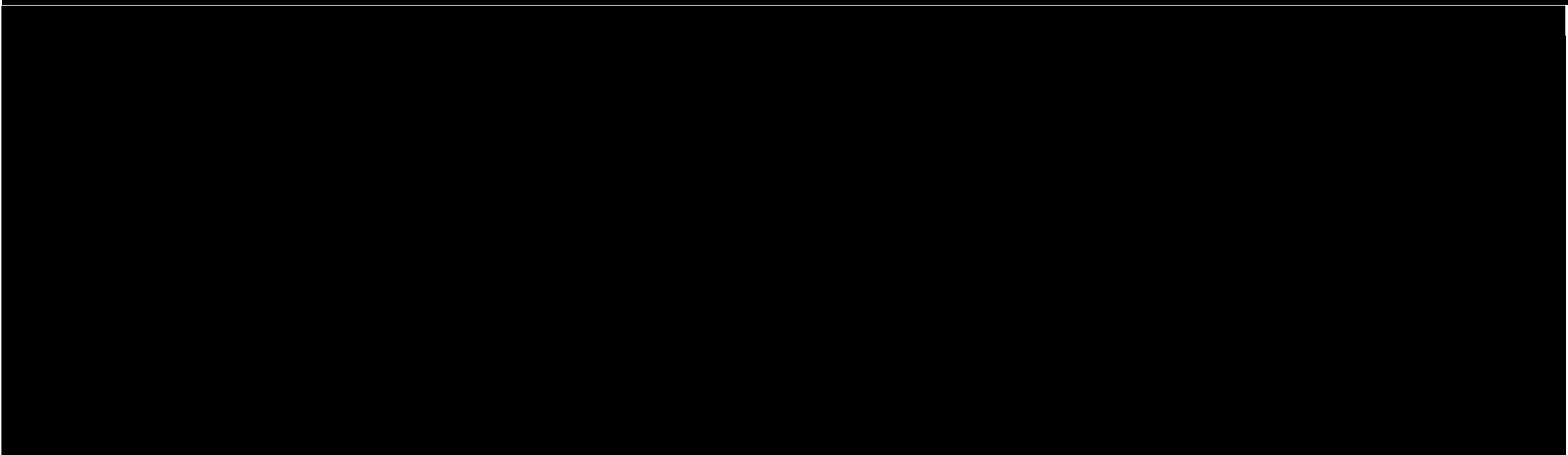
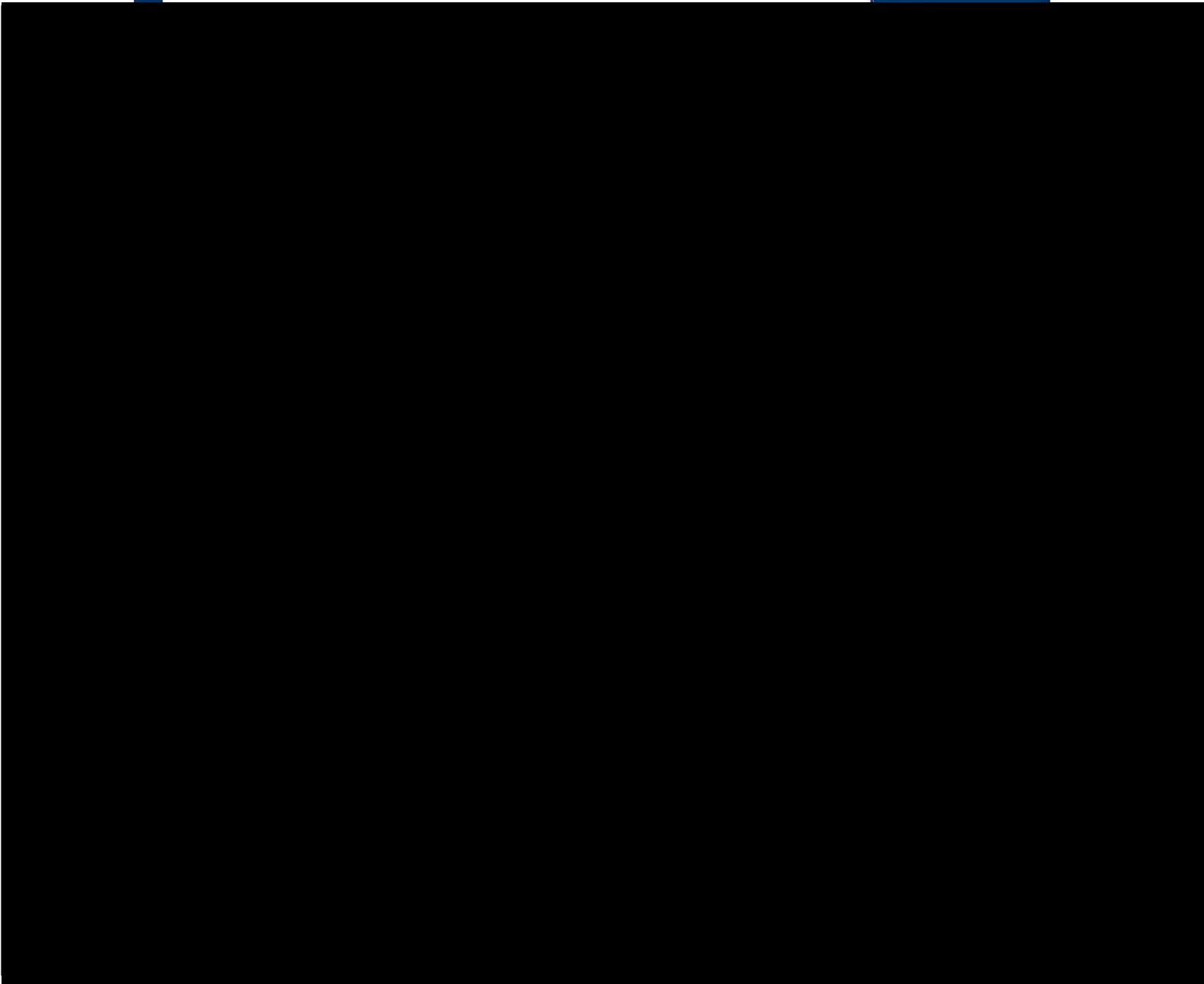
Indirect Link



Indirect Link – Multiple Links



Links Requiring Further Work



No Articulated Link





Handout:
Structured Framework for Articulating
Links to National Security

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Studies in National Security:
Articulate Link Writing 101

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Application Exercise 4.3 “Articulate Link Writing”

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One colored folder per group of 2 people (so there will be some duplicate folders distributed). The students should review the facts in the folder and make an assessment if the applicant belongs in CARRP and as what type of concern (KST or NON-KST?). Students should also be able to clearly state what the NS concern sub-status would be: confirmed (articulate link) or Not Confirmed (based on indicators). If articulate link, have each group state their articulate link (i.e. person, connection and NS ground).



Handout:
DOS Country Reports on Terrorism

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In the exercise we just completed, what would you do if you weren't certain if one of the groups someone was connected to (like Sendero Luminoso) was a terrorist organization?

Where could you look? DOS Country Reports on Terrorism and TRIG ECN.

Evaluating NS Concerns



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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In this module, we've shown you facts that came from forms, facts that came from testimony, facts that came from TECS records and FBI LHMs and even facts that came from newspaper articles

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 NS Concerns



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, 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, USCIS can still handle a case under CARRP.
 - If you identify an area of national security concern, and suspect that the applicant may be involved with it, USCIS may still be able to articulate a link.

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Similar to law enforcement determinations: country determinations

It doesn't matter if the country accusing you is credible – if a foreign government designates you a terrorist, than that's an articulable link

It may be disproven in the course of vetting

We may grant a waiver for the activity because it was on our behalf

But it's still an articulable link

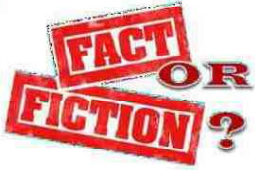
Wrap-up: Evaluating NS Concerns



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.

Stage 1 Recap



Identifying NS concerns



All **LE** search hits

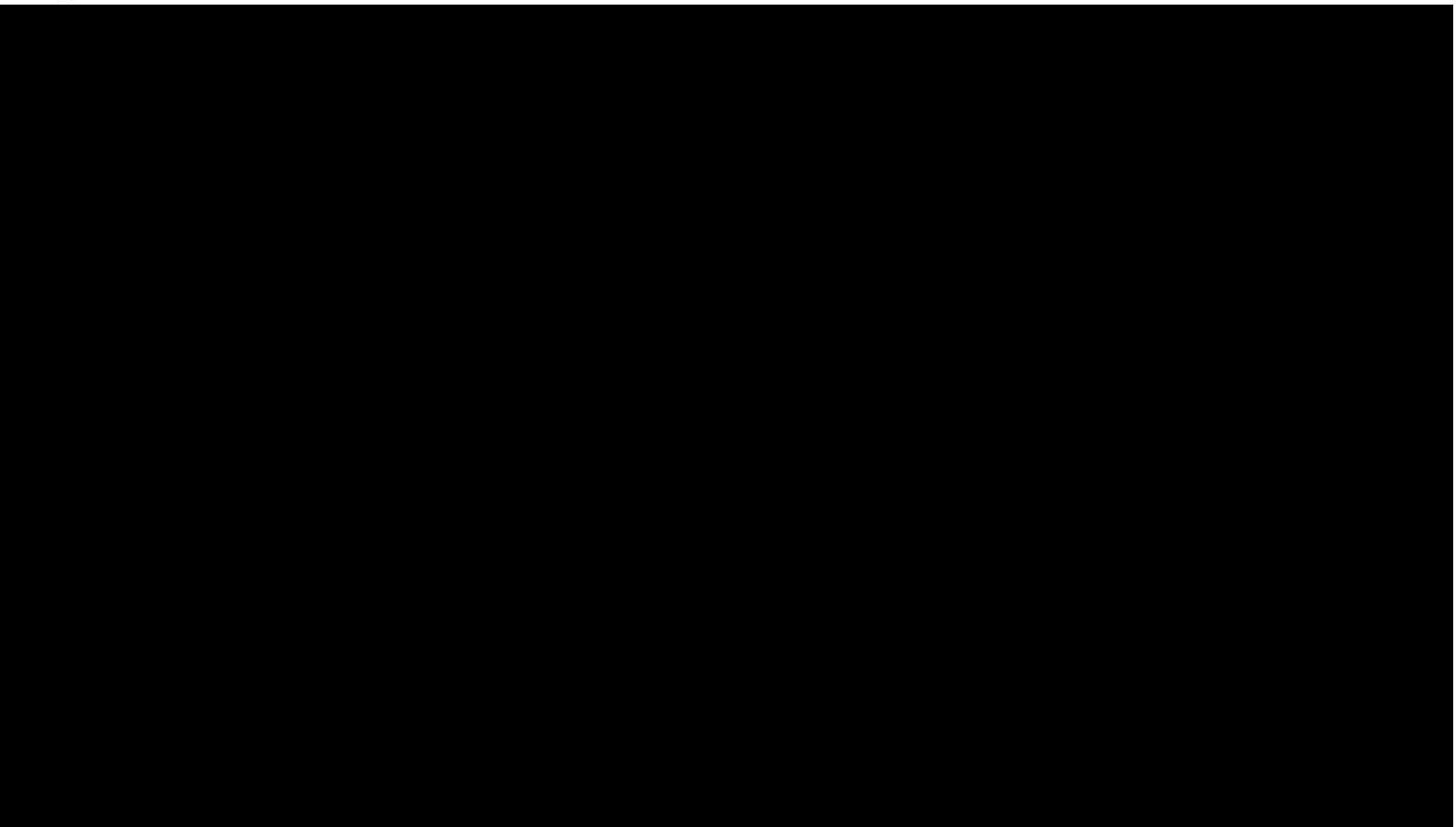
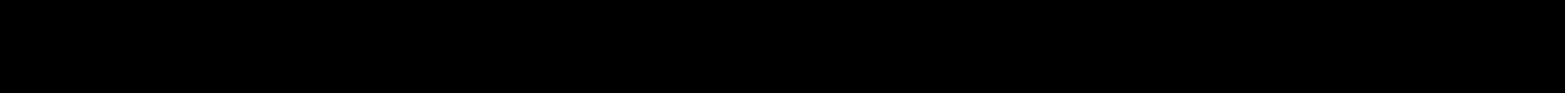
Positive FBI Name checks are always an NS Concern

Individuals can be removed from the terrorist watchlist

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

All **LE** records relate to terrorism

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Stage 1 Recap



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 1 Recap



Roles

- All RAIO FDNS and SVPI officers and field and service center ISOs are on the front lines!
- Identifying concerns → EVERYONE
- Confirming with TSG → 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 IOs, CARRP ISOs, SVPI ROs
- Who in your office reviews CARRP referrals and assigns CARRP cases?

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Stage 1: Identifying NS Concerns



- ✓ 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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Identifying NS Concerns



Stage 1, Documenting an NS Concern Sub-status, process phases and Articulate Links in FDNS-DS

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The next few slides are discussion based only and are designed to show the class where to document articulable link and how to update the sub-status.

Documenting in FDNS-DS

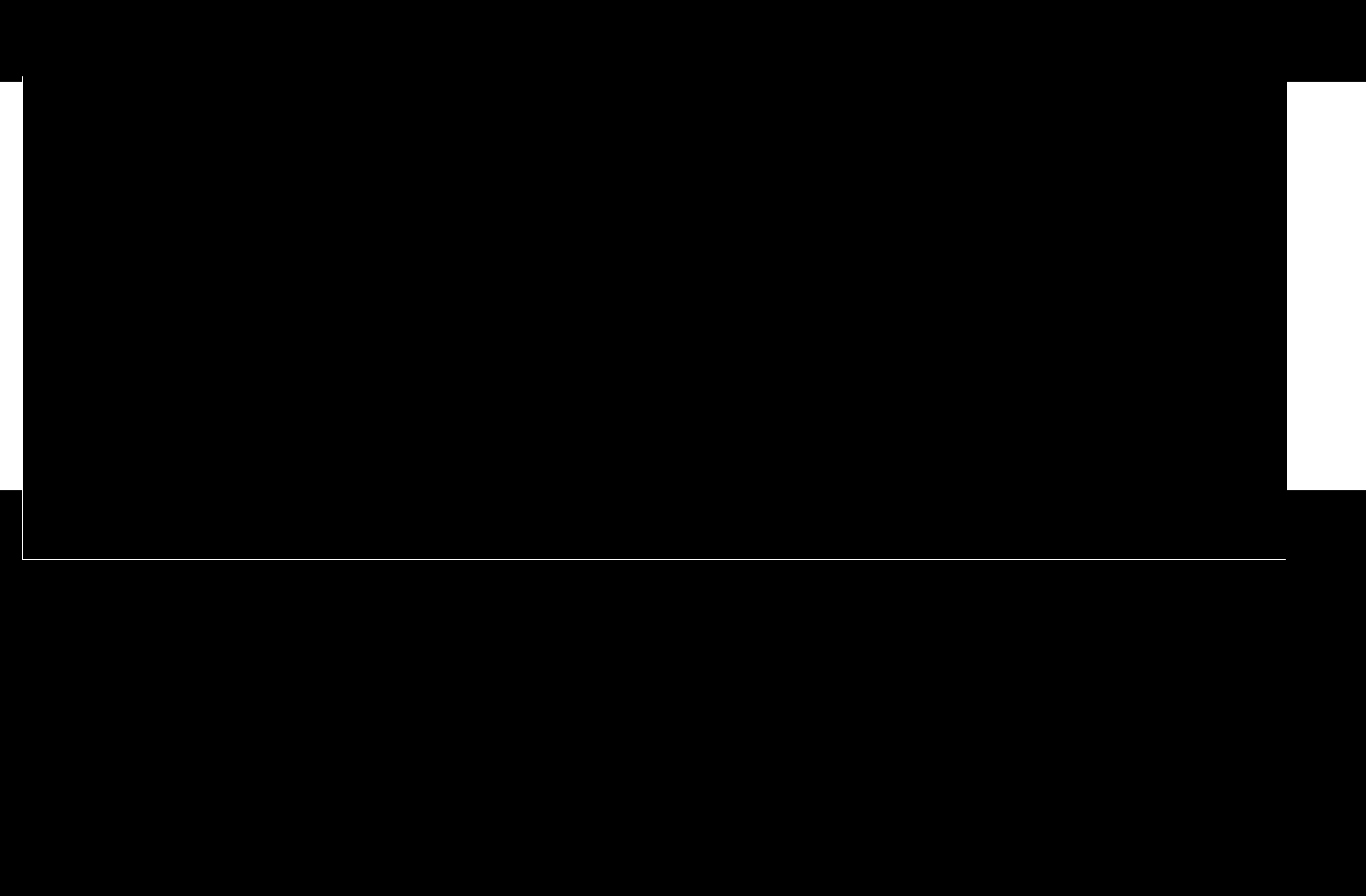


Changing Process Phase

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Documenting in FDNS-DS



Concern Type: non-KST

LE

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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!

Documenting in FDNS-DS



Concern Type: non-KST

LE

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So here's how you write it down

And we have a question in our quote bubble on the bottom...

Did our supervisor here mess up? Should that Recommended Action say "Approve" or "Hold?"

It should say hold, because we're recommending what to do with the form

That "Approve" doesn't apply to the previous recommendation – you're not saying "I approve the articulable link"

What you're saying in that field if you select "Approve" is "I recommend that we approve the form"

Classified Information



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:

"Discussed case with Officer -----. An articulable link is present. The articulable link is based upon classified information in an LHM."

- 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. In fact, the classified information may not even be derogatory in nature.

If the FBI interviewed an applicant about conditions in their home country for intelligence collection purposes...that could be Non-NS or NS Not Confirmed

If there is no POC listed in the LHM or you contacted the POC but have not received a response... that could be NS Not Confirmed

Documenting in FDNS-DS



REMEMBER...

**Recommendations get lonely,
so they always come in pairs**

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Studies in National Security:
FDNS-DS Data Integrity, Part I

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Practical Exercise: CARRP Stage 1

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Have students login to the FDNS-DS Training Environment to update their records. Show class how to update the sub-status by making a recommendation that states the articulable link clearly in the comments field of the recommendations sub-sub-tab (for NON-KSTs only). KSTs should have already selected NS Confirmed as a sub-status on day one. NON-KSTs will make the recommendation and write the articulable link then the instructor should show them how to add their neighbor / colleague as a team member to their record. Once the neighboring pairs of students have added each other as team members then the KST students can go into their neighbors' record and concur with the articulable link statement in the recommendations sub-sub-tab (by making their own recommendation). Be sure to have the NON-KST students update their sub-status to NS confirmed once the KST student has concurred with their recommendation.

Then show the class how to make a recommendation (need one from an officer and one from a supervisor – so two recommendations) to change the process phase to Eligibility Assessment since that's the section we will be covering next. Have the whole class change the process phase to EA. Be sure to have the class update the synopsis field with these actions – changing sub-status to NS confirmed and changing the process phase to EA.

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