



**Exhibit 14**  
**-- Filed Under Seal --**



# Controlled Application Review and Resolution Program (CARRP) Training Program



## Module 5: Adjudicating National Security Concerns

**National Security and Public Safety  
Division**

Updated September 2020

[Instructor: If you have not previously been introduced, please tell students who are you and why are you qualified to teach this course.]

[Go to the next slide.]

## Handling Official Use Only (FOUO) Material



U.S. Citizenship  
and Immigration  
Services

Sensitive But Unclassified (SBU) materials and information are to be controlled, handled, transmitted, distributed, and disposed of in accordance with U.S. DHS policy, and is not to be released to the public or other personnel who do not have a valid "need-to-know" reason without prior approval from the originator. SBU material may be designated "For Official Use Only" (FOUO). It is important to note that the FOUO designation is NOT a security classification, but DHS requires that FOUO material be safeguarded against unauthorized access.

- FOUO material should not be left unattended on desks.
- FOUO material should be placed out of sight when not in use, unless it is in a room that has physical access control measures, as required by DHS MD 11042.1, section 1. 1. (Jan. 6, 2005).
- Unauthorized personnel should not be allowed in the area when FOUO material is being reviewed.

\*Reminder: **This course material is FOUO**

*Unclassified // FOUO / Law Enforcement Sensitive*

2

Say:

We have seen this slide throughout the modules thus far. But again, the CARRP process and all materials related to CARRP are For Official Use Only (FOUO) and should be handled accordingly.

[Go to the next slide.]

## Terminal Objective (TO)



U.S. Citizenship  
and Immigration  
Services

By the end of this module, participants will understand the adjudication process for cases with national security concerns.

*Unclassified // FOUO / Law Enforcement Sensitive*

3

Say:

Our main objective for this module is by the end you will understand the adjudication process for cases with national security concerns.

[Go to the next slide.]

## Enabling Objectives (EO)



U.S. Citizenship  
and Immigration  
Services

- EO #1: Participants will understand the ways in which the CARRP process can end and will be able to answer the question “When does vetting stop?”
- EO #2: Participants will understand how NS Concerns are resolved, adjudicated as Non-NS, and properly documented.
- EO #3: Participants will understand how unresolved NS Concerns are referred to Senior Officials for approval or elevated to an HQ entity.

*Unclassified // FOUO / Law Enforcement Sensitive*

4

Say:

And here are our enabling performance objectives for this module:

EO #1: Participants will understand the ways in which the CARRP process can end and will be able to answer the question “When does vetting stop?”

EO #2: Participants will understand how NS Concerns are resolved, adjudicated as Non-NS, and properly documented.

EO #3: Participants will understand how unresolved NS Concerns are referred to Senior Officials for approval or elevated to an HQ entity.

[Go to the next slide.]

## Enabling Objectives (EO)



U.S. Citizenship  
and Immigration  
Services

- EO #4: Participants will understand the roles that various individuals (FDNS, ISOs, and Senior Officials) have in the adjudication process.
- EO #5: Participants will understand how to properly document adjudicative decisions in FDNS-DS.

*Unclassified // FOUO / Law Enforcement Sensitive*

5


Say:

EO #4: Participants will understand the roles that various individuals (FDNS, ISOs, and Senior Officials) have in the adjudication process.

EO #5: Participants will understand how to properly document adjudicative decision in the FDNS-DS case management system.

[Go to the next slide.]

**EO #1**



Participants will understand the ways in which the CARRP process can end and will be able to answer the question “When does vetting stop?”

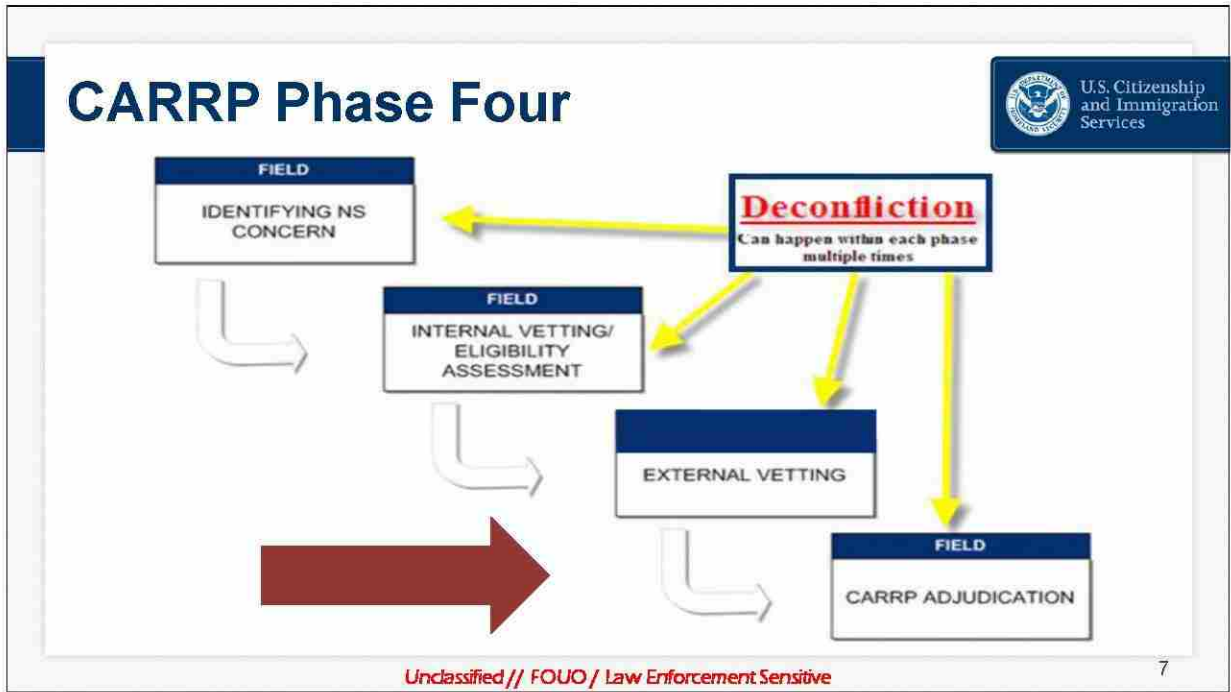
*Unclassified // FOUO / Law Enforcement Sensitive*

6

Say:

Let's start with our first objective where we will be answering the question “When does vetting stop?” and discussing the various ways CARRP ends.

[Go to the next slide.]



Say:

We have now arrived at the fourth and final phase, CARRP Adjudication.

[Go to the next slide.]



# CARRP Adjudication



U.S. Citizenship  
and Immigration  
Services

## Step By Step:

1. Case preparation/Continued OCC engagement
2. Review Eligibility Assessment in light of new facts obtained through vetting
3. Arrange and prepare for interview (if not already completed)
4. Double check the validity of background checks (Namecheck, Fingerprint, TECS, etc.)
5. Ensure that case can be worked in the adjudication system (C4, ICMS, etc.)
6. Verify final deconfliction activities are complete
7. Ensure proper concurrences/signatures are in place and adjudicate
8. Update and close out the FDNS-DS record

*Unclassified // FOUO / Law Enforcement Sensitive*


8

Say:

So what are the steps involved in the adjudication process? First, you will want to prepare the case for adjudication and make sure that you are continually engaging OCC. Next, you will want to review the eligibility assessment for any new information discovered during the vetting process. Perhaps at this point you are going to arrange and conduct an interview, if you haven't already. Of course, when adjudicating, you are going to make sure that security and background checks are completed and that the case is ready to adjudicate on the applicable platform. Next, you are going to double check that all deconfliction activities are complete. Then, you will make sure the proper concurrences and signatures are in place, and finally update and close the FDNS-DS record.

[Go to the next slide.]

# How CARRP Ends



A Two-Part Process of Inquiry:

1. Is the NS concern Resolved or Unresolved?
2. Is the case eligible to be Approved/Granted or Denied/Referred?

		Adjudicative Decision	
		Eligible for benefit	Ineligible for benefit
National Security Issue	NS Concern Resolved	Approval of benefit	Denial of
	NS Concern Unresolved	Requires senior or SLRB concurrence	Denial of

Unclassified // FOUO / Law Enforcement Sensitive

9

Say:

The first question we ask at the adjudication phase is "Did we resolve the NS concern?" In the course of vetting, did we learn new information that overcame our NS concern? Whoever is doing the vetting makes this determination. In a lot of places this would most likely be FDNS, but it doesn't have to be. It can be any CARRP designated officer. But your vetting personnel, your FDNS-IOs or BCU-ISOs, are focused on the NS concern. As an adjudicator, an officer may have helped identify the concern initially, completed an initial eligibility assessment that outlined directions for vetting to proceed, and then the officer gets the case back at the end. Questions to ask yourself as the Adjudicator: "Did your vetting officer pursue everything you think they needed to?" What conclusion did they come to?

Let's dig a little deeper to figure out how we can end up at CARRP adjudication with a resolved concern. What does that mean, and what are we going to do? What do we do when the individual is eligible, but we don't think we can resolve the NS concern?

There are four outcomes here. When there is a clear ineligibility, we proceed with a denial regardless of the NS concern being resolved or unresolved. When the NS Concern is resolved, the individual isn't a concern anymore, and if eligible we proceed with the approval. But how about that last rectangle, where the individual is eligible for the benefit but we cannot resolve the NS concern? There are two potential outcomes to our determination. Either a senior leader, at the Field Level if it's a Non-KST, or the D2 level if it's a KST, signs off on approving the benefit; or more vetting is done to look for potential ineligibility before it is elevated for approval.

Do you have any questions so far? If so, please enter them in the chat box.

[Go to the next slide.]

## EO #2



U.S. Citizenship  
and Immigration  
Services

Participants will understand how NS Concerns are resolved, adjudicated as Non-NS, and properly documented.

*Unclassified // FOUO / Law Enforcement Sensitive*


10

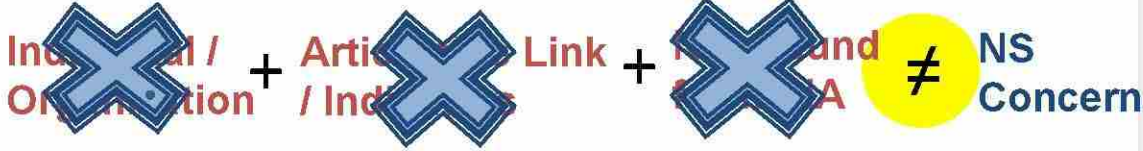
Say:

Moving on to our second objective: Participants will understand how NS concerns are resolved, adjudicated, as Non-NS, and properly documented.

[Go to the next slide.]

## CARRP Adjudication: NS Resolved


U.S. Citizenship  
and Immigration  
Services



<b>Form:</b> I-485 I-589 I-924 N-400	<b>Based on:</b> <ul style="list-style-type: none"> <li>- Membership</li> <li>- Money</li> <li>- Employment</li> <li>- Criminal Activity</li> </ul>	<b>Statutory ground:</b> <ul style="list-style-type: none"> <li>- INA § 212(a)(3)(a), (b) or (f)</li> <li>- INA § 237(a)(4)(a) or (b)</li> </ul>
---	---	--

Unclassified // FOUO / Law Enforcement Sensitive

11

Say:

This is our definition of an NS concern which we've seen in previous modules. This whole time, we've been presenting this definition as an equation with three elements to it. You need all three elements to equal an NS concern. What happens if we don't have one or more of the elements? Then we no longer have a concern, and we fast forward to the end of CARRP.

[Instructor: The questions below should be posed to students as an interactive discussion. Direct students to use the chat box for their responses.]

Question: How could we fail to meet one of these elements?

Answers: We don't have an individual/organization if the person withdraws the application. Individuals and organizations come from forms – if there's no form, there's no individual and therefore no open NS concern in FDNS-DS.

Question: What if the beneficiary passes away?

Answer: We would fast forward to adjudication, document what happened with our NS concern, and adjudicate.

Question: What if the petitioner withdraws the application?

Answer: We're denying the benefit.

Question: What about the NS concern?

Answer: We've failed the first element of the equation.

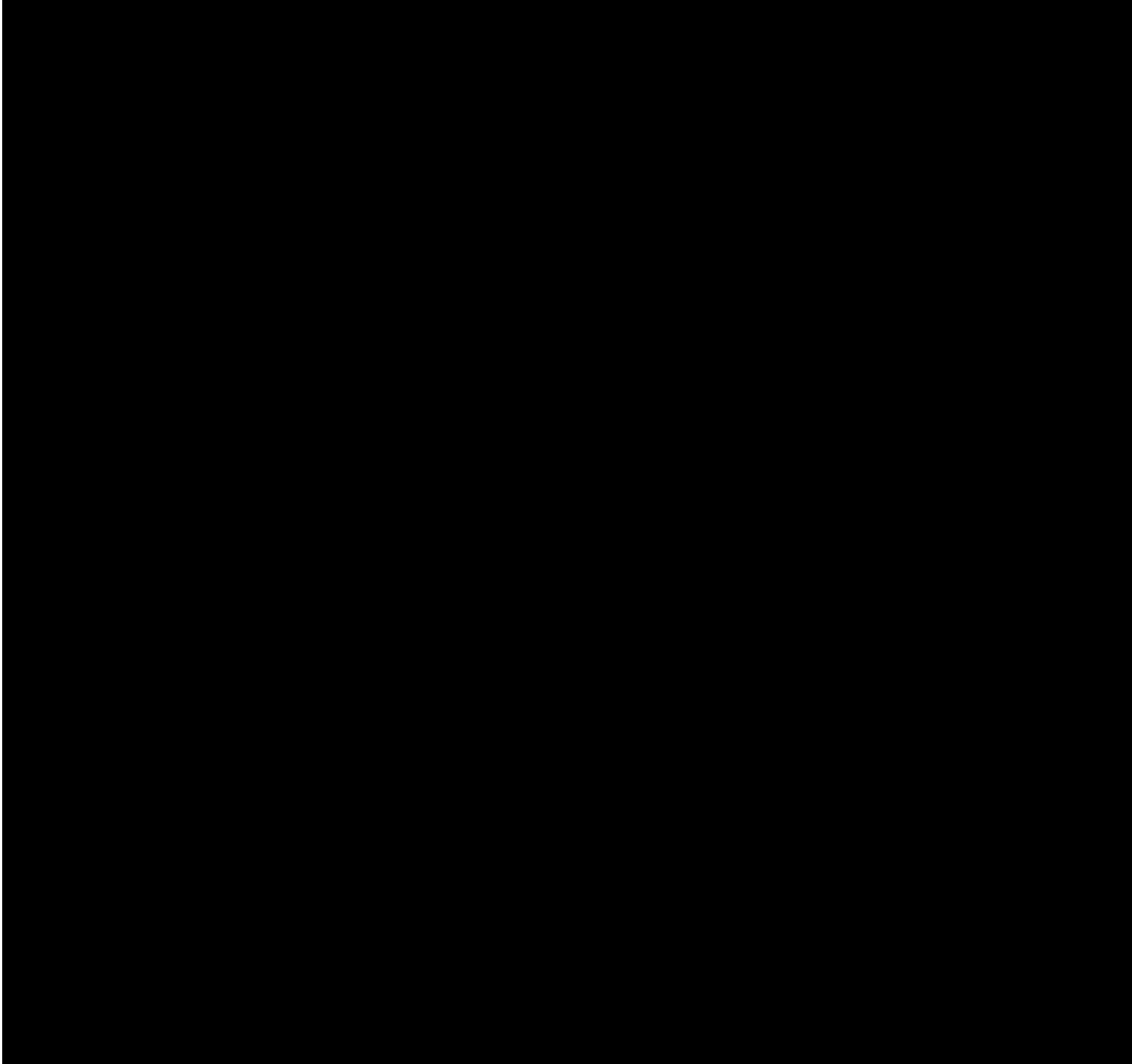
Question: Have we resolved the concern?

Answer: No.

Question: Are the facts which were known when we first identified the concern resolved?

Answer: No.

OK, what about the NS ground? How could we fail to meet the equation based on an NS ground?



## CARRP Adjudication: Documenting Resolved NS Concern



U.S. Citizenship  
and Immigration  
Services

- Supervisory approval in FDNS-DS is required to close a case as Non-NS.
- Auto-generated Background Check and Adjudicative Assessment (BCAA)
- Update in FDNS-DS:
  - External vetting activities performed
  - Systems checks conducted during vetting
  - TECS records that have been removed or are considered resolved
  - Deconfliction activities
- A-file record updated to show that a concern was resolved/overcome/found to not be applicable.

Unclassified // FOUO / Law Enforcement Sensitive

12

Say:

If we've resolved our concern, it is now Non-NS, right? Right – so, the next step is to document that the NS concern is resolved.

For Non-NS cases, supervisory approval in FDNS-DS is required to close a case.

Document how the concern was resolved via an auto-generated Background Check and Adjudicative Assessment (BCAA).

Officers have the option to also document how the concern was resolved via a supplemental Background Check and Adjudicative Assessment if they have a lengthier narrative. The supplemental gives the officer "more room" to explain the resolution of the NS concern. Note that the auto-generated BCAA would still be required to be printed and attached to the record.

In FDNS-DS, ensure all external vetting activities were performed and all systems checks conducted during vetting were documented. Also, document any TECS records that have been removed or were resolved. Finally, make sure that all deconfliction activities are reflected in FDNS-DS.


Additionally,

The record in the A file should clearly show that a concern was identified but was resolved / overcome / found to not be applicable.

Make sure that you are open to new information arising prior to adjudication which could indicate that the individual is still an NS concern.

[Go to the next slide.]

# CARRP Adjudication: NS Resolved in FDNS-DS



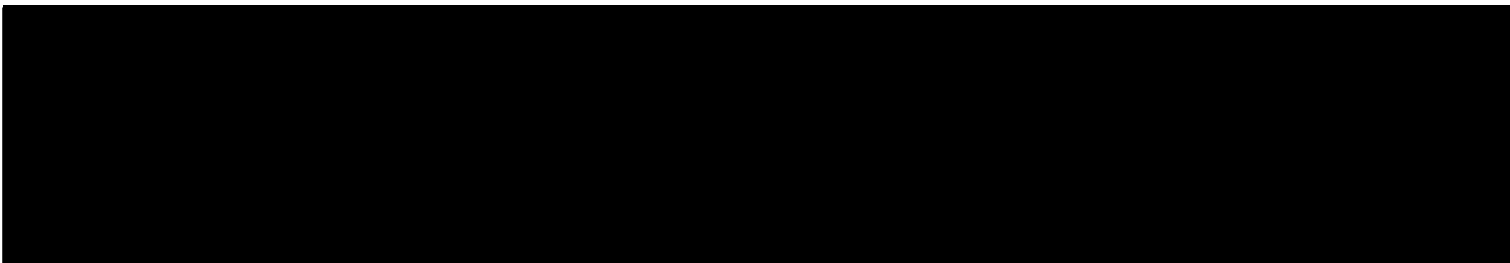
Documentation in FDNS-DS:

- Concern Type—Non-NS:
  - This concern began as a Non-KST
  - The concern was overcome during vetting
  - Therefore it is closed as "Non-NS" with a Sub-Status of "NS Concern Resolved"

**LE**

*Unclassified // FOUO / Law Enforcement Sensitive* 13


Say:



[Go to the next slide.]

This slide contains mock data used for training purposes only.

# CARRP Adjudication: Recommending Release from CARRP



Generating a BCAA Step 1:

- Go to the NS Concerns list subpage (hyperlink at top left of screen)—make sure the NS Concern from which you want to print the BCAA is highlighted in yellow. Then click on the graph icon.

# LE

*Unclassified // FOUO / Law Enforcement Sensitive*

14

Say:

To document our Non-NS status, NS Concern Resolved sub-status cases, a recommendation must be made to release a case from CARRP, and a supervisor must approve that recommendation. This is done through supervisory sign-off on the BCAA

To generate the BCAA, the NS Concern must be in list format in FDNS-DS, as shown in slide, or the BCAA will not generate. You can't be "drilled into" the NS Concern record or the "regular view" of the whole CME.

You should generate the BCAA, then a CARRP supervisor must sign the BCAA and scan/re-upload to FDNS-DS. We're talking about this in the context of an NS resolved case, but you're going to do it every time a case is closed. This is how a CARRP ISO will know how you resolved the concern. Essentially, the BCAA is your resolution memo for NS concerns and any NS TECS records associated with the concern.

[Go to the next slide.]



# CARRP Adjudication: Recommending Release from CARRP



Generating a BCAA Step 2:




# CARRP Adjudication: Recommending Release from CARRP



Generating a BCAA Step 3:





Handout:  
[Sample BCAA](#)

*Unclassified // FOUO / Law Enforcement Sensitive*

17

Say:

Let's take a moment and look at a BCAA. We will post the link to the chat so you can access it.

[Instructor: Clicking on this link will bring up a blank BCAA. If you have an example of your own, you can also show that to the class if PII has been redacted. Please also discuss the supplemental BCAA and point out that the supplemental might be in use at some offices for things like the eligibility assessment.]

Facilitator: copy and paste the link in the chat for students:



After finishing review of the BCAA, check with students for a recap of EO #2.]

[Go to the next slide.]

## EO #2 Knowledge Check



U.S. Citizenship  
and Immigration  
Services

- ✓ If an NS concern is Resolved and the applicant is eligible can the case be approved?
- ✓ True or False: If an applicant is ineligible for the benefit, continue with CARRP.
- ✓ Who has to sign off on a benefit for an unresolved non-KST?
- ✓ Who has to sign off on a benefit for an unresolved KST?
- ✓ What is the work product to document an NS case?

*Unclassified // FOUO / Law Enforcement Sensitive*

18

Say:

Let's do a knowledge check.

[Instructor: Randomly call on students to answer the questions one by one. The selected student can place the answer in the chat box. Process the response and add the script below.]

If an NS concern is Resolved and the applicant is eligible can the case be approved? [Yes]

True or False: If an applicant is ineligible for the benefit, continue with CARRP. [False. If an applicant is determined to be ineligible for the benefit during the CARRP process, the benefit should be denied. Don't forget to deconflict.]

Who has to sign off on a benefit for an unresolved non-KST? [Senior leader, at the Field Level]

Who has to sign off on a benefit for an unresolved KST? [Deputy Director]

What is the work product to document an NS case? [Background Check and Adjudicative Assessment (BCAA)]

[Go to the next slide.]

## EO #3



U.S. Citizenship  
and Immigration  
Services

Participants will understand how unresolved NS Concerns are referred to Senior Officials for approval or elevated to an HQ entity.

*Unclassified // FOUO / Law Enforcement Sensitive*

19

Say:


Moving on to our third objective, where we will understand how unresolved NS concerns are referred to Senior Officials for approval or elevation to an HQ entity.

[Go to the next slide.]

## How CARRP Ends: Unresolved and Ineligible

A Two-Part Process of Inquiry:

- Is the NS concern Resolved or Unresolved ?
- Is the case eligible to be Approved/Granted or Denied/Referred?



		Adjudicative Decision	
		Eligible for benefit	Ineligible for benefit
National Security Issue	NS Concern Resolved	Approval of benefit	Denial of
	NS Concern Unresolved	Requires senior or SLRB concurrence	Denial of

Unclassified // FOUO / Law Enforcement Sensitive

20

Say:

Now let's talk about what happens when our NS concern is unresolved, but over the course of vetting we discover our subject is ineligible for the benefit and we are going to issue a denial.

[Go to the next slide.]

## CARRP Adjudication: Review Eligibility



U.S. Citizenship  
and Immigration  
Services

### Checklist:

- There must be a statutory basis for denial or referral.
- If you need something declassified or need to use something from an LEA, make sure you have permission to disclose the information.
- Think of Lead Vetting – what grounds of ineligibility exist and what information/evidence do you need to establish the grounds of ineligibility?
- Confirm with OCC that the legal basis of a denial can be substantiated.
- Remember to consider all potential grounds of ineligibility.
- Discretionary denials must weigh both negative and positive factors in the case.

Unclassified // FOUO / Law Enforcement Sensitive

21

Say:

As with all adjudications, there must be a statutory basis for a denial or referral of a CARRP case. Because of the seriousness of NS cases being processed under CARRP adjudicators should be sure that they are completing a thorough review so that all statutory eligibilities and ineligibilities have been vetted.

So what kind of ineligibility are we talking about? Probably NOT the INA National Security grounds because evidence that would provide the basis for a denial on those grounds may often be classified or USCIS otherwise does not have permission from a third agency to use that information. USCIS must provide the reasoning for a denial and give the applicant an opportunity to respond to the denial. However, if you do end up needing something declassified or need to use something from an LEA, get permission to disclose it first. You may be able to rely on that evidence in a denial with proper permissions.

Lead vetting is the process of thinking about what grounds of ineligibility exist and what information or evidence we need to or have to get to establish that ground of ineligibility in a manner that can be disclosed and thus relied upon in a decision. This is where the interview, RFE's, and information you've received permission from law enforcement to use comes in to play and where lead vetting yields results. The officer must be able to substantiate the ineligibility and discussions with OCC should occur. Remember to consider all possible grounds of ineligibility and that any discretionary denial weighs both negative and positive factors.

[Go to the next slide.]

## CARRP Adjudication Interview 2.0



U.S. Citizenship  
and Immigration  
Services

- There may be reasons during CARRP (or any other case) to defer an interview until the end of the process.
- Best practices apply regardless of when the interview is conducted:
  - Use two people
  - Videotape (when applicable - including the oath)
  - Consult with LEA if appropriate relating to lines of inquiry
  - Clear questions with counsel in advance
- Have a clear interview strategy and goal outcome:
  - What information are you trying to ascertain from the interview?
  - What evidence is available and what can be shared with the Applicant?
  - What inconsistent information must the Applicant be confronted with?

*Unclassified // FOUO / Law Enforcement Sensitive*

22

Say:

With respect to interviews, ask yourself, "Is this the time to conduct an interview?" Do you have a clear path to a decision and haven't interviewed yet- then you should probably conduct the interview. However, it may still be better to wait if you are still gathering relevant information that could affect your ability to ask relevant questions during the interview. But either way, if you're getting ready to interview a case, remember our best practices. Use two people, videotape if applicable, consult LEA for lines of inquiry (if appropriate) and clear questions with OCC in advance. Make sure you have a strategy and goal for your interview. Know what information you're trying to ascertain, what evidence is available, what can be shared with the applicant, and if there are any inconsistencies you need to confront them with.

If the NS concern was resolved, or if we're approving anyway even though it's unresolved, are we still on the lookout for NS information? - YES

[Go to the next slide.]



## Background Checks for Adjudication



U.S. Citizenship  
and Immigration  
Services

NaBISCOP requires the following:

- Fingerprints are only valid on the form for which they are submitted, and the result must be within the last 15 months.
- Namecheck is valid for the life of the application.
  - Namecheck results can change during the process (go from No Record to Pending or Positive)
  - One definitive response (either No Record or Positive) is required

Unclassified // FOUO / Law Enforcement Sensitive

23

Say:

If you're ready to put a stamp on it, make sure you're in line with these requirements from the NaBISCOP: Fingerprints are only valid on the form for which they are submitted, and the result must be within the last 15 months. FBI Name Checks are valid for the life of the application. Name check results can change during the CARRP process (i.e., they may flip from "LE" One definitive response (either "LE" is required for adjudication. You cannot adjudicate a petition or application if the name check is pending.

[Go to the next slide.]

## Background Checks for Adjudication TECS



U.S. Citizenship  
and Immigration  
Services

NaBISCOP requires the following:

- TECS is only valid if run within 180 days of adjudication:
  - For Form N-400 TECS must be queried within 3 days of the Oath Ceremony
  - For Form I-485 TECS must be queried on the day of approval or denial
  - For Form I-589 TECS must be queried prior to or post interview on all applicable names
  - If [REDACTED] records were removed, TECS must be queried prior to final adjudication



Unclassified // FOUO / Law Enforcement Sensitive

24

Say:

Don't forget NaBISCOP also has requirements for TECS checks, which are only valid if run within 180 days of adjudication:

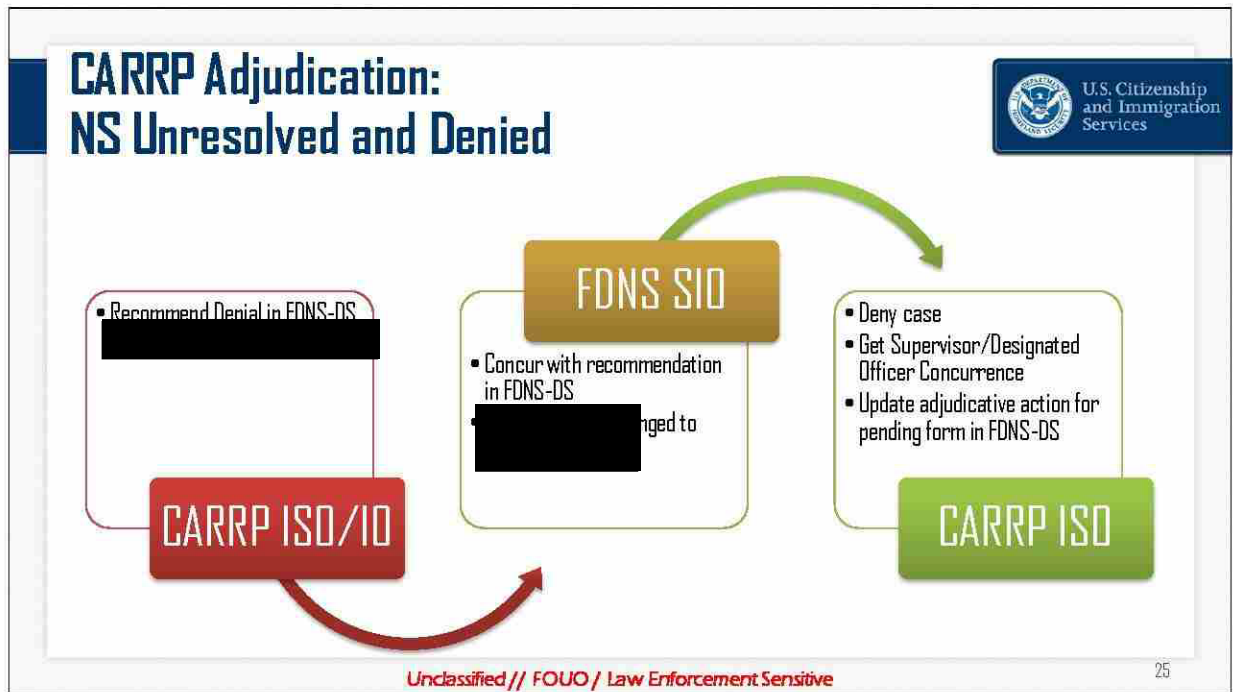
For N-400s, TECS must be queried within 3 days of the Oath Ceremony.

For I-485 applications, TECS must be queried on the day of approval or denial.

For I-589s, Application for Asylum or Withholding of Removal, TECS must be queried prior to or post-interview on all applicable names.

If [LE] records were removed, TECS must be queried prior to final adjudication.

[Go to the next slide.]

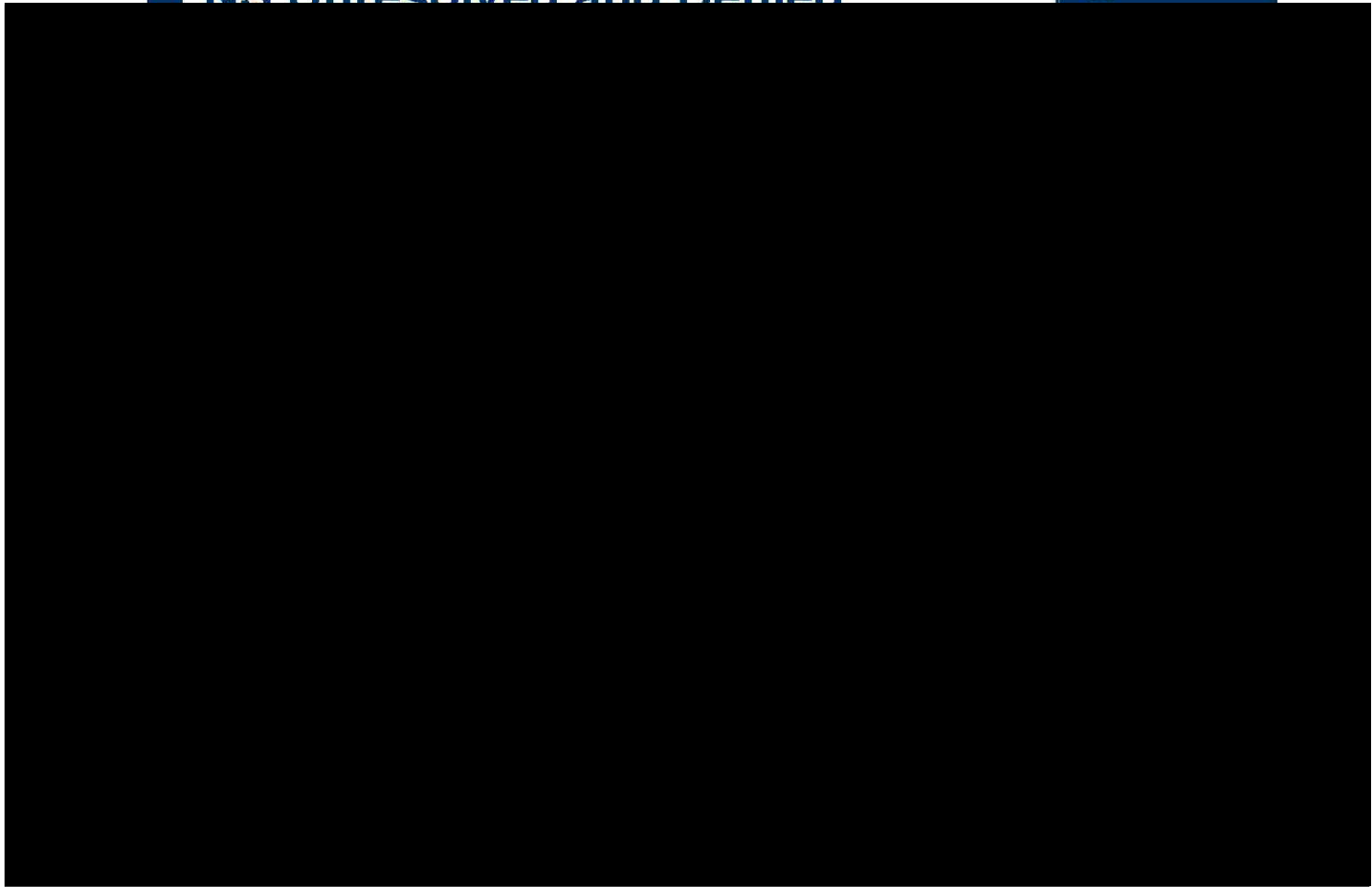


Say:

And how do we document a KST or Non-KST NS Concern which is unresolved but is being denied in FDNS-DS? Here you'll be using the [Redacted] to recommend the denial. Both the SIO on the FDNS side and the SISO over the CARRP ISO have to agree to deny a CARRP case. The FDNS SIO has to concur to move the case back to adjudications. So we will enter a concurrence from the SIO in FDNS-DS. [Redacted]

[Go to the next slide.]

# CARRP Adjudication: NS Unresolved and Denied



## How CARRP Ends: KST NS Unresolved and Approved

A Two-Part Process of Inquiry:

1. Is the NS concern Resolved or Unresolved ?
2. Is the case eligible to be Approved/Granted or Denied/Referred?

		Adjudicative Decision	
		Eligible for benefit	Ineligible for benefit
National Security Issue	NS Concern Resolved	Approval of benefit	Denial of
	NS Concern Unresolved	Requires senior or SLRB concurrence for approval of benefit	Denial of

*Unclassified // FOUO / Law Enforcement Sensitive*

27

Say:

And now we will discuss the process for approving a benefit with a NS unresolved concern on a KST.

[Instructor: The questions below should be posed to students. Use the chat box for student responses.]

Question: What happens when we can't overcome the NS concern and we think the person is approvable? What does the process look like?

Answer: The case will require senior official or SLRB concurrence.

Let's test your memory, we talked about the answers to the following questions in Module 2:

Question: Which branch of NSPSD co-chairs the SLRB working group?

Answer: Screening Coordination Office

Question: In the statement: "Requires senior official or SLRB concurrence" who is the senior official for a KST?

Answer: The Deputy Director (D2)

[Go to the next slide.]

# CARRP Adjudication: Involving OCC



## Case Prep and OCC:

- OCC review is recommended to ensure your decision is legally sufficient – they should be involved throughout the process.
- Many offices require OCC engagement in NS meetings or before CARRP cases are presented to leadership.
- Identify additional roles:
  - Local supervisors (BCU Chiefs, SIO, SISO, Section Chiefs)
  - Local senior leaders (ACD, FOD, DD, Center Dir., Asylum Office Dir., RD, FDNS ARD)
  - Component HQ units – SCOPS TAB, RAD SVPI, etc.
  - FDNS HQ units – NSPSD vs. IVD
  - Senior agency leadership

*Unclassified // FOUO / Law Enforcement Sensitive*

28

Say:

OCC review is recommended to can help you ensure your decision is legally sufficient. Counsel should be involved throughout the CARRP process - but if they haven't been up to this point, now is the time to bring them in! Many USCIS offices require OCC engagement in NS-related meetings or before CARRP cases are presented to leadership. Remember that otherwise approvable unresolved Non-KSTs require local senior official concurrence and otherwise approvable unresolved KSTs require the concurrence of the USCIS Deputy Director.

[Instructor: Discuss with the class the below question. Students may not know their offices procedures yet.]


How does your office brief local senior leadership on unresolved Non-KST NS concerns that are approvable?

[Go to the next slide.]

## CARRP Adjudication: NS Unresolved Cont.

### Pathway to a Decision-Concurrence Requirements:

Concern Type:	Concurrence Levels
<b>KSTs</b>	<ul style="list-style-type: none"> <li>Concurrence is required from the USCIS Deputy Director (D2) through the Senior Leadership Review Board (SLRB)</li> </ul>
<b>Non-KSTs</b>	<ul style="list-style-type: none"> <li>Local Senior Officials concur on approvable Non-KSTs</li> <li>Component Chain of Command may concur on approvable Non-KSTs where the concern is elevated by the Local Senior Official</li> <li>The D2/SLRB may concur on extraordinary Non-KSTs if submitted by the field</li> </ul>



Unclassified // FOUO / Law Enforcement Sensitive

29

Say:

There is a Senior Leadership Review Board (SLRB) SOP that is available on the FDNS ECN site at:

[Facilitator: Place the following link in the chat:

At this point in the process, the SLRB only accepts status-granting benefit types for review and consideration (e.g. I-589, I-485, I-526, N-400). We're also talking about cases where there are no unclassified or otherwise useable facts to support grounds of ineligibility. If the case was deniable for reasons that can be relied upon in a decision, it should have been denied in the normal course of adjudication. The only cases that should be going up to the SLRB are cases where the applicant appears otherwise eligible for the benefit and Senior Officials must concur on the decision.

This is where we see a division between KST and Non-KST adjudications.

Who approves unresolved KSTs? - USCIS Deputy Director. See February 6, 2009 Memorandum: Additional Guidance on Issues Concerning the Vetting and Adjudication of Cases Involving National Security Concerns.

Who approved unresolved non-KSTs? - Local Senior Official. In the field this is usually the Field Office Director (FOD). But make sure that you inquire as to who will be providing this concurrence.

So here's the process to get to those places:

On the KST side, if you have to get approval from the Deputy Director of USCIS, that approval comes through the Senior Leadership Review Board (SLRB). The Local Senior Official works up through component chain of command, and the component's HQ presents the case to the SLRB. Later on, we'll talk more about what happens at that phase.

On the Non-KST side, all of the unresolved Non-KSTs require Local Senior Leadership approval. If the Local Senior Leadership concurs, then you will document their concurrence and approve the benefit. If Local Senior Leadership (FOD, District Director, Center Director) says they don't want to approve, then it elevates through your component's chain of command.


So we see here that all Non-KSTs will go to the Local Senior Official. Some will go up the chain further if the Senior Official doesn't concur with the approval. A small number could end up at the SLRB. We'll talk more about SLRB when we discuss KSTs, because it's geared towards KST approvals, because again, it is mandated that the USCIS Deputy Director sign off on those cases. Any non-KSTs that get to the SLRB level are either extraordinary cases, have a high degree of public visibility, or another special circumstance. See SLRB SOP Page 8.

See February 6, 2009 Memorandum: Additional Guidance on Issues Concerning the Vetting and Adjudication of Cases Involving National Security Concerns.

[Go to the next slide.]



## CARRP Adjudication: Non-KST NS Unresolved Adjudication



Adjudication of a Non-KST Checklist:

- If the Local Senior Official concurs, the case will be approved. The following tasks must occur:
  - ✓ Verify that background checks are current
  - ✓ Interview completed (if required)
  - ✓ Deconfliction occurred
  - ✓ All activities documented in FDNS-DS

**LOCAL SENIOR OFFICIAL RECOMMENDATION MUST BE IN DS AND PRINTED OUT ON THE BCAA**

- If the Local Senior Official does not concur, elevate the case via component chain of command for further assistance.

Unclassified // FOUO / Law Enforcement Sensitive

30

Say:

When we have a Non-KST CARRP case and we are ready to adjudicate, what do we do? If the Local Senior Official concurs, the case can be approved but the following tasks must occur:

Background checks are current

The interview is complete (if applicable)

Deconfliction occurred

All activities documented in FDNS-DS

The Local Senior Official recommendation MUST be in FDNS-DS and printed out on the BCAA. If the Local Senior Official does not concur, elevate the case via component chain of command for further assistance. And remember from before that we're going to upload our BCAA back in DS as an attachment.

[Instructor: The questions below can be posed to students. Use the chat box for student responses.]

Question: How else might the senior official concur? Is it OK if they sign a memo saying they concur and the officer does the DS documentation for them?

Answer: Yes.

[Go to the next slide.]

# CARRP Adjudication: NS Unresolvable Senior Leadership Review Board

The diagram consists of five colored ovals arranged in a loose circle. From top to bottom, the ovals are: a blue oval labeled 'FDNS', a purple oval labeled 'RAIO', a green oval labeled 'OCC', a red oval labeled 'FOD', and an orange oval labeled 'SCOPS'. The 'FOD' oval is on the left, 'RAIO' is slightly above and to the right of 'FOD', 'FDNS' is at the top center, 'OCC' is on the right, and 'SCOPS' is at the bottom right.

U.S. Citizenship and Immigration Services

Unclassified // FOUO / Law Enforcement Sensitive

31

Say:

If you have an otherwise approvable KST, then concurrence will go through the Senior Leadership Review Board, which is also known as the SLRB. But you're still going to work through your component HQ. Instead of just asking for help, the case is going to have many eyes on it when it goes to the SLRB for concurrence. Cases are presented by the HQ component who has possession of the case in the field. OCC and the other components are there to advise and assist.

The SLRB Working Group (SLRB-WG) prepares cases for SLRB briefings. At the SLRB-WG everyone at HQ puts their heads together and figures out how to proceed with a case. HQ FDNS chairs the SLRB-WG.

[Go to the next slide.]

# CARRP Adjudication: Roles SLRB Working Group



## SLRB Working Group:

- Chaired by FDNS
- Members:
  - FOD
  - SCOPS
  - RAIO
  - OCC
  - USCIS Front Office
- Mission is to review and prepare cases for full SLRB briefing

*Unclassified // FOUO / Law Enforcement Sensitive*

32

Say:

The SLRB Working Group is a sub-group of the SLRB and is chaired by FDNS. Other members include FOD, SCOPS, RAIO, OCC, and the USCIS Front Office. The SLRB is where the leg work on these cases is done at HQ FDNS. Before a case goes to the senior officials on the SLRB, it's first stop is the working group. The WG is going to review whatever is sent up for SLRB concurrence and they're going to direct activities needed to get the case ready to present. They also decide if additional fact-finding in a case is warranted. They're going to decide if a case really is approvable or deniable based on the evidence. So, they're going to direct site visits, RFE issuance, additional vetting, or follow up interviews.

[Go to the next slide.]

# CARRP Adjudication: Roles Within Senior Leadership Review Board



U.S. Citizenship  
and Immigration  
Services

## Senior Leadership Review Board (SLRB):

- Chaired by the USCIS Director (D1) or Deputy Director (D2)
- Ultimate Approval Authority is with the USCIS Deputy Director (D2)
- Members:
  - Associate Director (AD) FDNS
  - AD FOD
  - AD SCOPS
  - AD RAIO
  - Chief Counsel

*Unclassified // FOUO / Law Enforcement Sensitive*


33

Say:

Let's talk about roles. The SLRB is chaired by the USCIS Director (D1) or the Deputy Director (D2). But the Deputy Director has ultimate approval authority. Other members of the SLRB include the Associate Director of Field Operations, and the Associate Directors of SCOPS and RAIO, as well as OCC.

What is the focus of these various components? FDNS is concerned with the national security analysis and the liaison work occurring with the Intelligence Community and law enforcement. OCC is focused on the legal sufficiency of the decision. The operational component is thinking about the adjudication and how the decision will be crafted.

[Go to the next slide.]

<h1>CARRP Adjudication: SLRB Overview</h1> 				
Step 1:	Step 2:	Step 3:	Step 4:	Step 5:
Field Submission	HQ Operational Directorate Review	SLRB-WG Review	SLRB Review	Post-SLRB D1/D2 Decision
<ul style="list-style-type: none"> <li>Ensure that the NS concern is unresolved, all other remedies have been exhausted, including vetting and deconfliction, and no adjudicative decision can be reached.</li> <li>Request HQ Operational Component review and triage for submission of the case to the SLRB.</li> </ul>	<ul style="list-style-type: none"> <li>Review and triage all potential SLRB cases from the respective component.</li> <li>Verify that the request meets SLRB review standards.</li> </ul>	<ul style="list-style-type: none"> <li>Accept fully prepared cases for SLRB-WG handling.</li> <li>Prioritize caseload.</li> <li>Suggest lines of inquiry, etc. as necessary in each case.</li> <li>Discuss legality of adjudicative options.</li> <li>Recommend ways forward and prepare component Principals (AD's) for the SLRB.</li> <li>The AD of the operational directorate adjudicating the case will decide when a case will be elevated to the SLRB.</li> <li>SLRB-WG Chair, in coordination with the AD of the operational directorate adjudicating the case, requests the SLRB be called into session.</li> <li>Deconflict as necessary with U.S. Government stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>D1/D2 Chairs the meeting.</li> <li>The AD of the Operational Directorate leads the brief to the SLRB, including D1/D2.</li> <li>Execute SLRB instructions regarding next steps.</li> </ul>	<ul style="list-style-type: none"> <li>Communicate the SLRB decision to the adjudicating office with appropriate documentation.</li> <li>Deconflict as necessary with U.S. Government stakeholders.</li> </ul>

*Unclassified // FOUO / Law Enforcement Sensitive*

34

Say:

This chart shows an overview of what happens in the SLRB process. This is what happens to your case after it leaves your hands.

First, the field submits the case to HQ. They ensure that the NS concern is actually unresolved, that all other remedies have been exhausted (including vetting and deconfliction), and that no adjudicative decision can be reached. They request that the HQ operational component review and triage for submission of the case to the SLRB.

Now the case is at Step 2 with the HQ operational directorate. They review and triage all potential SLRB cases from their component and verify that the request meets the SLRB review standards.

After the HQ operational directorate reviews the case, it proceeds to the SLRB Working Group for their review. The SLRB-WG does the following:

Prioritize the caseload

Suggest lines of inquiry (as necessary)

Discuss the legality of adjudicative options

Recommend ways forward and prepare Associate Directors (AD) for the SLRB

The AD of the operational directorate adjudicating the case decides if a case will be elevated to the SLRB

The SLRB-WG Chair, in coordination with the AD, requests the SLRB be called into session

Deconflict (as necessary) with U.S. government stakeholders

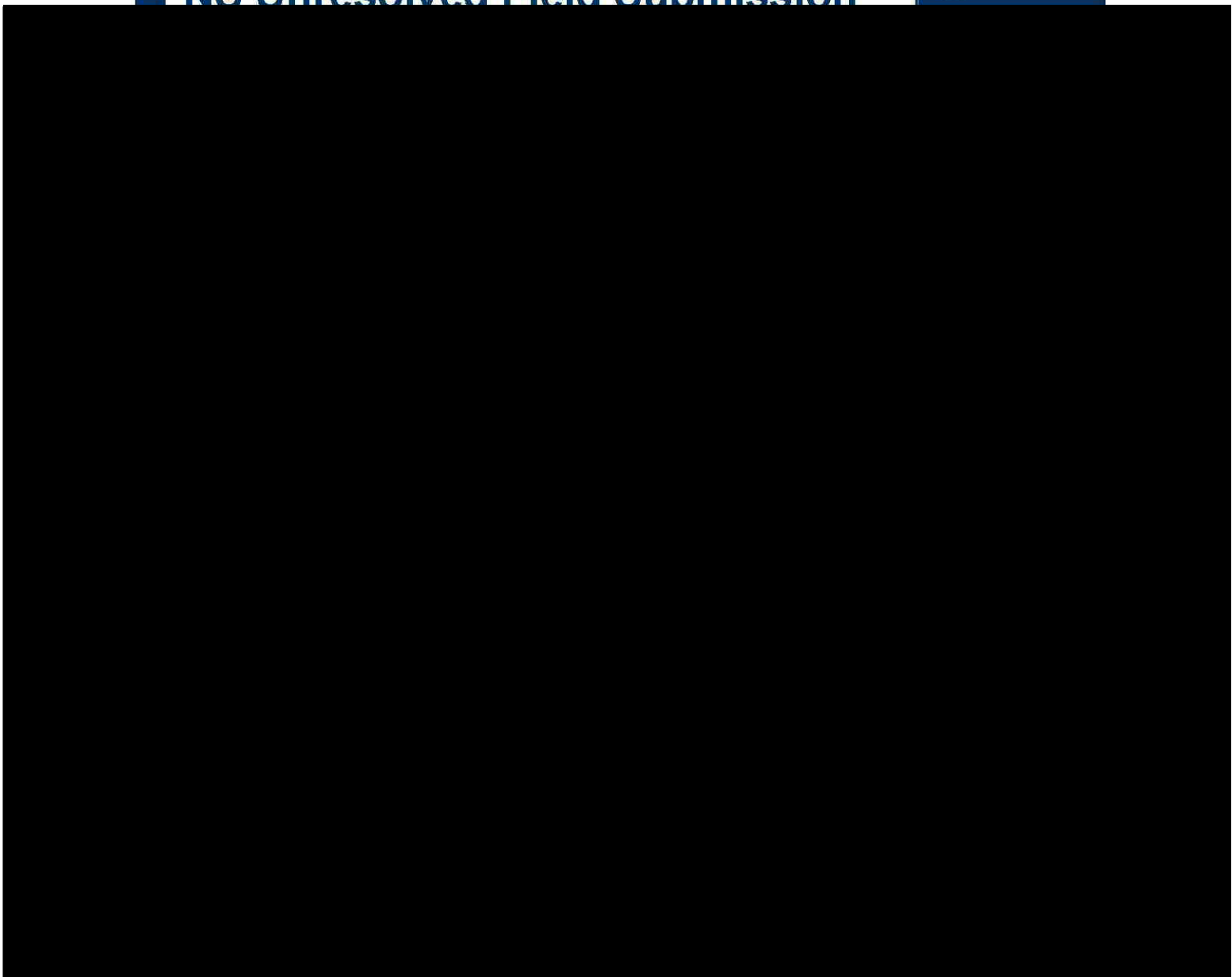
Now that the case has been elevated to the SLRB we are in the fourth column of the chart, Step 4. During SLRB review. The Director and Deputy Director of USCIS chair the meeting. The AD of the operational directorate leads the brief to the SLRB. After the briefing, the SLRB issues instructions regarding the next steps.

And the final step of the process is the post-SLRB D1/D2 decision. The decision reached by the SLRB will be communicated to the adjudicating office with appropriate documentation. Again, we want to deconflict with stakeholders

before the final adjudication occurs.

[Go to the next slide.]

# CARRP Adjudication: NS Unresolved Field Submission



[Go to the next slide.]

## CARRP Final Adjudication



U.S. Citizenship  
and Immigration  
Services

- If after completion of additional vetting by HQ FDNS the subject *remains eligible* for the benefit sought, the Senior-Level Official may:
  - Provide final concurrence to the officer for approval; or
  - Request written direction on how to proceed with the adjudication from the HQ program office with jurisdiction over the case.
- In a case where the CARRP Designated Officer recommends further review and the Senior-Level Official determines that the application should be approved, they will return the application/petition to the Designated Officer for final adjudication consistent with the Senior-Level Official's guidance.

Unclassified // FOUO / Law Enforcement Sensitive

36

Say:

HQ FDNS may also provide the field with a concurrence of your recommendation for approval if no available grounds of ineligibility are found. The senior-level official may provide final concurrence to the officer for approval or request written direction on how to proceed with the adjudication from the HQ program office with jurisdiction over the case if the subject remains eligible for the benefit sought after completion of additional vetting by HQ FDNS.

In the case where the CARRP Designated Officer recommends further review and the senior-level official determines that the application should be approved, the senior-level official will return the application/petition to the Designated Officer for final adjudication consistent with their guidance.

Does anyone have any questions about senior official review?

[Go to the next slide.]



## EO #3 Knowledge Check



U.S. Citizenship  
and Immigration  
Services

- ✓ True or False: There must be a statutory basis for denial or referral.
- ✓ True or False: Fingerprints are only valid on the form for which they are submitted, and the result must be within the last 15 months.
- ✓ How long is an FBI Name Check valid?
- ✓ If you have an otherwise approvable KST, then concurrence for an approval comes from what group?
- ✓ If after completion of additional vetting by HQ FDNS the subject remains eligible for the benefit sought, and the Senior-Level Official does not concur on the approval, what may the Senior-

37

Say:

Let's do a knowledge check.

[Instructor: Randomly call on students to answer the questions one by one. The selected student can place the answer in the chat box. Process the response and add the script below.]

True or False: There must be a statutory basis for denial or referral. [True]

True or False: Fingerprints are only valid on the form for which they are submitted, and the result must be within the last 15 months. [True]

How long is an FBI Name Check valid? [Valid for the life of the application]

If you have an otherwise approvable KST, then concurrence for an approval comes from what group? [SLRB]

If after completion of additional vetting by HQ FDNS the subject remains eligible for the benefit sought, and the Senior-Level Official does not concur on the approval, what may the Senior-Level Official do? [Request written direction on how to proceed with the adjudication from the HQ program office with jurisdiction over the case.]

[Go to the next slide.]

## EO #4



U.S. Citizenship  
and Immigration  
Services

Participants will understand the roles that various individuals (FDNS, ISOs, and Senior Officials) have in the adjudication process.

*Unclassified // FOUO / Law Enforcement Sensitive*

38

Say:

And now, we are going to briefly discuss the roles that various individuals (FDNS, ISOs, and Senior Officials) have in the adjudication process.

[Go to the next slide.]

## CARRP Adjudication Roles



U.S. Citizenship  
and Immigration  
Services

### Recap—Making a Decision:

<u>CASE TYPE</u>	<u>CURRENT CASE STATUS</u>	<u>NS CASE STATUS</u>	<u>PLANNED ADJUDICATIVE DECISION</u>	<u>CARRP POLICY PERMISSIONS REQUIRED</u>
KST	OPEN	<b>UNRESOLVED</b>	<b>APPROVED/GRANTED</b>	<b>SLRB &amp; D2 CONCURRENCE</b>
KST	OPEN	UNRESOLVED	DENIED/REFERRED	ROUTINE SUPERVISORY CONCURRENCE
NON-KST	OPEN	<b>UNRESOLVED</b>	<b>APPROVED/GRANTED</b>	<b>LOCAL SENIOR OFFICIAL CONCURRENCE</b>
NON-KST	OPEN	UNRESOLVED	DENIED/REFERRED	ROUTINE SUPERVISORY CONCURRENCE

Unclassified // FOUO / Law Enforcement Sensitive

39

Say:

Let's recap what is required when we are making a decision in a CARRP case where the NS concern remains unresolved. If the case is being denied or referred, then it will proceed with routine supervisory concurrence regardless of whether the individual is a KST or Non-KST.

If the case is going to be approved or granted, there are two scenarios which require permissions per CARRP policy when an NS concern is unresolved. Unresolved KSTs will need to go to the SLRB and obtain D2 concurrence, and for Unresolved Non-KSTs, Local Senior Official concurrence is required.

There is a caveat here. If you have a closed or resolved NS concern (regardless of concern type or adjudicative decision) there are no senior level permissions required per CARRP policy, but current TECS queries are required prior to approval.

[Go to the next slide.]

## CARRP Adjudication Roles: Abeyance under 8 CFR §103.2(b)(18)



U.S. Citizenship  
and Immigration  
Services

### Abeyance:

- When a case is held in abeyance it means that adjudication is suspended but not all work stops on the case.
- The officer can refer the case to HQ FDNS for classified checks, perform open source research/system checks and review with OCC.
- Goal is to keep all case details current so that USCIS may proceed expeditiously once the abeyance is lifted.
- The CARRP officer must continue with several actions:
  - Communication with law enforcement about status of any investigation
  - If USCIS has agreed to an abeyance on adjudication, interview, or a site visit - there is still vetting and review work that can be done
  - Ensure that FDNS-DS reflects current status

Unclassified // FOUO / Law Enforcement Sensitive

40

Say:


Let's talk a bit more about an "abeyance." A case is held in "abeyance" once all the requirements for the withholding of adjudication under 8 CFR §103.2(b)(18) has been met. When a case is held in "abeyance" it means that adjudication is suspended; however, it does not mean that all work stops on the case. During an abeyance hold, the officer can refer the case to HQ FDNS for classified system checks, perform open source research and additional system checks and discuss the case and strategies with OCC. The goal is to keep all case details current so that USCIS may proceed expeditiously once the abeyance is lifted. The CARRP officer still has to communicate with law enforcement partners to obtain information on the status of their investigation. If USCIS has agreed to an abeyance on adjudication, interview, or a site visit - there is still vetting and review work that can be done.

See CHAP, Vol. 13, Part I, Chapter 2 for more guidance on Requests for Withholding of Adjudication under 8 CFR §103.2(b)(18). [https://\[REDACTED\]](https://[REDACTED])

As always, ensure that FDNS-DS reflects the abeyance.

[Go to the next slide.]

# CARRP Adjudication Roles Recap



USCIS Deputy Director (via SLRB)	• KST concurrence for approvals
Service Center, Field Office, and Asylum Office Directors (Senior-Level Officials)	• Non-KST Concurrence for approvals
OCC & Component HQs	• Decision review and concurrence
RAIO Adjudicating Officers	• Internal Vetting
FDNS IOs & CARRP ISOs	• Internal & External Vetting
ISOs & RAIO Adjudications Officers	• Determine basis for adjudication/grounds for denial

Unclassified // FOUO / Law Enforcement Sensitive

41

Say:

While a designated CARRP officer is any individual authorized to work on a CARRP case, there are distinct roles for various individuals throughout the life cycle of a CARRP case. Ultimately, all work together to achieve a final CARRP adjudication. So let's recap the various CARRP roles. To approve a KST, you must have concurrence of the USCIS Deputy Director (via the SLRB). For Non-KSTs, Service Center, Field Office and Asylum Office Directors (as Senior-Level Officials) are authorized to provide concurrence. Also, OCC and component HQs may be involved in concurring with a decision. All RAIO adjudicating officers are responsible for internal vetting. All vetting activities (internal and external) are the responsibility of FDNS IOs and CARRP ISOs. And finally, ISOs and RAIO adjudications officers play a prominent role in examining grounds for a denial.

Because EO #4 only consists of a few slides, we will skip the knowledge check and move on to EO #5.

[Go to the next slide.]

## EO #5



U.S. Citizenship  
and Immigration  
Services

Participants will understand how to properly document adjudicative decisions in FDNS-DS.

*Unclassified // FOUO / Law Enforcement Sensitive*

42

Say:

And for our last objective, we are going to talk about how to properly document an adjudicative decision in FDNS-DS.

[Go to the next slide.]

## FDNS-DS Closeout Review



U.S. Citizenship  
and Immigration  
Services

### Closing an NS Concern in FDNS-DS:

- ✓ Are all attachments (Senior Leadership concurrence, communications with LEA, abeyance docs, final eligibility assessment, BCAA, SOF, etc. ) generated and/or uploaded in FDNS-DS?
- ✓ Are all background checks updated and documented in systems checks?
- ✓ Has final deconfliction been documented in FDNS-DS?
- ✓ Are all applicable subjects and forms attached to the NS Concern in DS?
- ✓ Has the final adjudication status been updated for all forms?

*Unclassified // FOUO / Law Enforcement Sensitive*

43

Say:

And finally, of course we have to close out our NS concern in FDNS-DS. Things to look for:

Are all of the attachments in FDNS-DS? Examples of the attachments you must generate or upload include evidence of senior leadership concurrence, communications with law enforcement partners, abeyance documents, final eligibility assessments, the BCAA, and the SOF (if applicable).

Are all of the background checks updated and documented under "systems checks"?

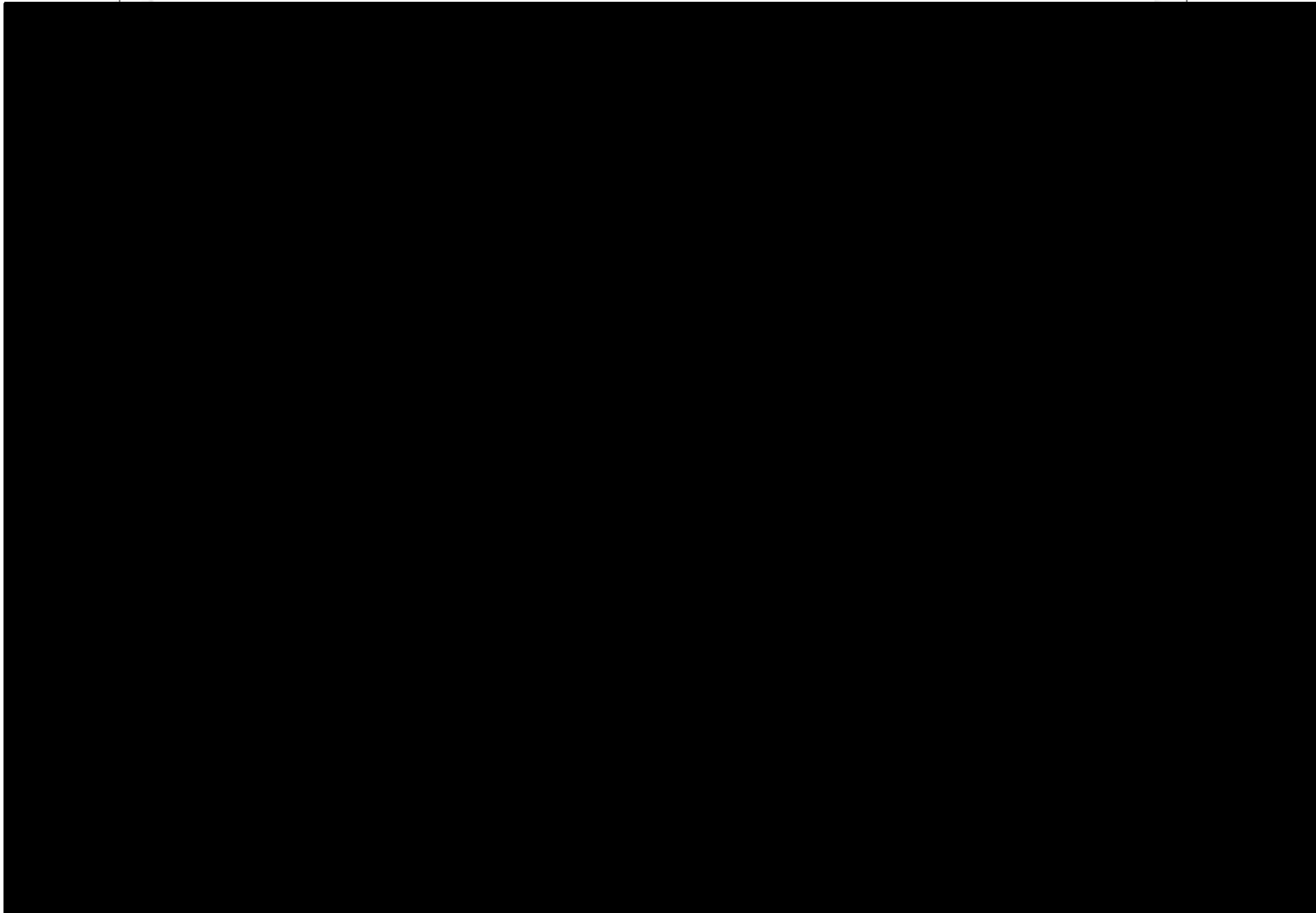
Has final deconfliction been documented in FDNS-DS?

Are all of the subjects and forms attached to the NS CME?


Has the final adjudication status been updated for all of the forms?

[Go to the next slide.]

# FDNS-DS Closeout Review Cont.







Studies in National Security:  
Roadmap to Adjudication

*Unclassified // FOUO / Law Enforcement Sensitive*

45


Say:

[Instructor: Review the "Roadmap" document with students. Emphasize the "Attachment to the Constitution" naturalization eligibility ground. Also point out all of the internal vetting tools: multiple RFEs, multiple interviews, etc.

Facilitator: copy and paste the link in the chat:



[Go to the next slide.]



CARRP Phase 4  
FDNS-DS Exercise

*Unclassified // FOUO / Law Enforcement Sensitive*

46

Say:

We are now going to do another FDNS-DS exercise in connection with CARRP Phase 4.

[Go to the next slide.]

## Summary of Module 5 Phase 4: CARRP Adjudication



U.S. Citizenship  
and Immigration  
Services

At the end of Module 5 :

- Participants understand the role of FDNS-DS in adjudication
- Participants understand referrals to Senior Officials when CARRP cases appear eligible for a benefit, but have unresolved NS concerns
- Participants understand the ways in which the CARRP process can end
- Participants understand guidelines for documentation of decisions

*Unclassified // FOUO / Law Enforcement Sensitive*

47

Say:

To summarize what we talked about in Module 5:

We talked about FDNS-DS and how we document our adjudicative decisions.

We talked about when we refer cases to Senior Officials (when the applicant appears eligible for the benefit and the NS concern remains unresolved).

We discussed how and when the CARRP process ends.

We talked about guidelines for documenting decisions.

Does anyone have any questions about the material we covered in Module 5?

[Go to the next slide.]

## About this Presentation



U.S. Citizenship  
and Immigration  
Services

- Author: HQ FDNS National Security and Public Safety Division (NSPSD)
- Date of last revision: September 2020
- This presentation contains no sensitive Personally Identifiable Information (PII).
- Any references in documents or text, with the exception of case law, relate to fictitious individuals.

*Unclassified // FOUO / Law Enforcement Sensitive*

48

Say:

As with all of the other CARRP modules, this presentation was last updated in September 2020. It does not contain PII and any references in documents or text, with the exception of case law, relate to fictitious individuals.

[Go to the next slide.]

## Disclaimer



U.S. Citizenship  
and Immigration  
Services

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.

*Unclassified // FOUO / Law Enforcement Sensitive*

49

[Instructor: Please remind students of the CARRP training disclaimer.]

[Go to the next slide.]

## Dissemination



U.S. Citizenship  
and Immigration  
Services

- This presentation may not be reproduced or further disseminated without the express written consent of FDNS Training and Knowledge Management Division.
- Please contact the National Security and Public Safety Division (NSPSD) at HQ FDNS for additional information.

*Unclassified // FOUO / Law Enforcement Sensitive*

50

Say:

Again, FDNS Training and Knowledge Management Division must give written consent for this training to be reproduced or disseminated. If you feel you have a need to reproduce or disseminate this presentation, please contact the FDNS National Security and Public Safety Division.

[Go to the next slide.]



U.S. Citizenship  
and Immigration  
Services



# U.S. Citizenship and Immigration Services