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The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, et al., Plaintiffs, v. TRUMP, et al., Defendants.	No. 2:17-cv-00094-RAJ Declaration of Anthony J. Kassekert In Support Of Defendants' Response to The Court's April 24, 2018 Order Submitted to the Court *Ex Parte, In Camera*

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17   I, Anthony Kassekert, do hereby declare and say:

18   1.   I am a statistician within the Reports and Analysis Branch of the Fraud Detection

19   and National Security ("FDNS") Directorate of United States Citizenship and Immigration

20   Services ("USCIS"), Department of Homeland Security ("DHS"). I have served in this position

21   since June 13, 2013, and previously served as a statistician in the Office of Immigration Statistics

22   within DHS.

23   2.   I hold an undergraduate degree in mathematical statistics, economics, and

24   political science from Iowa State University and a Ph.D. in public policy analysis from Florida

25   State University.

26   3.   As a statistician, my responsibilities include, but are not limited to: pulling data

27   from the Fraud Detection and National Security data system ("FDNS-DS"), an internal case

28   management system; reviewing analytic work across the agency; analyzing fraud, public safety,

DECLARATION OF ANTHONY KASSEKERT - 1
(2:17-cv-00094-RAJ)

1   and national security trends; and working with the Office of Information Technology to improve

2   data quality and the functionality of FDNS-DS.

3   4.   The matters contained in this declaration are based upon my personal knowledge,

4   background, training, and experience, including as a statistician, and information provided to me

5   by USCIS employees, and my understanding of the case of *Wagafe, et al., v. Trump, et al.*, Case

6   No. 2:17-cv-00094 in the United States District Court for the Western District of Washington.

7   5.   I understand that on April 24, 2018, the Court ordered the Government "to

8   identify the total number of potential class members to the Court." Dkt. No. 162, at 4. The

9   Court further ordered the Government, within seven days, to provide the Court *in camera* with "a

10   random sampling of these members with explanations why their names may not be produced to

11   Plaintiffs." Dkt. No. 162, at 4. The court requested "at least fifty records from this random

12   sample." Dkt. No. 162, at 4.

13   6.   On April 25, 2018, the FDNS Reports and Analysis Branch was asked to pull a

14   random sample of fifty records from the April 12, 2018 list of class members.

15   7.   The sampling frame, or the list of possible data points to pick from, was the most

16   recent list of class members. The list contained adjustment of status and naturalization applicants

17   whose application had been pending for at least 6 months, as of April 12, 2018, who were subject

18   to CARRP on or after June 21, 2017, and whose application remained pending as of April 12,

19   2018. The class list contained 4817 alien numbers ('A-numbers").

20   8.   I ran a simple random sample of fifty A-numbers from the sampling frame by

21   uploading the April 12, 2018 class list to the statistical program SAS, and entering the

22   commands I know, based on my mathematical statistical training and my familiarity with the

23   SAS program, to create a random sample in that program. This means that each of the fifty A-

24   numbers that were selected in the sample had an equal probability of being selected from the

25   4817 A-numbers.

26   9.   In order to ensure that this particular sample could be reproduced if necessary, a

27   random seed value was needed. In the code this is represented by seed = 04252018. This number

28   ensures that if the code is rerun, it will pick the same random fifty observations from the sample.

DECLARATION OF ANTHONY KASSEKERT - 2
(2:17-cv-00094-RAJ)

10.   After I ran the sample, Kenneth L. Cannon, a second statistician within the FDNS

Reports and Analysis Branch, reviewed the code I used to generate the random sample and the

data to verify its accuracy. Mr. Cannon verified the code I used to generate the random sample,

and determined that the sample was correctly taken.

11.   The SAS code used to create the sample was:

```
proc surveyselect
        data=WORK.TRK_3242_Wagafe_New_DS_Query_12A
        out=wagafe1
        n=50
        seed=04252018
        method=srs;
    run;
```

12.   On April 25, 2018 I provided the random sample data to USCIS counsel. The

random sample of fifty A-numbers drawn from the April 12, 2018 class list is attached hereto as

Exhibit 1.[1]

I declare under penalty of perjury that the foregoing is true and correct.

Executed this first day of May, 2018 at Washington, D.C.

_____

Anthony Kassekert, Ph.D.
Statistician
U.S. Citizenship and Immigration Service
Washington, D.C.

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[1] Due to the language in the Court's April 24, 2018 order, USCIS is not formally asserting privilege over the information contained in this declaration; however, USCIS is not waiving any privileges applicable to the information contained herein. Further, I am aware that former USCIS Deputy Director James W. McCament formally asserted a law enforcement privilege over information that would confirm whether any particular individual was subject to the Controlled Application Review and Resolution Program ("CARRP"), and therefore is, or was, considered by USCIS to present a national security concern. Dkt. No. 94-5. The identities of the individuals in the class list random sample are law enforcement privileged, and USCIS would assert the privilege as appropriate to protect this information.