



U.S. Citizenship and Immigration Services

RAIO DIRECTORATE – OFFICER TRAINING

RAIO Combined Training Program

NATIONAL SECURITY, PART 1

TRAINING MODULE

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RAIO Directorate – Officer Training / *RAIO Combined Training Program***NATIONAL SECURITY, PART 1**
TRAINING MODULE**MODULE DESCRIPTION:**

This module provides guidance on the proper analysis, adjudication, and processing of cases with national security issues. Although the term “national security” includes cases involving terrorism-related inadmissibility grounds (TRIG) as set forth in INA § 212(a)(3)(B), the adjudication and processing of cases with TRIG issues is discussed in a separate module. This module addresses non-TRIG national security issues and details the agency’s Controlled Application Review and Resolution Program (CARRP). For complete guidance on national security issues, please refer to both this module and the National Security, Part 2 (TRIG) module.

TERMINAL PERFORMANCE OBJECTIVE(S)

When interviewing, you (the officer) will conduct appropriate pre-interview preparation to identify national security (NS) indicators and concerns and elicit all relevant information from an applicant with regard to NS indicators and concerns. You will recognize when an applicant’s activities or associations render him or her an NS concern, including when NS indicators may establish an articulable link to prior, current, or planned involvement in, or association with, an activity, individual, or organization described in certain security-related inadmissibility grounds or bars, and properly adjudicate such a case. You will be able to understand the CARRP process.

ENABLING PERFORMANCE OBJECTIVE(S)

1. Identify the appropriate security-related INA grounds under which an alien may be inadmissible/barred from the immigration benefit sought.
2. Explain the purpose of the CARRP process.
3. Explain the steps involved in processing national security cases.

4. Analyze fact patterns to identify national security indicators and determine if an articulable link to a national security-related inadmissibility ground or bar exists.
5. Analyze the facts and relevant law and policy to make a legally sufficient decision on a case involving a national security issue.

INSTRUCTIONAL METHODS

- Interactive presentation
- Discussion
- Practical exercises

METHOD(S) OF EVALUATION

- Multiple-choice exam
- Observed practical exercises

REQUIRED READING

1. INA §§ 212(a)(3)(A), (B), and (F).
2. INA §§ 237(a)(4)(A) and (B).
3. Memorandum, Policy for Vetting and Adjudicating Cases with National Security Concerns, Jonathan R. Scharfen, Deputy Director (April 11, 2008).
4. Memorandum, Additional Guidance on Issues Concerning the Vetting and Adjudication of Cases Involving National Security Concerns, Michael Aytes, Acting Deputy Director (February 6, 2009).
5. Policy Memorandum, Revision of Responsibilities for CARRP Cases Involving Known or Suspected Terrorists (PM-602-0042) (July 26, 2011) and associated Supplemental Guidance.
6. Memorandum, Testimony-Based National Security Indicators and Concerns, Jennifer Higgins, Associate Director, Refugee, Asylum and International Operations Directorate (September 9, 2019).

Required Reading – International and Refugee Adjudications

Required Reading – Asylum Adjudications

ADDITIONAL RESOURCES

1. See USCIS TRIG ECN site for memos, legal guidance, legislation and other adjudicative resources.
2. Operational Guidance for Vetting and Adjudicating Cases with National Security Concerns, signed by Domestic Operations Acting Associate Director Donald Neufeld, Attachment A - Guidance for Identifying National Security Concerns (April 24, 2008).
3. Memorandum, Handling Potential National Security Concerns with No Identifiable Records, Steve Bucher, Associate Director of Refugee, Asylum and International Operations (August 29, 2012).
4. Memorandum, Updated Instructions for Handling TECS B10 Records, Office of the Director (May 23, 2012).

Additional Resources – International and Refugee Adjudications**Additional Resources – Asylum Adjudications****CRITICAL TASKS**

Task/ Skill #	Task Description
ILR3	Knowledge of the relevant sections of the Immigration and Nationality Act (INA) (4)
ILR13	Knowledge of inadmissibilities (4)
ILR23	Knowledge of bars to immigration benefits (4)
ILR26	Knowledge of the Controlled Application Review and Resolution Program (CARRP) procedures (4)
IRK2	Knowledge of the sources of relevant country conditions information (4)
IRK11	Knowledge of the policies and procedures for reporting national security concerns and/or risks (3)
IRK13	Knowledge of internal and external resources for conducting research (4)
TIS3	Knowledge of Customs and Border Protection TECS database (3)
TIS11	Knowledge of the national security-related resources on the ECN (4)
AK14	Knowledge of policies and procedures for preparing summary documents (e.g., fraud or national security leads, research, assessments) (3)
RI3	Skill in conducting research (e.g., legal, background, country conditions) (4)
RI6	Skill in identifying information trends and patterns (4)
RI9	Skill in identifying inadmissibilities and bars (4)
RI11	Skill in handling, protecting, and disseminating information (e.g., sensitive and confidential information) (4)
RI10	Skill in identifying national security issues (4)

DM2	Skill in applying legal, policy and procedural guidance (e.g., statutes, precedent decisions, case law) to information and evidence (5)
T2	Skill in accessing and navigating national security-related resources on the ECN (4)
ITK4	Knowledge of strategies and techniques for conducting non-adversarial interviews (e.g., question style, organization, active listening) (4)
OK9	Knowledge of Fraud Detection and National Security (FDNS) functions and responsibilities (2)

SCHEDULE OF REVISIONS

Date	Section (Number and Name)	Brief Description of Changes	Made By
10/26/2015	Throughout document	Updated broken links and citations; added new TRIG exemptions; minor formatting changes; added new case law	RAIO Training, RAIO TRIG Program
10/22/2018	Throughout document	Removed material specific to TRIG; updated links; where appropriate and practical, edited language to parallel TRIG lesson plan changes; Reorganized structure; revised/edited materials for accuracy, clarity, and consistency	RAIO Training, RAIO FDNS, RAIO TRIG
9/11/2019	Required Reading	Added 9/9/19 NS memo to required readings	RAIO Training
12/20/2019	Entire Lesson Plan	Minor edits to reflect changes in organizational structure of RAIO; no substantive updates	RAIO Training

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Throughout this training module, you will come across references to adjudication-specific supplemental information located at the end of the module, as well as links to documents that contain adjudication-specific, detailed information. You are responsible for knowing the information in the referenced material that pertains to the adjudications you will be performing.

For easy reference, supplements for international and refugee adjudications are in pink and supplements for asylum adjudications are in yellow.

You may also encounter references to the legacy Refugee Affairs Division (RAD) and the legacy International Operations Division (IO). RAD has been renamed the International and Refugee Affairs Division (IRAD) and has assumed much of the workload of IO, which is no longer operating as a separate RAIO division.

1 INTRODUCTION

This lesson plan covers the relevant law regarding national security and introduces USCIS's Controlled Application Review and Resolution Program (CARRP), which is the agency's policy for vetting and adjudicating cases with national security concerns (a term of art that will be explained below). This lesson plan will delve into some of the most common national security (NS) indicators (also a term of art). In doing so, this lesson plan will give you the information you need to understand the CARRP process and, within that process, how to identify cases with NS issues so that they may be properly adjudicated and processed.

2 NATIONAL SECURITY OVERVIEW

Protecting national security is woven into both the mission and vision of the agency and the RAIO Directorate. In the context of the RAIO mission and overall USCIS values, we are mandated to adjudicate immigration benefits in an accurate, timely manner, always with attention to and emphasis on preserving the integrity of our immigration system and minimizing national security risks and vulnerabilities.

RAIO Mission

RAIO leverages its domestic and overseas presence to provide protection, humanitarian, and other immigrant benefits and services throughout the world, while combating fraud and protecting national security.

RAIO Vision

With a highly dedicated and flexible workforce deployed worldwide, the Refugee, Asylum and International Operations Directorate will excel in advancing U.S. national security and humanitarian interests by providing immigration benefits and services with integrity and vigilance and by leading effective responses to humanitarian and protection needs throughout the world.

The INA contains provisions that prohibit granting most immigration benefits to individuals based on national security reasons through either an inadmissibility ground (in the context of refugee or international adjudications) or a security/terrorism bar (in the context of asylum adjudications).

National Security Bars to Asylum

Under INA § 208(b)(2)(A) (bars to asylum), asylum may not be granted if, among other things, there are reasonable grounds to believe that the applicant is a danger to the security of the United States or if the applicant would be found inadmissible or deportable under any of the security and related grounds of removability.¹

National security issues are a primary consideration in USCIS adjudications, because a central mission of USCIS is to protect the integrity of the U.S. immigration system. As part of the determination of statutory eligibility for an immigration benefit, you must examine each case for NS concerns and determine whether a bar or inadmissibility applies.

2.1 National Security Authorities

The INA contains various security-related grounds of inadmissibility, grounds of deportability, and mandatory bars to asylum. These provisions form the basis of the national security authorities discussed in this lesson plan.

2.1.1 Security-Related Inadmissibility Grounds

- 212(a)(3)(A)(i) Espionage, Sabotage, Export of Goods, Technology or Sensitive Information from the U.S.
- 212(a)(3)(A)(ii) Unlawful Activity
- 212(a)(3)(A)(iii) Overthrow of U.S. Government

¹ INA §§ 208(b)(2)(A)(iv), (v); see *Matter of R-S-H*, 23 I&N Dec. 629, 640 (BIA 2003) (holding that substantial evidence supported the immigration judge's determination that an applicant who co-founded an organization later named as a "Specially Designated Global Terrorist" organization pursuant to Executive Order 13224 was barred from asylum as a security risk).

- 212(a)(3)(B) Terrorist Activity
- 212(a)(3)(C) Adverse Foreign Policy Consequences
- 212(a)(3)(D) Affiliation with Communist or Totalitarian Party
- 212(a)(3)(E) Nazi Persecution, Genocide, Torture, Extrajudicial Killing
- 212(a)(3)(F) Association with Terrorist Organizations
- 212(a)(3)(G) Recruitment or Use of Child Soldiers

2.1.2 Security-Related Deportability Grounds

- 237(a)(4)(A)(i) Espionage, Sabotage, Export of Goods, Technology or Sensitive Information from the U.S.
- 237(a)(4)(A)(ii) Criminal Activity which Endangers Public Safety or National Security
- 237(a)(4)(A)(iii) Overthrow of U.S. Government
- 237(a)(4)(B) Terrorist Activity
- 237(a)(4)(C) Adverse Foreign Policy Consequences
- 237(a)(4)(D) Nazi Persecution, Genocide, Torture, Extrajudicial Killing
- 237(a)(4)(E) Severe Violations of Religious Freedom
- 237(a)(4)(F) Recruitment or Use of Child Soldiers

This lesson plan will focus on the security-related provisions found at INA §§ 212(a)(3)(A), (B), and (F) (inadmissibility grounds) and 237(a)(4)(A) and (B) (deportability grounds). Note that INA §§ 212(a)(3)(B) and (F) and § 237(a)(4)(B) are terrorism-related inadmissibility and deportability grounds. For additional information on these grounds, refer to the National Security, Part 2 (TRIG) Lesson Plan.

2.1.3 Mandatory Bars to Asylum

Although inadmissibilities do not apply to asylum adjudications, INA § 208(b)(2)(A) incorporates the security-related inadmissibilities into the analysis of the security-related bars to asylum:

- INA 208(b)(2)(A)(iv) Danger to the Security of the United States
- INA 208(b)(2)(A)(v) Terrorist Activity

2.1.4 Burden and Standard of Proof

The applicant has the burden of proof to establish that he or she is not subject to a security-related bar or inadmissibility. You must evaluate the evidence indicating a security-related bar or inadmissibility by the relevant standard of proof for the adjudication you are performing. A refugee applicant must prove that he or she is “clearly and beyond a doubt entitled to be admitted.”² In the asylum context, if the evidence indicates that a ground for a mandatory denial or referral exists, then the applicant has the burden of proving by a preponderance of the evidence that the ground does not apply. (See section below: Asylum Adjudications Supplement—Burden and Standard of Proof).

2.1.5 Dependents/Derivatives

Inadmissibilities and bars related to national security also apply independently to any relative who is included in an applicant's request for an immigration benefit. In some instances, though not required, a principal applicant *may* be granted and his or her dependent/derivative denied or referred because the dependent/derivative is inadmissible or barred for a national security-related reason.³ Generally, if a principal applicant is denied because he or she is inadmissible or subject to a bar, his or her derivatives or dependents are also denied.

2.2 National Security Terminology

2.2.1 Controlled Application Review and Resolution Program (CARRP)

CARRP is the USCIS policy for identifying, evaluating, and processing cases with NS concerns to mitigate threats.

2.2.2 National Security (NS) Concern

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

² See INA § 235(b)(2)(A); *Matter of Jean*, 23 I&N Dec. 373, 381 (AG 2002).

³ 8 C.F.R. § 208.21(a); INA § 207(c)(2)(A).

(B). This includes, but is not limited to, terrorist activity; espionage; sabotage; and the illegal transfer of goods, technology, or sensitive information. The officer should consider the *activities, individuals, and organizations* described in INA §§ 212(a)(3)(A), (B), and (F), and 237(a)(4)(A) and (B) as examples of *indicators* of an NS concern and for determining whether an NS concern exists.⁴ This determination requires that the case be handled in accordance with CARRP policy outlined in the memorandum issued April 11, 2008.

2.2.3 National Security Indicator

A national security indicator is preliminary evidence that suggests an activity, characteristic, or association requires further review to evaluate if an NS concern exists in the totality of the circumstances.⁵

2.2.4 Articulate Link

An articulable link exists when you can express, in a few sentences, a *clear connection* between the individual⁶ and an activity, individual, or organization described in the relevant INA national security ground of inadmissibility or deportability.⁷

2.2.5 Known or Suspected Terrorist (KST)

KST is a category of individuals who have been nominated and accepted for placement in the *Terrorist Screening Database (TSDB)*, are on the Terrorist Watch List, and have a specially coded lookout posted in *TECS*, and/or *CLASS*.⁸ A KST in TECS has a record number beginning with a "P" for person and ending in a "B10," and should indicate that the individual is a "Known Terrorist" or "Suspected Terrorist."⁹

(b)(7)(e)



⁴ Operational Guidance for Vetting and Adjudicating Cases with National Security Concerns, signed by Domestic Operations Acting Associate Director Donald Neufeld, Attachment A - Guidance for Identifying National Security Concerns (April 24, 2008).

⁵ See Memorandum, Policy for Vetting and Adjudicating Cases with National Security Concerns, Jonathan R. Scharfen, Deputy Director (April 11, 2008).

⁶ In this context, "individual" means an applicant, petitioner, beneficiary, or derivative family member. *Id.*

⁷ See *id.*

⁸ You may also find indications that an individual is a KST in other background, identity, and security check systems.

⁹ National Background, Identity, and Security Check Operating Procedures, FDNS, Appendix E: Glossary of Terms - Recently Updated (April 2018) (emphasis added). Note that a B10 hit is not always a KST. B10s with exclusion codes 99 and 50 are non-KSTs.

¹⁰ *Id.*

- **Consular Lookout and Support System (CLASS):** CLASS is a system the Department of State uses to initiate biographic checks of all refugee applicants when they are being prescreened by a Resettlement Support Center.
- **Terrorist Screening Database (TSDB):** An unclassified database that includes many subset watch lists, such as the No-Fly List (individuals who are prohibited from boarding an aircraft) and Selectee List (individuals who must undergo additional security screening before being permitted to board an aircraft).¹¹
 - The TSDB houses the consolidated terrorist watch list which is maintained by the Terrorist Screening Center (TSC). The TSC was created in September 2003 to consolidate terrorist watch lists and to provide 24/7 operational support for thousands of federal screeners across the country and around the world. The TSC is administered by the FBI.¹²
 - The information in the TSDB is extracted from the classified database, Terrorist Identities Database Environment (TIDE). TIDE contains highly classified information provided by members of the Intelligence Community such as the CIA, DIA, FBI, and NSA as well as Law Enforcement Agencies. From this classified database, an unclassified extract is provided to the TSC. This information is then used to compile various watch lists such as the No-Fly list, the State Department's Visa & Passport Database, and the FBI's National Crime Information Center (NCIC) for state and local law enforcement.
 - The National Counterterrorism Center (NCTC) evaluates the nominations for the TSDB and enters them into TIDE. The NCTC was established in August 2004 by the President to serve as the primary organization in the United States Government for integrating and analyzing all intelligence pertaining to terrorism and counterterrorism and to conduct strategic operational planning by integrating all instruments of national power. NCTC is a multi-agency organization.
- **National Targeting Center (NTC):** Administered by CBP and performs risk analyses and tactical support for the field in identifying individuals who may pose national security threats at ports of entry and other CBP border checkpoints. The NTC coordinates with many other federal agencies in coordinating anti-terrorism efforts.¹³

¹¹ Operational Guidance for Vetting and Adjudicating Cases with National Security Concerns, Donald Neufeld, Acting Associate Director Of Domestic Operations (April 24, 2008).

¹² National Background, Identity, and Security Check Operating Procedures, FDNS, Appendix E: Glossary of Terms - Recently Updated (April 2018).

¹³ Operational Guidance for Vetting and Adjudicating Cases with National Security Concerns, Donald Neufeld, Acting Associate Director Of Domestic Operations (April 24, 2008).

2.2.6 Non-Known or Suspected Terrorist (Non-KST)

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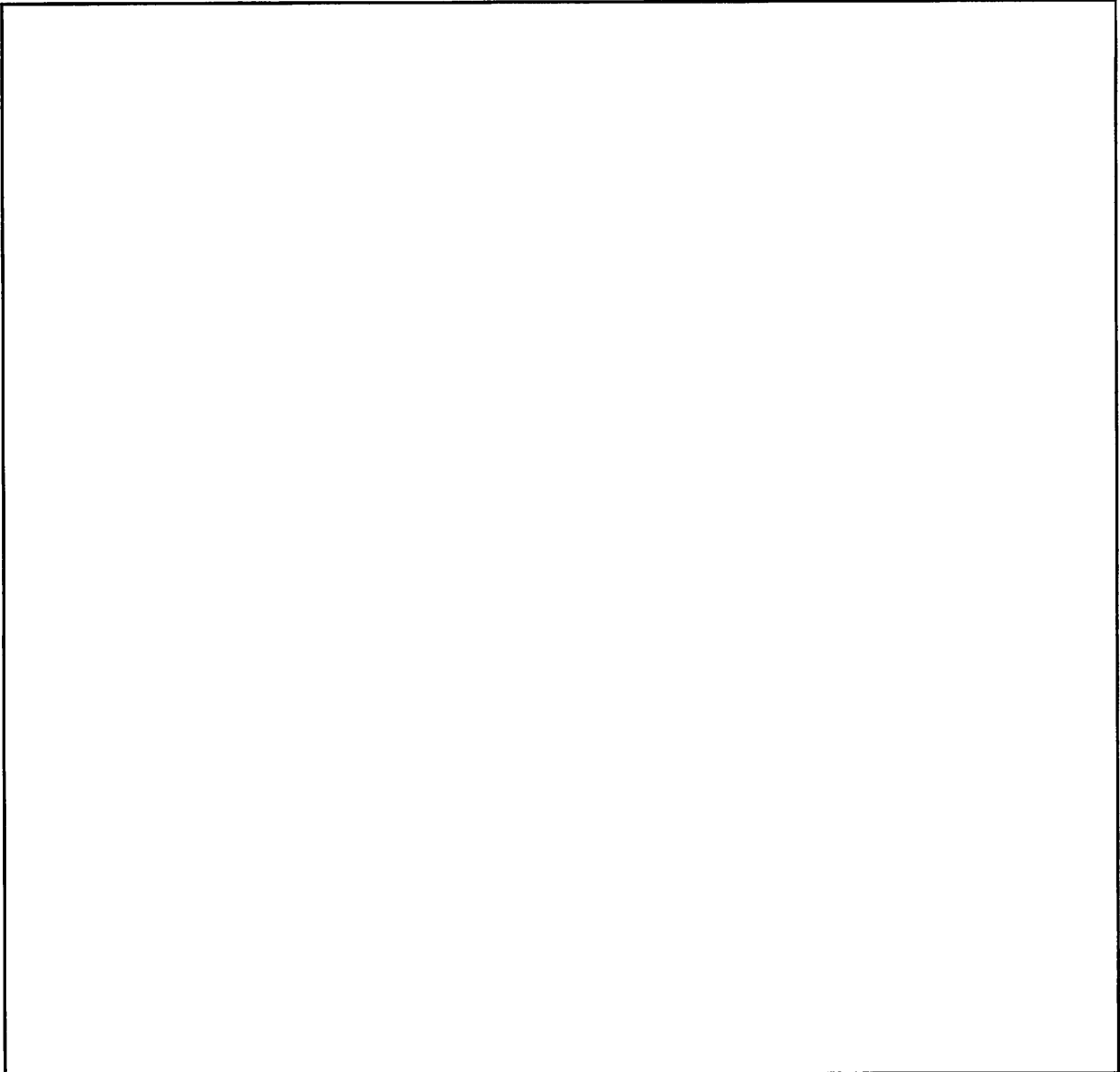
Non-KST encompasses all other NS concerns, regardless of source, including but not limited to: associates of KST(s), unindicted co-conspirators, terrorist organization members, persons involved with providing material support to terrorists or terrorist organizations, and agents of foreign governments.¹⁴

2.2.7 Fraud Detection and National Security (FDNS) Terminology

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¹⁴ *Id.*

[Redacted]



3 CONTROLLED APPLICATION REVIEW AND RESOLUTION PROGRAM (CARRP)

CARRP is the agency-wide four-step process that provides a disciplined approach to identify, record, vet, and adjudicate applications and petitions with NS concerns. Some procedures are different for the divisions (see International and Refugee Adjudications Supplement – Required Reading; Asylum Adjudications Supplement – Required Reading, ISCPM, Section VIII, Cases

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Memorandum, Policy for Vetting and Adjudicating Cases with National Security Concerns, Deputy Director Jonathan R. Scharfen (April 11, 2008).

Involving Terrorism or Threats to National Security), but the general CARRP workflow is as follows:

- Step 1: Identification of a National Security Concern**
- Step 2: Internal Vetting & Eligibility Assessment**
- Step 3: External Vetting**
- Step 4: Final Adjudication**

The steps of the CARRP process are not necessarily linear and may be repeated. At any stage of the adjudicative process, deconfliction may be necessary before taking action on a KST or Non-KST NS concern to ensure that planned adjudicative activities do not compromise or impede an ongoing investigation or other record owner interest.¹⁹ When there is no record owner, FDNS officers within your division must take steps to determine whether there is a pending law enforcement investigation or intelligence interest associated with the applicant and deconflict with that agency prior to you taking any adjudicative action. If deconfliction reveals no pending investigation or intelligence interest, you and FDNS must perform any required actions pursuant to the CARRP process prior to final adjudication.

You will play a major role in step 1 (identification) and step 2 (internal vetting & eligibility assessment). Step 3 (external vetting) will be handled primarily by FDNS officers. Step 4 (final adjudication) is completed by the appropriate RAIO adjudicator. Deconfliction is handled by Asylum FDNS or SVPI.

3.1 Identifying National Security Concerns (CARRP Step 1)

The following sections discuss how USCIS identifies and categorizes national security concerns.

3.1.1 Types of National Security (NS) Concerns

USCIS categorizes individuals or organizations who pose NS concerns into two types:

- Known or Suspected Terrorists (KSTs)
- Non-Known or Suspected Terrorists (Non-KSTs)

KSTs and Non-KSTs may be subject to TRIG. Please refer to the National Security, Part 2 (TRIG) Lesson Plan.

KSTs

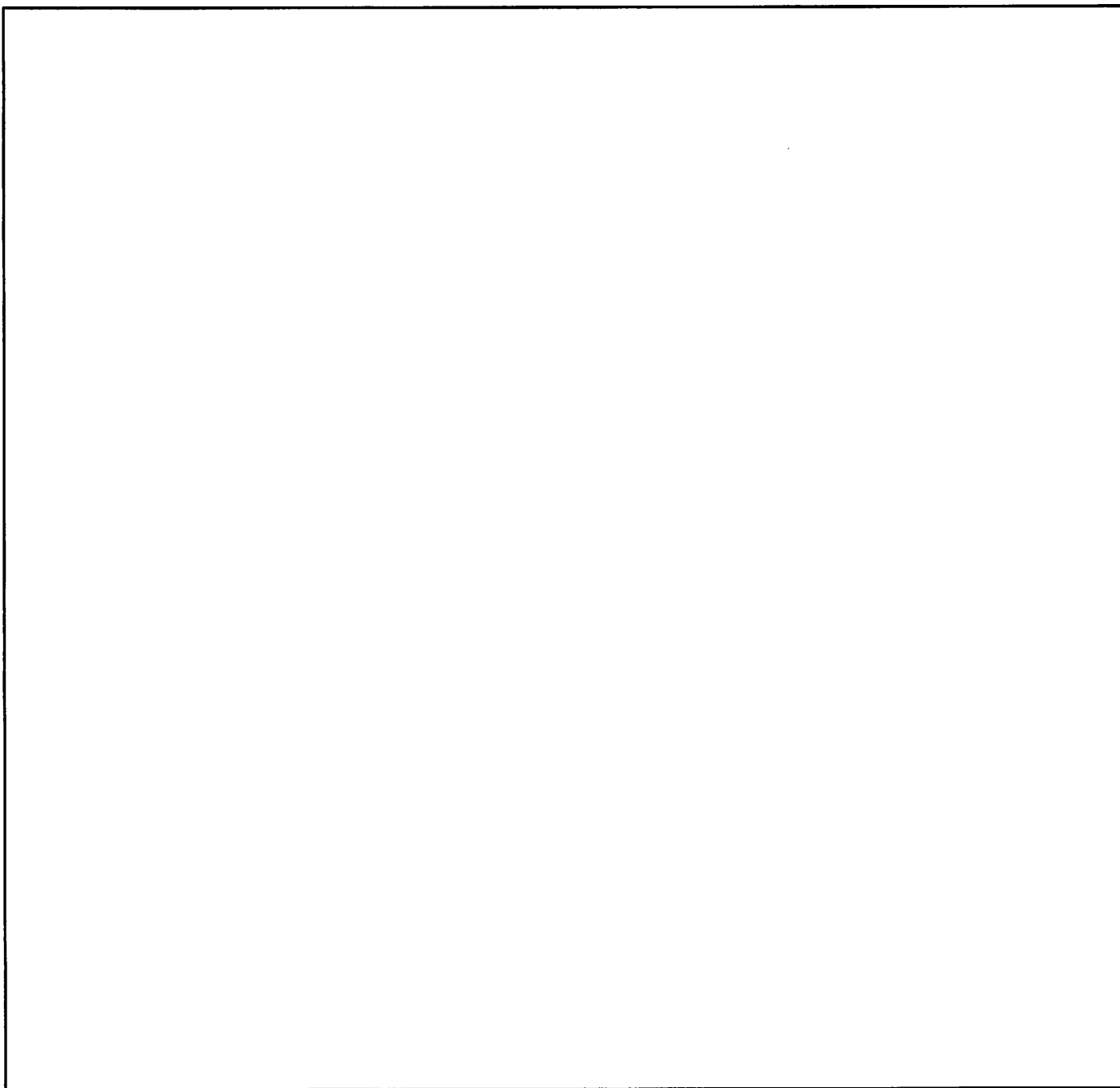
All KSTs are NS concerns, regardless of any other factors.

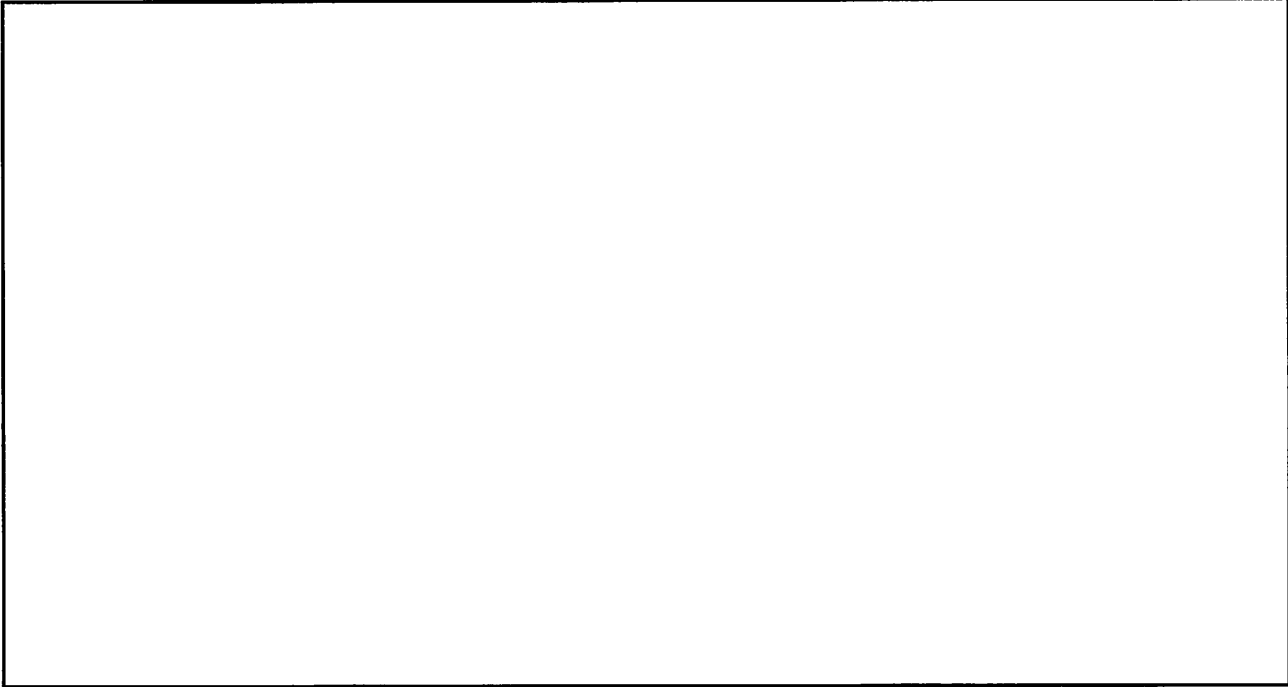
¹⁹ *Id.*

KSTs are a category of individuals who:

- Have been nominated and accepted for placement in the Terrorist Screening Database (TSDB) and
- Have a specially coded lookout posted in TECS, the National Crime Information Center (NCIC) and/or the State Department's Consular Lookout Automated Support System (CLASS)

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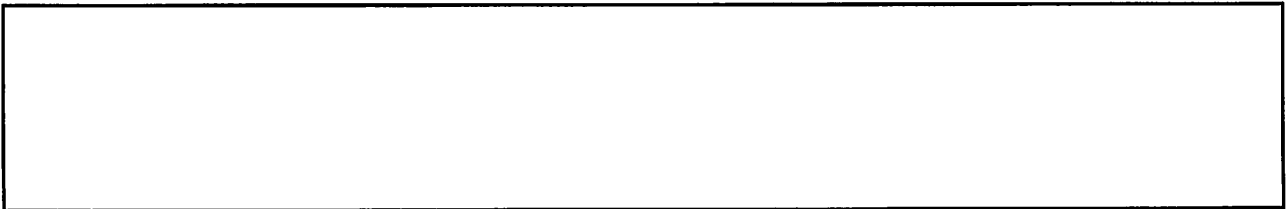


Non-KSTs

Any subject that is not a positive match to the TSDB but still poses an NS concern is a Non-KST.

This category of NS Concerns can include but is not limited to:²²

- Agents of foreign governments
- Unindicted co-conspirators
- Associates of KSTs
- Terrorist organization members
- Persons involved in providing material support to terrorists or terrorist organizations
- Persons involved in other terrorist activity²³



²² Policy for Vetting and Adjudicating Cases with National Security Concerns, Attachment A - Guidance for Identifying National Security Concerns (April 11, 2008).

²³ For information on how to handle terrorism-related inadmissibility and deportability grounds, see the RAIO Training module, National Security, Part 2 (TRIG).

3.1.2 Identifying Non-KST National Security Concerns

Everyone shares the responsibility to identify indicators of NS concerns as early as possible. An NS indicator is preliminary evidence that suggests an activity, characteristic,²⁴ or association requires further development to evaluate if an NS concern exists in the totality of the circumstances.²⁵ These indicators may be identified at any stage of the adjudication process and through a variety of means including, but not limited to, security and systems checks, file review, in-person interviews, and law enforcement referrals. Once you identify an NS indicator, you must first confirm whether the indicator relates to the applicant, petitioner, beneficiary or derivative. Then you must gather additional information and use it to determine whether there is sufficient evidence to establish an articulable link to prior, current, or planned involvement in, or association with, an activity, individual, or organization described in certain security-related inadmissibility grounds or bars. You may gather this additional information through open source research, interviewing, and coordination with supervisors or FDNS, who may run additional security checks.

In order to establish an articulable link, you must be able to describe in a few simple sentences a clear connection between a person and an activity described in INA §§ 212(a)(3)(A), (B), or (F) or 237(a)(4)(A) or (B). “Articulable” is defined as capable of being expressed, explained or justified based on objective information – it must be more than a feeling or a hunch.

In addition, you must examine the *totality of the circumstances* in determining whether an articulable link exists.²⁶ The totality of the circumstances encompasses all information in the record, including testimony, evidence submitted in support of the application, background, identity, and security checks, COI research, open source records, and any other information relied upon in the adjudication.

3.1.3 Indicators of National Security (NS) Concerns

NS indicators include information that suggests a connection to activities, individuals and organizations described in the security-related inadmissibility and deportability grounds.

- INA §§ 212(a)(3)(A) and 237(a)(4)(A) – related to espionage, sabotage, export from the U.S. of goods, technology, or sensitive information or other unlawful activity
- INA §§ 212(a)(3)(B) and 237(a)(4)(B) – Terrorism-related inadmissibility grounds and definitions

²⁴ Some examples of characteristics that could be considered NS indicators could include: scars, burns, bullet marks, or sudden, unexplained wealth.

²⁵ See Memorandum, Policy for Vetting and Adjudicating Cases with National Security Concerns, Jonathan R. Scharfen, Deputy Director (April 11, 2008).

²⁶ See *id.*

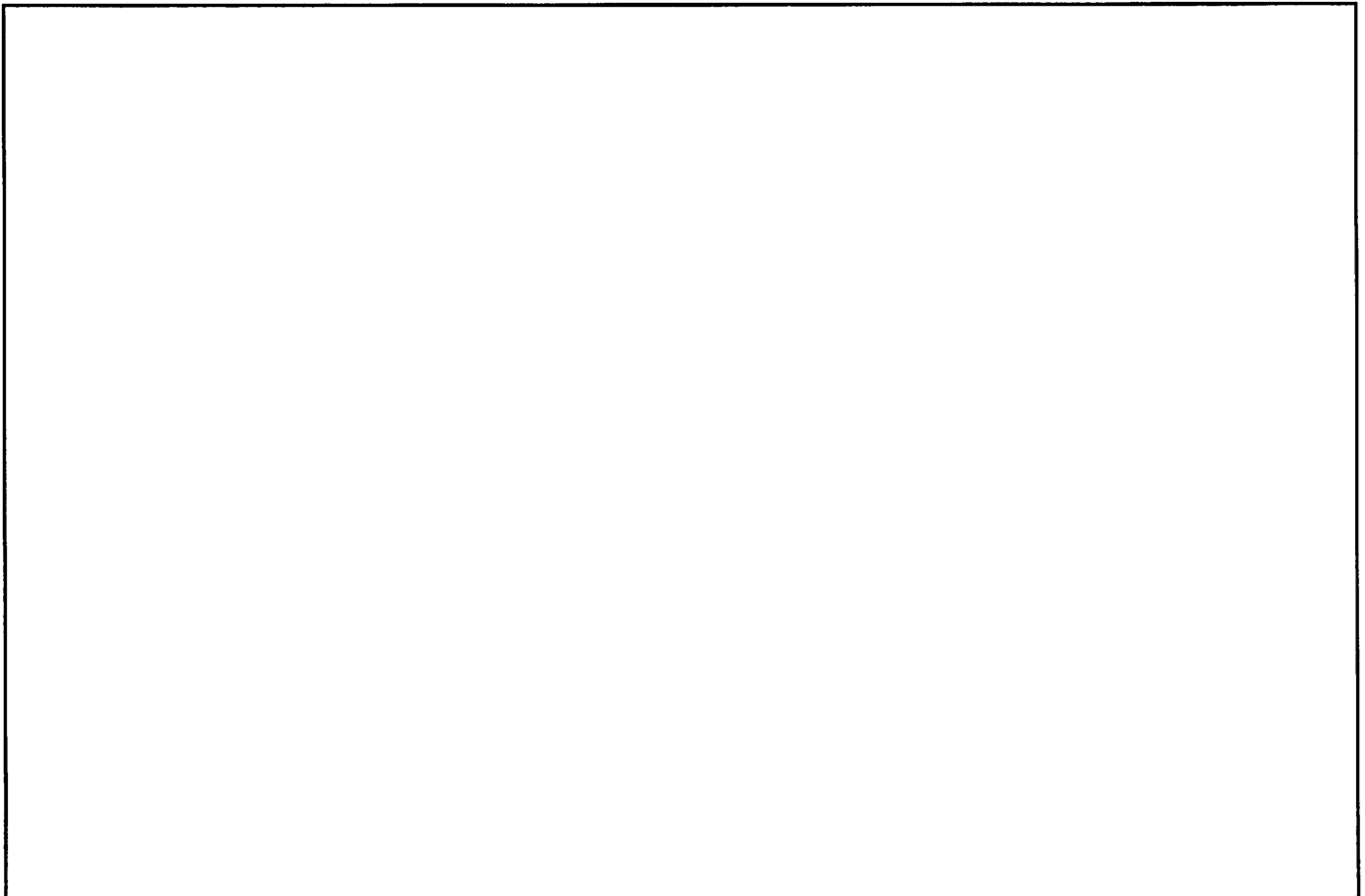
- INA § 212(a)(3)(F) – Association with terrorist organizations

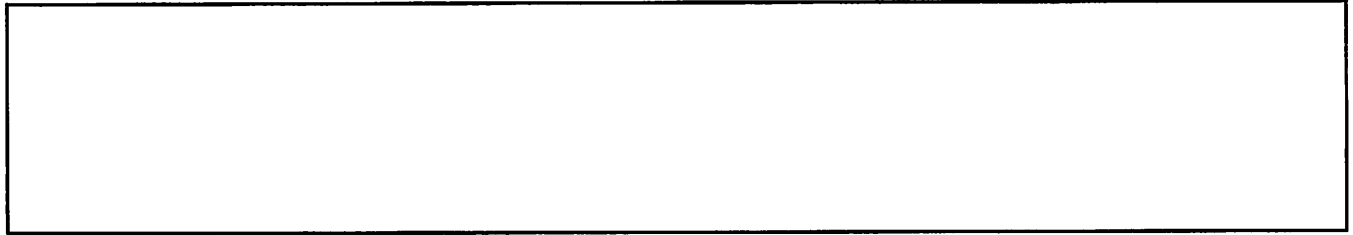
Other sections of the INA which may describe activities that are indicators of NS concerns include:

- § 208(b)(2)(A) – Exceptions to asylum eligibility
- § 212(a)(2)(I) – Money laundering
- § 212(a)(6)(C)(i) – Fraud and willful misrepresentation
- § 221(i) – Revocation of visas or other documents
- § 235(c) – Removal of aliens inadmissible on security and related grounds

3.1.4 Where You May Encounter NS Indicators

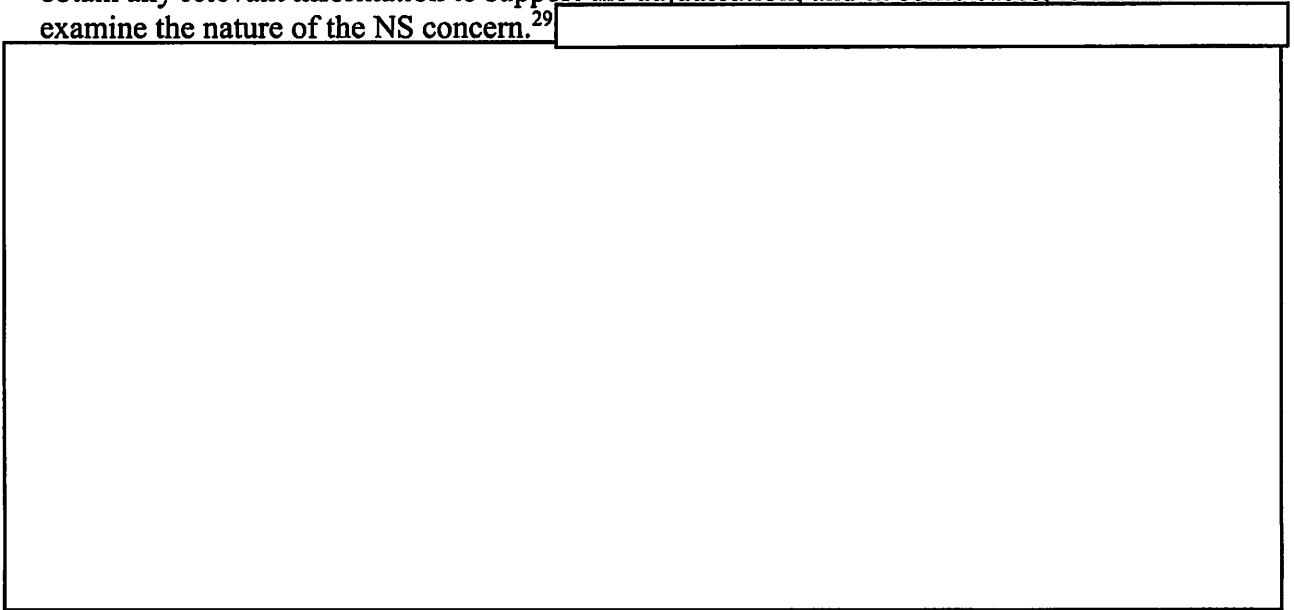
(b)(7)(e) You should review all sources of information available to you for NS indicators, which can include, but are not limited to, the following:





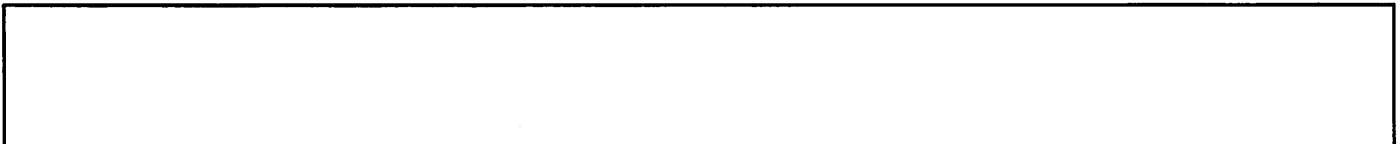
3.2 Internal Vetting and Eligibility Assessment (CARRP Step 2)

Internal vetting and eligibility assessment is a thorough review of the record associated with the application or petition to determine if the individual is eligible for the benefit sought, to obtain any relevant information to support the adjudication, and in some cases, to further examine the nature of the NS concern.²⁹



3.2.1 Interviewing Considerations and Preparation

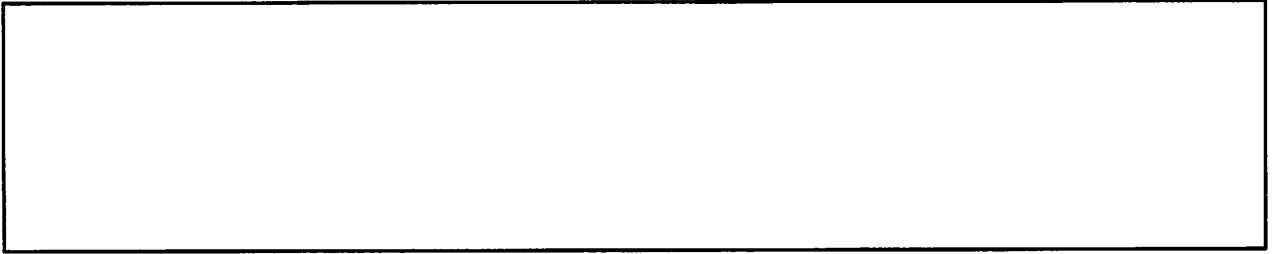
This section provides information to help you recognize possible NS indicators from an interview or file review. Information about an applicant’s activities may not be available from outside sources. In such cases, the only way to gather information regarding the applicant’s involvement in any activities or organizations that may subject him or her to an



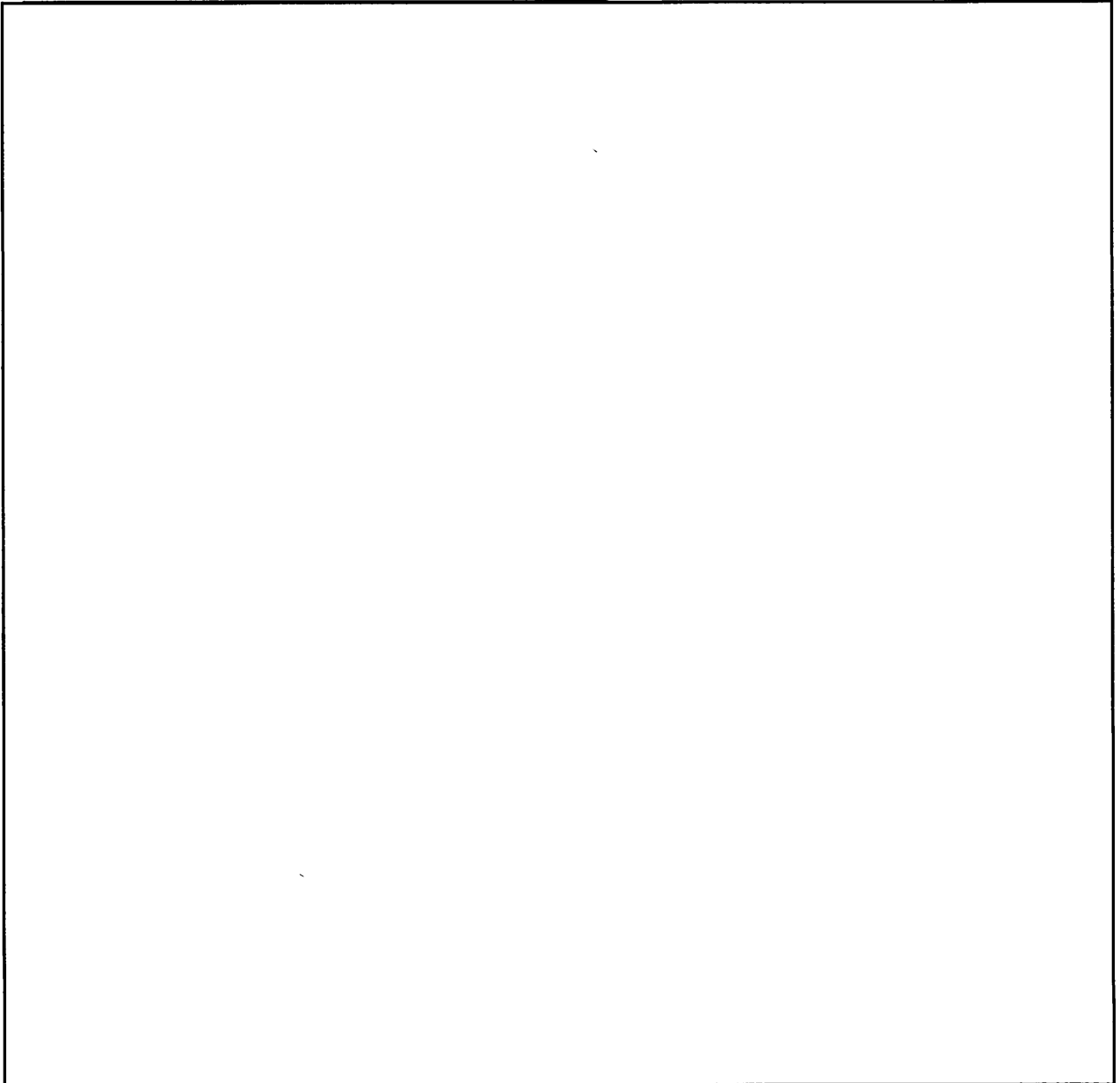
²⁹ See Memorandum, Policy for Vetting and Adjudicating Cases with National Security Concerns, Jonathan R. Scharfen, Deputy Director (April 11, 2008). (b)(7)(e)

³⁰ *Id.*

³¹ *Id.* at 6; Asylum Division Identity and Security Checks Procedures Manual (ISCPM) (August 2010) at 73. For additional information on handling TRIG-based exemptions, see the RAIIO Training module, National Security, Part 2 (TRIG).



Issues for Examination in the Interview/Analysis



³² Many examples of these indicators come from past presentations by the ICE National Security Integration Center (NSIC), Office of Investigations.

3.2.2 Certain Education, Training, Technical Skills, or Employment

In addition to an applicant's background in one of the skills listed below (or other similar skills), you should consider

3.2.3 Interaction with People/Organizations of Concern

[Redacted]

3.2.4 Engaged, or Suspected of Engaging, in Certain Criminal Activities

[Redacted]

3.2.5 Possession of Documents

[Redacted]

3.2.6 Unexplained Travel or Travel to Areas of Concern

[Redacted]

3.2.7 Financial Irregularities

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3.2.8 Unaccounted-for Gaps of Time**3.2.9 Fraudulent Documents****3.3 External Vetting (CARRP Step 3)**

External vetting is generally conducted when the NS concern remains after internal vetting/eligibility assessment and the application is otherwise approvable. It requires close coordination with law enforcement agencies, the Intelligence Community, and/or other record owners. External vetting is conducted by FDNS.³⁵ You should not undertake external vetting.

When external vetting is required, it must be completed by FDNS prior to final adjudication.

3.4 Final Adjudication (CARRP Step 4)

This is the final decision on the case. This determination is made only after all other necessary steps of the CARRP process have been completed.

If the NS concern remains upon completion of all required vetting you must:

- Evaluate the results of the vetting;

³⁵ Policy Memorandum, Revision of Responsibilities for CARRP Cases Involving Known or Suspected Terrorists, Office of the Director, USCIS (July 26, 2011).

- Obtain any additional relevant information (e.g., via a request for evidence, an interview, a re-interview, etc.); and
- Determine the individual's eligibility for the benefit sought.³⁶

All of the information obtained during the CARRP process is evaluated to determine if the NS concern has been resolved or confirmed, whether the application/petition should be approved or denied/referred, and when appropriate, whether to proceed with removal, rescission, termination, or revocation of an immigration benefit.

If the individual is ineligible for the benefit sought, the application or petition must be denied/referred. If the vetting process results in a finding that the NS concern no longer exists, and if the individual is otherwise eligible for the benefit sought, the application or petition may be approved.

Cases with unresolved NS concerns generally cannot be approved without division HQ's concurrence, and for KSTs, concurrence of USCIS senior leadership and HQFDNS.

3.5 Documentation Relating to NS Concerns

You must properly document all NS concerns, in line with your division's policy and guidance.³⁷ FDNS will document NS concerns in FDNS-DS, a system that is owned by USCIS/FDNS and used by FDNS-IOs.

4 CONCLUSION

RAIO plays a critical role in preserving the integrity of our immigration benefits programs. It is critical for you to properly assess each case in consideration of possible national security concerns and to follow the relevant procedures for processing these cases through CARRP.

5 SUMMARY

U.S. immigration laws contain provisions to prevent individuals who may be threats to national security from receiving immigration benefits. As an adjudicator, you will identify potential NS indicators and concerns and process those cases in accordance with these laws and USCIS policy.

³⁶ *Id.*

³⁷ The FDNS-DS SOP can be found on the [ECN](#).

5.1 National Security Concerns

There are two kinds of NS concerns: Known or Suspected Terrorists (KSTs) and Non-Known or Suspected Terrorists (Non-KSTs). KSTs are identified by specific systems check results. Non-KSTs are NS concerns identified by any other means, including, but not limited to: applicant testimony, file review or country conditions research.

NS indicators may lead to finding an NS concern. An NS concern exists if there is an articulable link between the applicant and prior, current, or planned involvement in, or association with, an activity, individual, or organization described in INA §§ 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B).³⁸

5.2 Interviewing National Security Cases

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When preparing to interview an applicant, you must be mindful

5.3 CARRP

The Controlled Application Resolution and Review Program (CARRP) is the 4-step process through which USCIS vets and adjudicates national security cases.

The steps of CARRP are: (1) Identify NS Concerns; (2) Internal Vetting and Eligibility Assessment; (3) External Vetting; (4) Final Adjudication.

Deconfliction is a term used to describe coordination between USCIS and another government agency owner of NS information (the record owner) to ensure that planned adjudicative activities (e.g., interview, request for evidence, site visit, decision to grant or deny a benefit, and timing of the decision) do not compromise or impede an ongoing investigation or other record owner interest.

FDNS-IOs play a critical role in processing and vetting NS concerns.

³⁸ See Memorandum, Policy for Vetting and Adjudicating Cases with National Security Concerns, Jonathan R. Scharfen, Deputy Director (April 11, 2008).

OTHER MATERIALS**6 RESOURCES**

At various points in your interview preparation, red flags may indicate you need to do additional research to make sure you can conduct an informed, thorough interview of a case with potential NS issues. The following resources provide useful information that you should take into consideration when adjudicating cases in which the applicant or a dependent may be barred/inadmissible as an NS concern.

6.1 USCIS Refugee, Asylum and International Operations Research Unit (Research Unit)

The Research Unit's Country of Origin Information (COI) research documents are a primary source of information for officers at RAIO. Research Unit products include specific COI that could be helpful when adjudicating cases involving national security matters. Research Unit products may be accessed through the [RAIO Research Unit ECN Page](#).

In accordance with each Division's established procedures, you may submit queries to the Research Unit (email to RAIOResearch@uscis.dhs.gov) when additional country conditions information is required to reach a decision in a case. Query responses are posted to the RAIO Research Unit ECN page.

6.2 USCIS TRIG ECN

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The RAIO TRIG Branch maintains a comprehensive, one-stop shop for resources on TRIG issues on the [USCIS TRIG ECN](#).

6.3 USCIS Fraud Detection and National Security Directorate

In support of the overall USCIS mission, the Fraud Detection and National Security Directorate (FDNS) was created to enhance the integrity of the legal immigration system, detect and deter benefit fraud, and strengthen national security.

FDNS coordinates the sharing of information and development of policy on the national level regarding fraud and national security. FDNS-IOs assist in the field with internal and external vetting; FDNS HQ is responsible for vetting certain kinds of NS concerns.

FDNS has established a [website](#) on the USCIS intranet that includes in the "Department Resources" section links to information on various databases as well as several websites maintained by other organizations. See also RAIO FDNS's [ECN](#).

6.4 Homeland Security Investigations Forensic Laboratory (HSIFL)

The mission of the HSIFL is to provide a wide variety of forensic document analysis and law enforcement support services for DHS.³⁹

The HSIFL Forensic Section conducts scientific examinations of documentary evidence and its representatives testify to their findings as expert witnesses in judicial proceedings.

Under the “Alerts” section of the HSIFL site, the HSIFL posts documents alerting officers to specific trends in the use of fraudulent documents including exemplars to assist in determining the authenticity of documents received in the adjudication process. USCIS has a designated liaison located at the HSIFL to facilitate communications between USCIS and HSI.

6.5 Liaison with Other DHS Entities

Other entities within USCIS and DHS provide legal guidance and investigative support for these national security cases. Much of this interaction occurs at the headquarters level, though local offices also engage their ICE counterparts to coordinate action on cases as needed.

³⁹ Mission Statement, Homeland Security Investigations Forensic Laboratory, ICE Office of Intelligence, *available at* <http://www.ice.gov/hsi-fl/>.

SUPPLEMENT A – INTERNATIONAL AND REFUGEE ADJUDICATIONS

The following information is specific to international and refugee adjudications. Information in each text box contains adjudication-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

REQUIRED READING

1. Standard Operating Procedure for National Security Concerns in Refugee Cases (“RAD CARRP SOP”), RAD Policy (March 2018).
2. Adjudicative Aid for Cases Involving National Security Indicators and National Security Concerns (“RAD CARRP Lines of Inquiry”), RAD Policy (March 2018).
3. Memorandum, Guidance for International Operations Division on the Vetting, Deconfliction, and Adjudication of Cases with National Security Concerns, Alanna Ow, Acting Chief, International Operations (April 28, 2008) and Attachment A – Guidance for Identifying National Security Concerns.
4. Memorandum, Processing of Refugee Cases with National Security Concerns, Barbara Strack (Chief, RAD) and Joanna Ruppel (Chief, IO) (November 19, 2008).

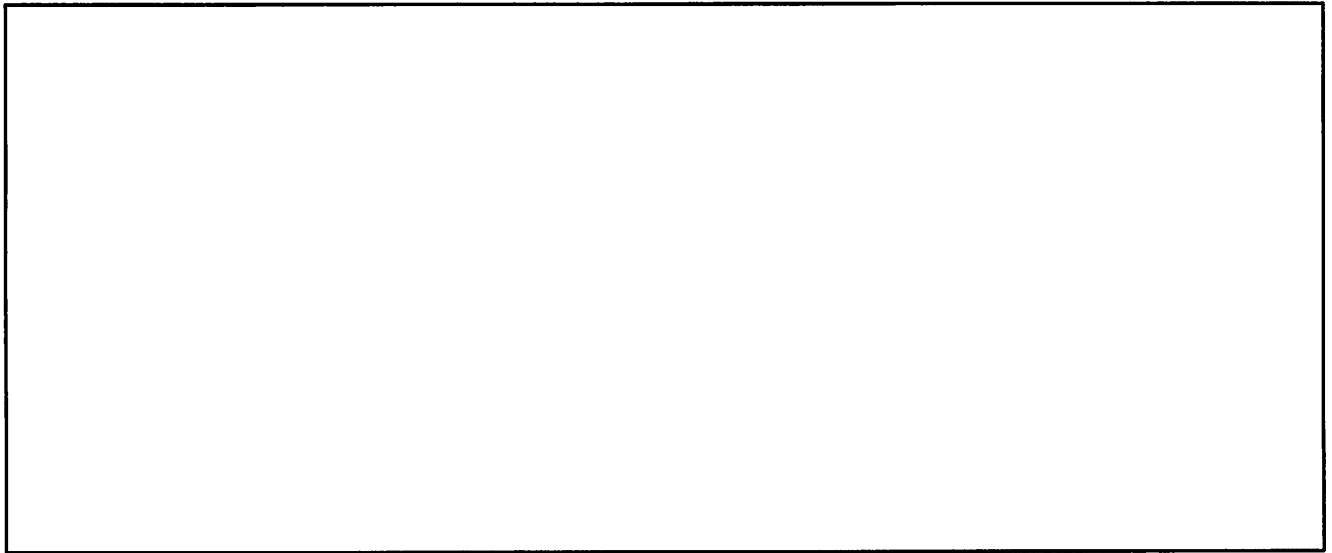
ADDITIONAL RESOURCES

1. Memorandum, Updated Background Identity and Security Check Requirements for Refugee/Asylee Following-to Join Processing, Joanna Ruppel, Chief, International Operations (March 29, 2011).

SUPPLEMENTS

International and Refugee Adjudications Supplement

The CARRP Process



SUPPLEMENT B – ASYLUM ADJUDICATIONS

The following information is specific to asylum adjudications. Information in each text box contains adjudication-specific procedures and guidelines related to the section from the Training Module referenced in the subheading of the supplement text box.

REQUIRED READING

1. Updated Instructions for Handling TECS B10 Hits, Ted H. Kim, Acting Chief, Asylum Division (June 19, 2012).
2. Asylum Division Identity and Security Checks Procedures Manual (ISCPM), especially Section VIII of the ISCPM regarding Cases Involving Terrorism or Threats to National Security.
3. Asylum Division Affirmative Asylum Procedures Manual (AAPM).
4. Memorandum, Issuance of Revised Section of the Identity and Security Checks Procedures Manual Regarding Vetting and Adjudicating Cases with National Security Concerns (ISCPM) (HQRAIO 120/9.3a), Joseph Langlois, Chief, Asylum Division (May 14, 2008).

ADDITIONAL RESOURCES

1. Matter of R-S-H-, 23 I&N Dec. 629 (BIA 2003).

SUPPLEMENTS

Asylum Adjudications Supplement

Use of Discretion when a Bar Does Not Apply

There may be some cases involving a national security matter in which facts fall short of a mandatory bar to asylum but nonetheless warrant the denial or referral of the asylum application as a matter of discretion, even if the applicant has established refugee status.⁴⁰

⁴⁰ See 8 C.F.R. § 208.14(b); Matter of H-, 21 I&N Dec. 337, 347 (BIA 1996); Matter of A-H-, 23 I&N Dec. 774, 780 (AG 2005) (discretionary denial upheld where applicant had evaded U.S. taxes and had connections to FIS in Algeria and Islamic groups that committed human rights violations); Kalubi v. Ashcroft, 364 F.3d 1134, 1139 (9th Cir.

Officers must bear in mind that the sound exercise of discretion requires a balancing of the fact that the applicant qualifies as a refugee, along with any other positive factors, against any negative factors presented in the case.⁴¹ This should be reflected in the assessment.

The likelihood of future persecution is an important factor in the exercise of discretion. A reasonable possibility of future persecution weighs heavily in favor of exercising discretion to grant asylum. The BIA has held that “the danger of persecution should generally outweigh all but the most egregious of adverse factors.”⁴² All discretionary denials and referrals are submitted to Asylum HQ for review. Please see RAIO Training module, *Discretion*, for further guidance.

Asylum Adjudications Supplement

Note Taking – National Security

Asylum Division procedures require that officers take notes in a sworn statement format when:

- There are serious reasons for considering the applicant a threat to national security

The use of the sworn statement is crucial because an applicant’s admission may be used as a basis to institute deportation or removal proceedings against him or her, or as a basis for DHS to detain the applicant.

For further explanation and requirements, see RAIO Module, *Interviewing - Note-Taking*, including the Asylum Adjudications Supplement, and the Affirmative Asylum Procedures Manual (AAPM).

Asylum Adjudications Supplement

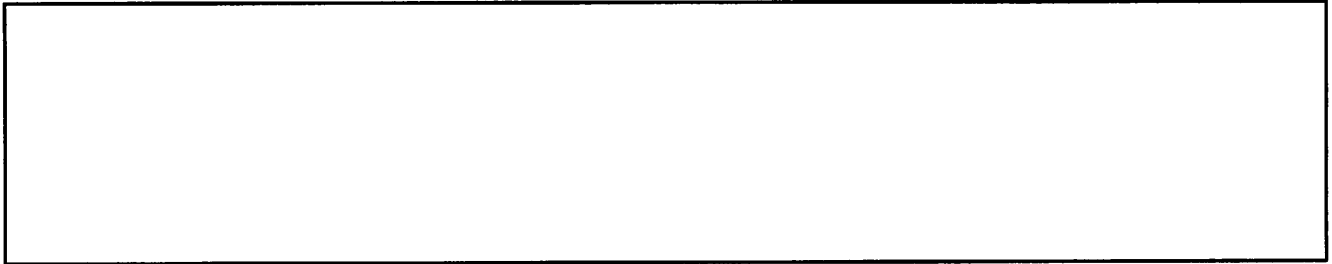
2004) (holding that all relevant favorable and adverse factors must be considered and weighed, and that “a factor that falls short of the ground of mandatory denial is not for that reason alone excluded from consideration as an adverse factor for the discretionary, entitlement prong.”).

⁴¹ *Matter of Pula*, 19 I&N Dec. 467 (BIA 1987); *Matter of H-*, 21 I&N Dec. at 347-48.

⁴² *Matter of Pula*, 19 I&N Dec. at 474; *Matter of Kasinga*, 21 I&N Dec. 357, 367 (BIA 1996).

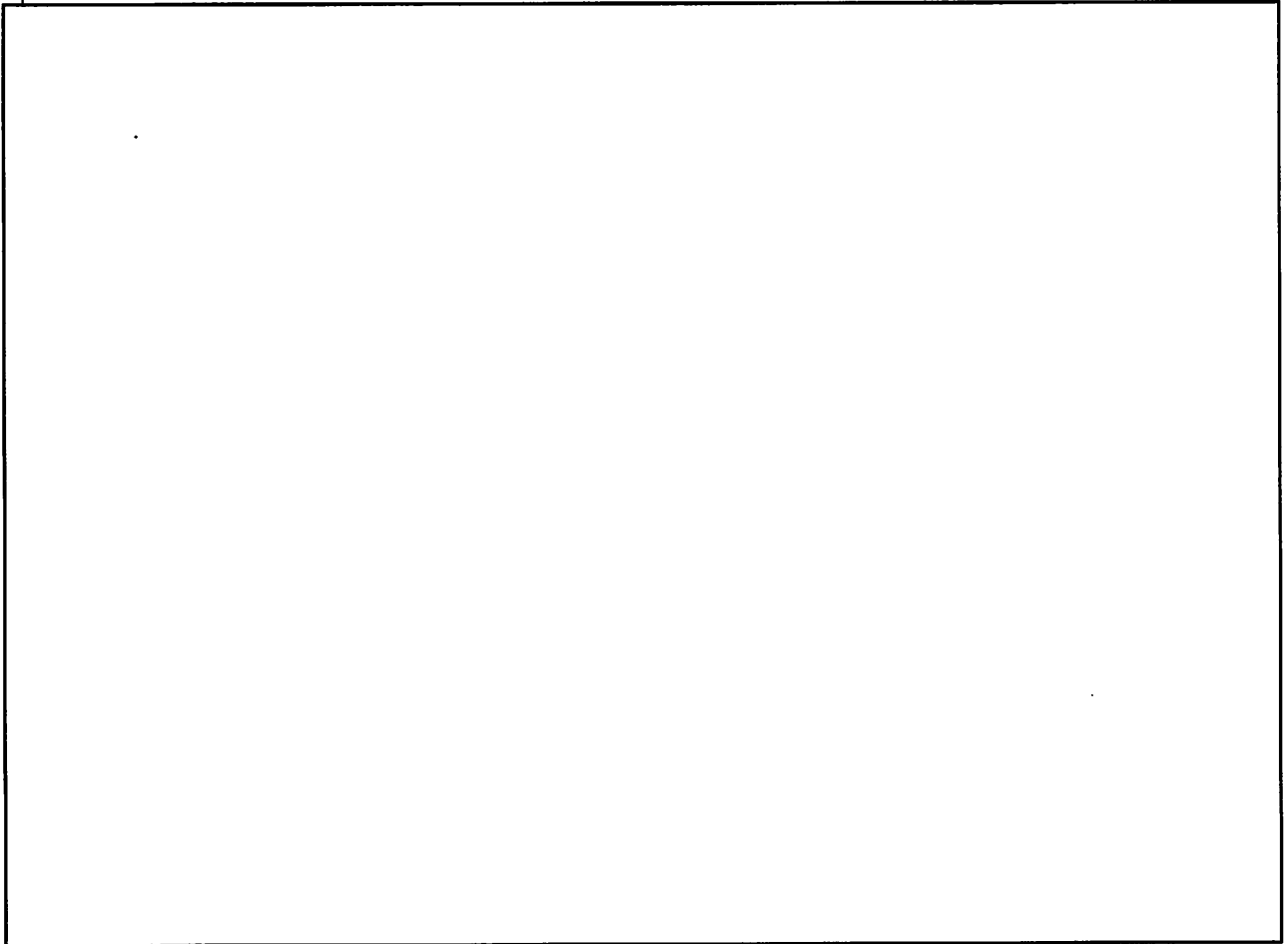
KST Handling Requirements

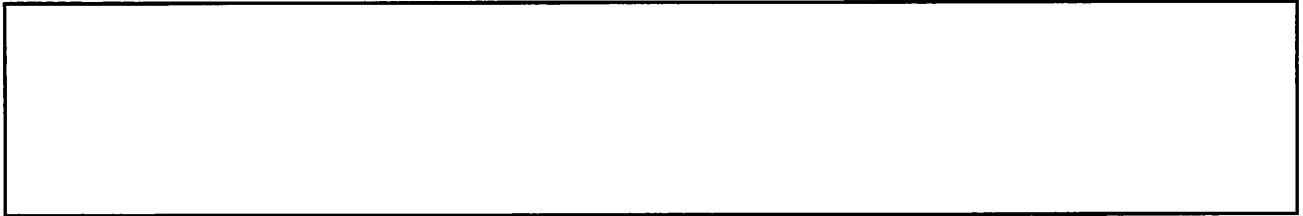
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Asylum Adjudications Supplement

Cases Requiring HQASM Review





Asylum Adjudications Supplement

Burden and Standard of Proof

If the evidence indicates that a ground for a mandatory denial or referral exists, then the applicant has the burden of proving by a preponderance of the evidence that the ground does not apply. A fact is established by a preponderance of the evidence, if the adjudicator finds, upon consideration of all of the evidence, that it is more likely than not that the fact is true (in other words, there is more than a 50% chance that the fact is true). For further guidance on mandatory bars, see the Asylum Lesson Plan, *Mandatory Bars to Asylum*.