ABDIQAFAR WAGAFE, et al., on behalf of himself and other similarly situated, 

Plaintiffs, 

v. 

JOSEPH R. BIDEN, President of the United States, et al., 

Defendants. 

I, Kevin Quinn, do declare and say: 

Professional background and qualifications 

1. I currently serve as the Division Chief of the Fraud Detection and National Security Directorate’s (FDNS) National Security and Public Safety Division (NSPSD) at USCIS. The NSPSD is responsible for the development, implementation, and oversight of CARRP policy, as well as the development of training materials used nationwide for the immigration cases involving national security (regional and local offices may also put together supplemental trainings for their
own use). As the Division Chief, I was responsible for overseeing that work. I began my current position in 2019.

2. I have been employed at USCIS since 2007. During my tenure at USCIS, I have also served as Chief of FDNS’s Social Media Division and Branch Chief of the Screening Coordination Office within FDNS’s National Security Division (NSD). (NSD was the predecessor to the NSPSD.)

3. Prior to my professional tenure at USCIS, I earned a Juris Doctorate degree from the University of Akron School of Law in 2007. In 2001, I earned a Bachelor’s Degree in English from The Ohio State University.

4. The statements made in this declaration are based on my understanding of the Plaintiffs’ allegations in the case *Wagafe, et al. v. Trump, et al.*, No. 2:17-cv-00094 (WAWD), my knowledge and experience in USCIS management, and information available to me in my capacity as Division Chief. In the statements that follow, I refer to the following training documents, the relevant content of which I reviewed again in formulating this declaration: 2020 CARRP Training, Student Handbook, DEF-00430767-Def-00430768; 2020 CARRP Training, Modules 2, 3, 4, 5, and 6, DEF-00431062-DEF00431971; 2017 CARRP Training, Module 4, DEF-00429575-DEF-00429682. The 2020 CARRP training curriculum, DEF-00430765-DEF00432165, is the current and operative training material used by USCIS in all training forums it conducts, and replaces previous versions. The documents I identify here have been produced by Defendants in the *Wagafe* case, and I refer to them by their production pagination. These documents are true and correct copies of the USCIS CARRP training curriculum.

**Education and Training Requirements**

5. As part of its mission to safeguard the integrity of the immigration system and protect Americans from harm, USCIS requires that all officers receive introductory CARRP training as part of their basic training program. In this introductory training, USCIS officers are taught to identify...
applicants who may be ineligible for benefits on national-security related grounds, and to refer such applicants to CARRP trained officers for further review.

6. In addition, USCIS requires officers who will be responsible for vetting and adjudicating CARRP cases to receive several days of CARRP-focused training before they can begin working on CARRP cases. USCIS first developed a CARRP training curriculum in 2008 and has made the completion of a training regimen a mandatory pre-requisite for officers working CARRP cases since that time. Given the complexity and potential significance of applications involving potential national security concerns, USCIS believes that all officers should receive significant classroom training experience before being entrusted with handling CARRP cases.

7. By way of background, the duties of processing CARRP cases in the field are shared by CARRP-trained adjudicators, known as Immigration Service Officers (ISOs), and FDNS investigators, known as Immigration Officers (IOs). The duties of the ISO include conducting eligibility assessments, internal vetting, and adjudication, while the duties of the IO include conducting internal vetting, external vetting and deconfliction as those terms are defined under the CARRP policy. Generally, IOs vet the NS concerns under the various CARRP phases, while ISOs evaluate the applicant’s eligibility for the benefit and ultimately adjudicate the application based on the totality of the evidence in the record, including any derogatory information that the IO may have uncovered in vetting the NS concern.

8. **ISOs:** As part of the adjudicator training program, all ISOs receive introductory CARRP training. Only those ISOs who receive additional training in CARRP, however, will serve as adjudicators in these cases. All ISOs selected to handle CARRP cases are required to complete an intensive training course dedicated solely to CARRP.

9. The specialized CARRP trainings range from three to five days in length, and involve a combination of full day instruction supplemented by class discussion and the completion of practical
exercises. At the conclusion of the specialized CARRP course, each officer must pass an
examination on the material covered throughout the course in order to become CARRP certified.

10. Separately, additional training is available to all ISOs specific to identifying indicators of
potential national security concerns, which is scheduled through their local office.

11. IOs: In the case of FDNS IOs, each officer receives three-days of CARRP training as part
of their two-week FDNS officer basic training program and must also obtain certification by passing
a final exam prior to working on CARRP cases.

12. Additionally, since approximately 2011, all CARRP-trained ISOs and FDNS IOs are
required to complete a cultural sensitivity and awareness training prior to working CARRP cases.
The training, created at the direction of FDNS headquarters, addresses important cultural differences
in the context of interpersonal communication for the purpose of raising awareness of such
differences before officers conduct interviews or site visits concerning immigration benefit
applications.

13. The evaluation of officers handling CARRP cases does not end with their successful
completion of training. After an officer passes the requisite final exam to become CARRP certified,
he or she will also receive ongoing evaluation in their home field office from their supervisor once
they begin working CARRP cases. Further, a review structure is built into the CARRP process
itself. Officers are required to document case actions in FDNS-DS, USCIS’s database for tracking
CARRP cases, and supervisors conduct mandatory review of aspects of their work to ensure that it
meets requirements. Each office also participates in the agency’s INSITE review program, which is
a self-audit of different procedures across the agency. INSITE includes a module on the handling of
CARRP cases, and allows local offices to identify areas where their officers may need additional
coaching and guidance.
USCIS trains its officers to follow the law

14. USCIS has periodically revised and updated its CARRP training curriculum over the last decade, most recently in the fall of 2020. Presently, the specialized (certification-based) CARRP training course is comprised of six training modules, live lectures, reading assignments, quizzes, and interactive exercises. The course instructor may either be an officer from FDNS headquarters or a field officer who is experienced in providing CARRP training. In selecting instructors for the CARRP training courses, USCIS seeks officers exhibiting qualifications including knowledge of various facets of the FDNS program; teamwork, leadership, interpersonal skills, and flexibility; experience teaching technical materials in a classroom setting, and superior presentation and oral communication skills.

15. As CARRP is USCIS’s standardized process for vetting and adjudicating cases involving potential national security concerns, it is important that the CARRP training content also be standardized. This helps ensure that every officer who handles a CARRP case will have a fundamental understanding of CARRP’s end to end process and familiarity with documenting his or her work in the FDNS database (FDNS-DS), even if the officer’s duties are limited to discrete aspects of the process. Further, the training sets forth a series of steps that CARRP-trained officers can follow each time they handle a case with national security information, which promotes consistency, thoroughness, and efficiency in their work product. Importantly, as stated in the course welcome presentation, the course emphasizes a top-down, headquarters perspective of CARRP. The training is not tailored toward specific applicants, application types, offices, regions, directorates, or positions. Because the instruction is designed to be utilized by USCIS employees working in a wide variety of positions and disciplines, it is meant to provide a foundation from which the entire agency can work rather than act as a comprehensive, step-by-step lesson in how any one individual should perform his or her specific job. With respect to IOs and ISOs who become CARRP-certified and
eligible to work CARRP cases in the field, their direct supervisors are expected to provide additional case-processing guidance as needed and consistent with the CARRP policy concerning circumstances that are unique to a particular CARRP case.

16. Individually, most of the training modules explain a core component of the CARRP process. Collectively, the lessons are designed to facilitate discussion and critical thinking about what is and is not a national security concern and give adjudicators the skill set to assess how the national security information may affect an applicant’s eligibility for a benefit under the Immigration and Nationality Act (“INA”).

17. For instance, through instructor-led group discussion of common fact patterns, officers in training learn to synthesize discrete points of information, identify unanswered questions about an applicant, and assess the sufficiency of evidence relative to CARRP referral standards. See generally DEF-00430765-DEF00432165. Hypotheticals cover scenarios both where the available evidence of record is sufficient to show an articulable link to a national security ground and where the evidence is insufficient to meet the articulable link standard. See generally DEF-00431307-DEF-00431453. Other hypotheticals then add new facts to the equation to help officers in training think through how the new composite picture may or may not alter the underlying assessment. Id. This standardized methodology gives officers in training the tools to perform consistent analysis of NS information and make informed judgments about whether or not an applicant may be ineligible for a benefit on a national security related ground. Across the six training modules, certain core principles are emphasized through repetition and review:

**NS concerns must have a statutory basis**

18. The training clarifies for officers in training that, although non-statutory indicators such as familial relationships may be relevant to the nexus analysis, the definition of USCIS’s “national security concern” is tethered to the statutory grounds set forth in the INA. See DEF-00431076
Current guidance talks about statutory versus non-statutory indicators. The statutory part of our concerns are the NS inadmissibility and removability sections from the INA…. The non-statutory part is the connection – everything that links the person to the ground.”). Training content thus details an exhaustive list of potentially applicable NS-related inadmissibility grounds and instructs that, “[i]n order to have an NS concern, one of these INA NS grounds. . . MUST be present.” \textit{Id.}

19. This imperative is illustrated not only through instruction, but practical exercise. For instance, an exercise in Training Module Two requires officers in training to practice identifying specific grounds in the INA associated with a national security determination. \textit{See} DEF-00431081.

Officers in training \textit{Id.} When called upon, \textit{Id.} As the instructor notes provide, “the purpose of this exercise is to emphasize the statutory grounds of national security used in determining if a case should be in CARRP…” \textit{Id.}

20. As the subject matter shifts from the NS identification stage of the CARRP process to adjudication stage, the instructional point continues to be emphasized. Adjudicators are reminded that, “As with all adjudications, there must be a statutory basis for a denial or referral of a CARRP case.” DEF-432021. Because eligibility cannot be presumed, adjudicators are instructed to identity all statutory eligibilities and ineligibilities. \textit{Id.} (“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”).

\textit{Officers should apply a “totality of the circumstances” approach concerning whether an applicant is a national security concern}
21. Indicators, which the training explains are synonymous with “facts” or “evidence,” are an important investigative tool to flag information that might warrant further agency review depending on the circumstances. DEF-00431102. When that review is undertaken, the evidence could rise to the level of national security concern, but it could also prove to be harmless. Because referrals to CARRP may be based on indicators of a national security concern short of an articulable link, USCIS believes it is important that officers learning how to apply the CARRP process understand that such discrete points of evidence must be viewed in the context of other facts rather than standing alone.

22. This “totality of the circumstances” approach is a crucial component of the CARRP policy and has long been emphasized in the CARRP training. So, for example, while the training introduces officers to categories of indicators that may justify a closer look, it takes caution to clarify that “none of these indicators by themselves mean someone is an NS Concern,” DEF-00431418, DEF-00429651; that indicators “are a single fact that suggests there may be something worth looking deeper at,” DEF-00431939, “[j]ust because someone did something on this list does not mean they’re an NS concern,” DEF-00431939, and that

[redacted]; see also DEF-00429650. The training content calls officers’ attention to the important reality that the evaluation of evidence against a standard often requires human judgment, and, as such, “it is critical that the evidence is weighed based on the totality of the circumstances.” DEF-00431393. Similarly, an instructor guide put together for personnel who will teach the CARRP training reminds instructors that, [redacted] DEF-00063777.
23. The “totality of the circumstances” standard may be an unfamiliar concept to new officers, so we strive to reinforce it across the training content to ensure its understanding. DEF-00431419. (“if you look at the entire body of evidence, maybe then it relates to an area of NS concern”); (“if there are many, many indicators, then based on the totality of the circumstances, this may cause us to take a closer look via CARRP.”). Yet here too, context is important.

24. Finally, the training explicitly states that certain types of biographical information are never indicators of a national security concern and will not be considered under the totality of circumstances approach. Specifically, the training clearly directs that DEF-00431088.

Officers should not presume that applicants who are identified national security concerns are ineligible for the sought benefit

25. It’s important that officers who will be working CARRP cases understand from the outset that the significance of an application’s status as a CARRP case is only that it pre-determines that a certain process will be applied to it, not a certain result. As an introductory training module notes, “Many, in fact the majority of subjects, do emerge from CARRP cleared of any concerns.” DEF-431135. The training contents stresses this throughout the learning modules through points of instruction that teach officers in training that the adjudicative result in any case will be guided by the evidence. For example, the training advises that “even though you may refer such cases to CARRP, further vetting or context from the record you receive, in the totality of the circumstances, may help you to resolve any potential concern and may result in the case being processed routinely,” DEF-
00431351 and explains that “[i]t’s all about the facts – identifying concerns is about assessing the facts we know, regardless of where they came from.” DEF-00431435.

26. Instruction later in the training reinforces the principle that “a connection for the purposes of starting our CARRP process isn’t the same as a statutory ineligibility.” DEF-00431852. It explains that

DEF-00431080. This instruction makes a crucial point of clarification for our officers in training who will be applying the CARRP policy: although the information behind an NS concern determination may reveal at the conclusion of vetting that an applicant is statutorily ineligible for the underlying benefit, the applicant’s status as a “national security concern” in the CARRP vetting process is not an independent basis for denial and will not be regarded as one.

Officers continue to evaluate an applicant’s eligibility for a benefit throughout the vetting process and no final eligibility determination is made until the time of adjudication.

27. As discussed above, the curriculum communicates to officers in training that the seriousness of NS cases being processed under CARRP requires a thorough level of review, which at times includes multiple preliminary assessments of an applicant’s eligibility based upon the information that becomes available during internal and external vetting. In fact, a principal reason CARRP brings more resources to bear on this class of cases is to afford the means to accomplish this imperative.

28. The nature of vetting cases with potential national security concerns is such that information illuminating eligibility can and does come from a variety of different sources at many different points in time. the basis for an applicant’s referral to CARRP originates from
the results of a security check, requiring communications with one or more third party record holders before the significance of the derogatory information and its impact on eligibility are understood.

On other occasions, the potential national security concern arises in the first instance from the applicant’s interview testimony. Still other times, questions may remain after the completion of external vetting communications with a third party record holder that is the informational source of the concern and the applicant interview then becomes an appropriate forum to make further inquiry to possibly overcome or substantiate the concern. Even then, new questions may still arise and further correspondence with third party agencies may be advisable to gather additional information bearing on eligibility. The CARRP training thus instructs that the determination of an applicant’s eligibility is the culmination of a process that is only fairly regarded as complete immediately prior to adjudication. Although this practice holds true across any application adjudicated by USCIS, including those subjected to routine processing, it is especially important to CARRP cases for the reasons discussed above.

29. Because CARRP is designed to be a routinized process that can be replicated through a series of concrete steps, there is a process phase dedicated to the eligibility assessment/internal vetting of an applicant. Yet the training module covering eligibility assessments clearly communicates that this is only a starting point designed to yield a preliminary determination. “First, is an initial review to determine if the applicant is eligible for the benefit, which is known as the prima facie review. Second, there’s a continuing assessment based on vetting results and collective case factors prior to the final decision.” DEF-00431855. In fact, officers in training are instructed that this secondary assessment is an essential step in the adjudication process. “You will want to review the eligibility assessment for any new information discovered during the vetting process.”

30. In fact, as the training conveys, part of the function of the initial eligibility assessment is to inform the vetting process that follows. “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.” DEF-00432008. When training instruction covering the vetting process describes an applicant as “eligible,” or “otherwise eligible,” it is thus referring to this preliminary or prima facie eligibility determination, as no determination is final and complete until the time of decision.

31. USCIS strives through the training curriculum to prepare adjudicators to be receptive to new leads at all times and avoid forming any preconceptions concerning final eligibility—and this is true regardless of the status of the national security concern associated with the applicant. For example, one training slide cautions adjudicators to “make sure that you are open to new information arising prior to adjudication which could indicate that the individual is still an NS concern.” DEF-00432012. Another slide asks,

USCIS’s autonomy must be maintained while interacting with third agencies

32. USCIS’s partnerships with law enforcement agencies are critical to ensuring a full understanding of the significance of the applicant’s relationship to the national security information and its impact on eligibility if any. As with any strong partnership, good communication is essential. The training curriculum instructs officers in training on the importance of DEF-00431896. Similarly, officers are also instructed that they need to DEF-00431906-08.

33. Officers in training are taught that this coordination, known as deconfliction, should be conducted throughout the process. As described in the CARRP policy and training, deconfliction is
used to ensure that planned adjudicative activities (e.g. interview, request for evidence, site visit, decision to grant or deny a benefit, or timing of the decision) do not compromise or impede an ongoing investigation or other record owner of interest. CAR000003; DEF-00431099.

Deconfliction is one of many common-sense principles making up the CARRP policy, and the training curriculum is designed to introduce these principles at a common-sense level.

“Deconfliction is a conversation with the stakeholders - the people who will be impacted by our actions.” DEF-00431099.

34. Yet an equally important instructional point emphasized in the training is that USCIS, and not law enforcement record owners, makes all benefit processing decisions. See 2020, MS, 66

The training further seeks to impress on officers in training that this autonomy must extend beyond the adjudicative decision to any aspect of benefit processing. See DEF-431148.

Presence of classified information may impact the grounds for denial

35. A large percentage of national security concerns are identified through information supplied by law enforcement and intelligence agencies such as the FBI, CBP, and ICE. Sometimes, the information USCIS receives is classified or law enforcement sensitive. USCIS is generally prohibited from disclosing classified information or law enforcement-sensitive information to applicants without permission from the record owners because disclosing such information may impact an ongoing investigation or cause collateral harm to USG interests. Further, USCIS is precluded from denying cases on national security grounds unless they can be substantiated using unclassified information, and is not permitted to use even unclassified third agency information in a denial without written permission from the record owner. In circumstances where non-disclosable

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information indicates the applicant’s ineligibility for the benefit sought, USCIS may face the
prospect of having to grant a benefit to an ineligible applicant unless there is other disclosable
evidence providing another basis for denial on which the agency can genuinely rely. There are
instances, therefore, when USCIS deems it appropriate to rely on other evidence in issuing a denial,
provided that such evidence is a legally sufficient basis on which to deny the decision. This rather
complex concept is a key point of instruction in CARRP training.

36. After the training content has provided officers in training ample familiarity with the
building blocks for identifying national security concerns, assessing eligibility, and internal and
external vetting, the training instruction guides them on bringing resolution to CARRP cases with
existing national security concerns through advanced vetting practices and, finally, adjudication.
This component of the instruction gives officers in training a roadmap for making further inquiries
into eligibility where national security information warranting denial is owned by third agencies and
prohibited from use. The training instructs officers that because [REDACTED] DEF-00431856. The instruction, however
cautions that [REDACTED] DEF-00432008 (“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. .

37. Furthermore, the training instruction clarifies for officers that “CARRP is not a denial
program,” (DEF-00431142) and that even cases with unresolved national security concerns will be
approved if the applicant is otherwise eligible at the conclusion of vetting and a final eligibility
review. See DEF-00432008 (“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. .
signs off on approving the benefit; or more vetting is done to look for potential ineligibility before it is elevated for approval.”).

38. I am aware that the plaintiffs in the Wagafe litigation argue that USCIS trains its officers to “find a way to deny” an application in CARRP when officers are not able to resolve an NS concern through vetting, and that they cite to several CARRP training slides to support their argument. See MSJ at 6-7, Ex. 19. The plaintiffs seem to imply that USCIS trains its officers to violate the INA. They are mistaken. As the training slides discussed above indicate, assuming that CARRP vetting is complete, and that USCIS officers were unable to resolve an NS concern through vetting, USCIS instructs its officers in training that there are two possible outcomes for adjudication, depending on whether or not the applicant is otherwise eligible: (1) approve the application (despite the continued existence of the NS concern) after receiving proper supervisory approval, or (2) deny the application based on statutory or regulatory grounds of ineligibility that are legally sufficient and can be cited in a decision. DEF-00432008. In other words, USCIS instructs its officers to recommend approval of eligible applications and to deny ineligible applications. This basic adjudicatory framework is no different from USCIS’s so-called “routine processing.”

39. It is true USCIS instructs its officers in training not to overlook any potential grounds for ineligibility when adjudicating CARRP applications that still pose NS concerns after vetting is complete. I am aware that the plaintiffs argue that these potential grounds of ineligibility are “trivial” or “pretextual.” See MSJ at 6 (complaining that USCIS should not fault applicants for failing to disclose prior addresses, group memberships, or charitable donations). This is incorrect.

40. First, Congress set forth the requirements for applicants to receive immigration benefits, and USCIS instructs its officers to enforce the requirements set by Congress. Second, what the plaintiffs appear to regard as overly technical bases of ineligibility can have greater significance in CARRP cases than in so called “routine cases.”
Finally, as discussed above, in many CARRP cases where vetting is complete and the NS concern is still unresolved, USCIS is aware of information that makes or is likely to make an applicant ineligible for a benefit, but our agency cannot disclose that information to the applicant because it might compromise USG interests. CARRP vetting allows USCIS to apply additional resources to cases with identified national security concerns, such as additional security checks or vetting. These additional resources may be the source of information that an applicant is ineligible under the non-national security grounds, and such information might not have been available without the additional CARRP vetting. Thus, USCIS trains its officers to assess whether the vetting process has established other legitimate bases on which the application may be denied that allow for nondisclosure of the NS information. Critically, these decisions are not “pretextual.” Although every reason informing the agency’s decision in a given case may not be provided in the decision, the stated grounds must nonetheless be based on adequate evidence from the record, accurately reflect reasons that factored into the decision, and be sufficient under the law.

Conclusion

41. In many respects, CARRP training is a bridge between the CARRP policies issued by Headquarters and the application of those policies by our officers in field offices across the country. The CARRP policy provides a set of procedures to evaluate potential national security concerns in a thorough, consistent, and timely manner, and from a management perspective, I understand our training to be an important tool to achieve those goals. While the CARRP training is far from the only resource provided to our officers to ensure that they properly understand and carry out the
policy, it provides an essential baseline from which to hone their skillset under the guidance of local leadership as they are assigned cases in the field. The curriculum is not static and I believe it has been strengthened over time and will continue to be in the future as a result of the feedback our training office receives from numerous channels, including those who have completed the course, those working cases on the ground level, and local and regional management.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 4th day of April 2021, at Washington, D.C.

KEVIN QUINN

DECLARATION OF KEVIN QUINN
IN SUPPORT OF DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT - 17
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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2021, I electronically filed the foregoing via the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ W. Manning Evans
W. MANNING EVANS
Senior Litigation Counsel
Office of Immigration Litigation
450 5th St. NW
Washington, DC 20001