EXHIBIT 34

FILED UNDER SEAL
EVIDENTIARY STANDARDS

A guide for weighing Evidence in NS CONCERNS
EVIDENCE -DEFINED

- The process of evaluating and according weight to sources of information which when combined lead a fact finder to a reasonable conclusion based on the totality of the circumstances.

- Evidence should be relevant and material
EVIDENTIARY STANDARDS

• **Beyond A Reasonable Doubt** [Criminal Law standard [not applied in immigration proceedings]

• **Reasonable Possibility Standard** [1 in 10 chance] (Lowest standard)

• **Clear and Convincing Standard** [Substantially More likely than not 51%] Less than beyond a reasonable doubt but greater than the Preponderance of the Evidence (Highest standard)

• **Preponderance of the Evidence** [Greater than Reasonable possibility standard but less than Clear and convincing standard.]
LEVELS OF EVIDENCE TO CONSIDER IN THE ANALYSIS OF NS CONCERNS
KST—TO NON-NS  SAMPLE FACT PATTERNS

- KST: [Beyond a reasonable doubt]

- NON-KST Confirmed:

- NON-KST—not confirmed: [Between reasonable possibility and Preponderance of the Evidence] Indicators exist but does not rise to the level of a “clear and convincing” Articulable Link.

- NON-NS: [Less than a reasonable possibility]
DISCLAIMER

• No rule, guideline, or law presently exists for application of specific evidentiary standards in the analysis of identifying NS concerns for CARRP adjudication.

• This Information is presented for training exercise purposes only and meant to be utilized as a guide in the process of weighing evidence based on the totality of circumstances.