EXHIBIT B

FILED UNDER SEAL
Adjudicating National Security Concerns

Controlled Application Review and Resolution Program (CARRP)

Adjudicating National Security Concerns
National Security and Public Safety Division

Updated December 2017

Updated September 2020
This is another way of looking at the chart we just saw. This is a different way of asking the same question – what do we do when the individual is eligible, but we don’t think we can resolve the NS concern?

This chart looks at the decision we make in the vetting process and the outcomes of each decision.

We’ve covered what happens if there is a clear ineligibility – easy outcome = denial.

We’ve covered what happens if that individual isn’t really a concern anymore – easy outcome = approval (if they’re eligible).

But how about that last diamond? At that point, there are two outcomes to our determination:

Either a senior leader (at the field level or if it’s a non-KST, or at the D2 level if it’s a KST) signs off on approving or we have to find a way to not have to approve.

So the rest of our vetting section is going to look at some of the ways that we can use vetting not just for collecting information, but towards the specific end of not approving an NS concern.
CARRP Adjudication

Review Eligibility - Checklist

- Must be statutory basis for denial or referral
- Ensure that if you need something declassified or need to use something from an LEA that you have permission
- Think of Lead Vetting – what basis or grounds of ineligibility exist and what materials do you need to establish such
- Consider all potential grounds of ineligibility
- Work with OCC to identify all legal basis that can be substantiated
- Discretionary denials must weigh both negative and positive factors in the case

So what kind of ineligibility are we talking about?

CARRP gives you additional latitude
Are we normally going to deny for failure to notify of a change of address, returning to one’s country of claimed persecution, or lack of attachment?
Not normally – but in CARRP, we don’t take anything off the table

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 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.

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At this point in the process, we’re only considering status-granting benefit types (i.e. I-586, I-485, I-526, N-500).

We’re also talking about cases where there are no grounds of ineligibility.

If the case was denied in any way, it would have been denied by now.

These are only cases that we think we might have to approve.

So what’s going on here?

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

Who approves unresolved KSTs? - D2

Who approved unresolved non-KSTs? - local senior official

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

On the KST side, if you have to get approval from D2, that approval comes from the Senior Leadership Review Board (SLRB)

And how you get there is that you have a local senior office commands your component chain of command, and your component’s HQ presents the case to the SLRB.

We’ll talk more about what happens then in a second.

On the non-KST side, all of the unresolved non-KSTs require local senior leadership approval.

What if you get it? - then you’re documenting and approving the benefit but what happens if you don’t get it? What if your FOI, your DQ, your center Director says they don’t want to approve?

Then you work up through your component chain of command.

So we see here that all unresolved KSTs will go to local senior official.

Some will get it, and a very few will not.

Again, we’ll talk more about SLRB in a minute, but it’s geared towards KST approval, because those mandate the D2.

Say:

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

[Facilitator: Place the following link in the chat:]

At this point in the process, the SLRB only approves status-granting benefit types for review and consideration (e.g. I-586, 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 denied 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 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 need to local Senior Leadership approval. If the Local Senior Leadership approves, the case will go to the USCIS Deputy Director of Programs (POD), and a very few will be approved.

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