

The Honorable Richard A. Jones

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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.

CASE NO. 2:17-cv-00094-RAJ

**DECLARATION OF KEVIN QUINN
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT AND IN OPPOSITION
TO PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

I, Kevin Quinn, do declare and say:

Professional background and qualifications

1. I currently serve as the 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

1 own use). As the Division Chief, I was responsible for overseeing that work. I began my current
2 position in 2019.

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

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

9 4. The statements made in this declaration are based on my understanding of the Plaintiffs'
10 allegations in the case *Wagafe, et al. v. Trump, et al.*, No. 2:17-cv-00094 (WAWD), my knowledge
11 and experience in USCIS management, and information available to me in my capacity as Division
12 Chief. In the statements that follow, I refer to the following training documents, the relevant content
13 of which I reviewed again in formulating this declaration: 2020 CARRP Training, Student
14 Handbook, DEF-00430767-Def-00430768; 2020 CARRP Training, Modules 2, 3, 4, 5, and 6, DEF-
15 00431062-DEF00431971; 2017 CARRP Training, Module 4, DEF-00429575-DEF-00429682. The
16 2020 CARRP training curriculum, DEF-00430765-DEF00432165, is the current and operative
17 training material used by USCIS in all training forums it conducts, and replaces previous versions.
18 The documents I identify here have been produced by Defendants in the *Wagafe* case, and I refer to
19 them by their production pagination. These documents are true and correct copies of the USCIS
20 CARRP training curriculum.

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23 Education and Training Requirements

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

3 6. In addition, USCIS requires officers who will be responsible for vetting and adjudicating
4 CARRP cases to receive several days of CARRP-focused training before they can begin working on
5 CARRP cases. USCIS first developed a CARRP training curriculum in 2008 and has made the
6 completion of a training regimen a mandatory pre-requisite for officers working CARRP cases since
7 that time. Given the complexity and potential significance of applications involving potential
8 national security concerns, USCIS believes that all officers should receive significant classroom
9 training experience before being entrusted with handling CARRP cases.
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11 7. By way of background, the duties of processing CARRP cases in the field are shared by
12 CARRP-trained adjudicators, known as Immigration Service Officers (ISOs), and FDNS
13 investigators, known as Immigration Officers (IOs). The duties of the ISO include conducting
14 eligibility assessments, internal vetting, and adjudication, while the duties of the IO include
15 conducting internal vetting, external vetting and deconfliction as those terms are defined under the
16 CARRP policy. Generally, IOs vet the NS concerns under the various CARRP phases, while ISOs
17 evaluate the applicant's eligibility for the benefit and ultimately adjudicate the application based on
18 the totality of the evidence in the record, including any derogatory information that the IO may have
19 uncovered in vetting the NS concern.
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21 8. **ISOs:** As part of the adjudicator training program, all ISOs receive introductory CARRP
22 training. Only those ISOs who receive additional training in CARRP, however, will serve as
23 adjudicators in these cases. All ISOs selected to handle CARRP cases are required to complete an
24 intensive training course dedicated solely to CARRP.
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26 9. The specialized CARRP trainings range from three to five days in length, and involve a
27 combination of full day instruction supplemented by class discussion and the completion of practical
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1 exercises. At the conclusion of the specialized CARRP course, each officer must pass an
2 examination on the material covered throughout the course in order to become CARRP certified.

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

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

8 12. Additionally, since approximately 2011, all CARRP-trained ISOs and FDNS IOs are
9 required to complete a cultural sensitivity and awareness training prior to working CARRP cases.
10 The training, created at the direction of FDNS headquarters, addresses important cultural differences
11 in the context of interpersonal communication for the purpose of raising awareness of such
12 differences before officers conduct interviews or site visits concerning immigration benefit
13 applications.
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15 13. The evaluation of officers handling CARRP cases does not end with their successful
16 completion of training. After an officer passes the requisite final exam to become CARRP certified,
17 he or she will also receive ongoing evaluation in their home field office from their supervisor once
18 they begin working CARRP cases. Further, a review structure is built into the CARRP process
19 itself. Officers are required to document case actions in FDNS-DS, USCIS's database for tracking
20 CARRP cases, and supervisors conduct mandatory review of aspects of their work to ensure that it
21 meets requirements. Each office also participates in the agency's INSITE review program, which is
22 a self-audit of different procedures across the agency. INSITE includes a module on the handling of
23 CARRP cases, and allows local offices to identify areas where their officers may need additional
24 coaching and guidance.
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USCIS trains its officers to follow the law

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2 14. USCIS has periodically revised and updated its CARRP training curriculum over the last
3 decade, most recently in the fall of 2020. Presently, the specialized (certification-based) CARRP
4 training course is comprised of six training modules, live lectures, reading assignments, quizzes, and
5 interactive exercises. The course instructor may either be an officer from FDNS headquarters or a
6 field officer who is experienced in providing CARRP training. In selecting instructors for the
7 CARRP training courses, USCIS seeks officers exhibiting qualifications including knowledge of
8 various facets of the FDNS program; teamwork, leadership, interpersonal skills, and flexibility;
9 experience teaching technical materials in a classroom setting, and superior presentation and oral
10 communication skills.
11

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

4 16. Individually, most of the training modules explain a core component of the CARRP
5 process. Collectively, the lessons are designed to facilitate discussion and critical thinking about
6 what is and is not a national security concern and give adjudicators the skill set to assess how the
7 national security information may affect an applicant's eligibility for a benefit under the Immigration
8 and Nationality Act ("INA").
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10 17. For instance, through instructor-led group discussion of common fact patterns, officers in
11 training learn to synthesize discrete points of information, identify unanswered questions about an
12 applicant, and assess the sufficiency of evidence relative to CARRP referral standards. *See generally*
13 DEF-00430765-DEF00432165. Hypotheticals cover scenarios both where the available evidence of
14 record is sufficient to show an articulable link to a national security ground and where the evidence
15 is insufficient to meet the articulable link standard. *See generally* DEF-00431307-DEF-00431453.
16 Other hypotheticals then add new facts to the equation to help officers in training think through how
17 the new composite picture may or may not alter the underlying assessment. *Id.* This standardized
18 methodology gives officers in training the tools to perform consistent analysis of NS information and
19 make informed judgments about whether or not an applicant may be ineligible for a benefit on a
20 national security related ground. Across the six training modules, certain core principles are
21 emphasized through repetition and review:
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24 ***NS concerns must have a statutory basis***

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

6 19. This imperative is illustrated not only through instruction, but practical exercise. For
7 instance, an exercise in Training Module Two requires officers in training to practice identifying
8 specific grounds in the INA associated with a national security determination. *See* DEF-00431081.
9 Officers in training are assigned an open-source article and asked to evaluate the facts contained
10 therein and make a determination as to whether the student would recommend a designation of
11 national security (“NS”) or non-national security (“non-NS”). *Id.* When called upon, the student is
12 asked to “explain the fact pattern that guided [his/her] NS/Non-NS determination and highlight the
13 ground from the INA that led to that determination.” *Id.* As the instructor notes provide, “the
14 purpose of this exercise is to emphasize the statutory grounds of national security used in
15 determining if a case should be in CARRP...” *Id.*

16 20. As the subject matter shifts from the NS identification stage of the CARRP process to
17 adjudication stage, the instructional point continues to be emphasized. Adjudicators are reminded
18 that, “As with all adjudications, there must be a statutory basis for a denial or referral of a CARRP
19 case.” DEF-432021. Because eligibility cannot be presumed, adjudicators are instructed to identify
20 all statutory eligibilities and ineligibilities. *Id.* (“Because of the seriousness of NS cases being
21 processed under CARRP, adjudicators should be sure that they are completing a thorough review so
22 that all statutory eligibilities and ineligibilities have been vetted”).
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26 ***Officers should apply a “totality of the circumstances” approach concerning whether an***
27 ***applicant is a national security concern***

1 21. Indicators, which the training explains are synonymous with “facts” or “evidence,” are an
2 important investigative tool to flag information that might warrant further agency review depending
3 on the circumstances. DEF-00431102. When that review is undertaken, the evidence could rise to
4 the level of national security concern, but it could also prove to be harmless. Because referrals to
5 CARRP may be based on indicators of a national security concern short of an articulable link,
6 USCIS believes it is important that officers learning how to apply the CARRP process understand
7 that such discrete points of evidence must be viewed in the context of other facts rather than standing
8 alone.
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10 22. This “totality of the circumstances” approach is a crucial component of the CARRP policy
11 and has long been emphasized in the CARRP training. So, for example, while the training
12 introduces officers to categories of indicators that may justify a closer look, it takes caution to clarify
13 that “none of these indicators by themselves mean someone is an NS Concern,” DEF-00431418,
14 DEF-00429651; that indicators “are a single fact that suggests there may be something worth
15 looking deeper at,” DEF-00431939, “[j]ust because someone did something on this list does not
16 mean they’re an NS concern,” DEF-00431939, and that “there are plenty of valid reasons for doing
17 any of these things.” DEF-00431939. Thus, the training instills the point that while “each [indicator]
18 by itself is small. . . a bunch of them together can add up to something big.” DEF-00431417; *see*
19 *also* DEF-00429650. The training content calls officers’ attention to the important reality that the
20 evaluation of evidence against a standard often requires human judgment, and, as such, “it is critical
21 that the evidence is weighed based on the totality of the circumstances.” DEF-00431393. Similarly,
22 an instructor guide put together for personnel who will teach the CARRP training reminds
23 instructors that, “[n]ot all information is derogatory. Even if it is from a system or has a code that
24 we typically associate with NS, it may not be a CARRP case.” DEF-00063777.
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1 23. The “totality of the circumstances” standard may be an unfamiliar concept to new officers,
2 so we strive to reinforce it across the training content to ensure its understanding. DEF-00431419.
3 (“if you look at the entire body of evidence, maybe then it relates to an area of NS concern”); (“if
4 there are many, many indicators, then based on the totality of the circumstances, this may cause us to
5 take a closer look via CARRP.”). Yet here too, context is important. While indicators based on
6 information provided in an applicant’s benefit application may be the basis for a CARRP referral
7 under a totality of circumstances approach, such instances comprise only a small fraction of CARRP
8 cases. The overwhelming majority of cases referred to CARRP are sourced to the results of third
9 party information such as FBI Letterhead Memorandums (LHMs) and TECS checks, etc.

11 24. Finally, the training explicitly states that certain types of biographical information are never
12 indicators of a national security concern and will not be considered under the totality of
13 circumstances approach. Specifically, the training clearly directs that “protected characteristic[s],
14 such as national origin or religion, ARE NOT indicators of an NS concern.” DEF-00431088.

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

17 25. It’s important that officers who will be working CARRP cases understand from the outset
18 that the significance of an application’s status as a CARRP case is only that it pre-determines that a
19 certain process will be applied to it, not a certain result. As an introductory training module notes,
20 “Many, in fact the majority of subjects, do emerge from CARRP cleared of any concerns.” DEF-
21 431135. The training contents stresses this throughout the learning modules through points of
22 instruction that teach officers in training that the adjudicative result in any case will be guided by the
23 evidence. For example, the training advises that “even though you may refer such cases to CARRP,
24 further vetting or context from the record you receive, in the totality of the circumstances, may help
25 you to resolve any potential concern and may result in the case being processed routinely,” DEF-
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1 00431351 and explains that “[i]t’s all about the facts – identifying concerns is about assessing the
2 facts we know, regardless of where they came from.” DEF-00431435.

3 26. Instruction later in the training reinforces the principle that “a connection for the purposes
4 of starting our CARRP process isn’t the same as a statutory ineligibility.” DEF-00431852. It
5 explains that “a case may even go from involving a KST to not being a national security concern at
6 all,” DEF-00431091, and further cautions officers in training to “please remember again these
7 grounds help us decide if an NS concern is present – they do not mean we’re going to find the person
8 inadmissible or removable on those grounds, nor does it mean we’re going to deny the benefit due to
9 these or any other grounds.” DEF-00431080. This instruction makes a crucial point of clarification
10 for our officers in training who will be applying the CARRP policy: although the information behind
11 an NS concern determination may reveal at the conclusion of vetting that an applicant *is* statutorily
12 ineligible for the underlying benefit, the applicant’s status as a “national security concern” in the
13 CARRP vetting process is not an independent basis for denial and will not be regarded as one.
14

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

17 27. As discussed above, the curriculum communicates to officers in training that the
18 seriousness of NS cases being processed under CARRP requires a thorough level of review, which at
19 times includes multiple preliminary assessments of an applicant’s eligibility based upon the
20 information that becomes available during internal and external vetting. In fact, a principal reason
21 CARRP brings more resources to bear on this class of cases is to afford the means to accomplish this
22 imperative.
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24 28. The nature of vetting cases with potential national security concerns is such that
25 information illuminating eligibility can and does come from a variety of different sources at many
26 different points in time. Often times, the basis for an applicant’s referral to CARRP originates from
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1 the results of a security check, requiring communications with one or more third party record holders
2 before the significance of the derogatory information and its impact on eligibility are understood.
3 On other occasions, the potential national security concern arises in the first instance from the
4 applicant's interview testimony. Still other times, questions may remain after the completion of
5 external vetting communications with a third party record holder that is the informational source of
6 the concern and the applicant interview then becomes an appropriate forum to make further inquiry
7 to possibly overcome or substantiate the concern. Even then, new questions may still arise and
8 further correspondence with third party agencies may be advisable to gather additional information
9 bearing on eligibility. The CARRP training thus instructs that the determination of an applicant's
10 eligibility is the culmination of a process that is only fairly regarded as complete immediately prior
11 to adjudication. Although this practice holds true across any application adjudicated by USCIS,
12 including those subjected to routine processing, it is especially important to CARRP cases for the
13 reasons discussed above.
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15 29. Because CARRP is designed to be a routinized process that can be replicated through a
16 series of concrete steps, there is a process phase dedicated to the eligibility assessment/internal
17 vetting of an applicant. Yet the training module covering eligibility assessments clearly
18 communicates that this is only a starting point designed to yield a preliminary determination. "First,
19 is an initial review to determine if the applicant is eligible for the benefit, which is known as the
20 prima facie review. Second, there's a continuing assessment based on vetting results and collective
21 case factors prior to the final decision." DEF-00431855. In fact, officers in training are instructed
22 that this secondary assessment is an essential step in the adjudication process. "You will want to
23 review the eligibility assessment for any new information discovered during the vetting process."
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26 30. In fact, as the training conveys, part of the function of the initial eligibility assessment is to
27 inform the vetting process that follows. "As an adjudicator, an officer may have helped identify the
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1 concern initially, completed an initial eligibility assessment that outlined directions for vetting to
2 proceed, and then the officer gets the case back at the end.” DEF-00432008. When training
3 instruction covering the vetting process describes an applicant as “eligible,” or “otherwise eligible,”
4 it is thus referring to this preliminary or prima facie eligibility determination, as no determination is
5 final and complete until the time of decision.

6 31. USCIS strives through the training curriculum to prepare adjudicators to be receptive to
7 new leads at all times and avoid forming any preconceptions concerning final eligibility—and this is
8 true regardless of the status of the national security concern associated with the applicant. For
9 example, one training slide cautions adjudicators to “make sure that you are open to new information
10 arising prior to adjudication which could indicate that the individual is still an NS concern.” DEF-
11 00432012. Another slide asks, “If the NS concern was resolved, or if we’re approving anyway even
12 though it’s unresolved, are we still on the lookout for NS information,?” and then answers
13 emphatically, “YES.” DEF-00432022.

14
15 ***USCIS’s autonomy must be maintained while interacting with third agencies***

16 32. USCIS’s partnerships with law enforcement agencies are critical to ensuring a full
17 understanding of the significance of the applicant’s relationship to the national security information
18 and its impact on eligibility if any. As with any strong partnership, good communication is essential.
19 The training curriculum instructs officers in training on the importance of conducting outreach to
20 record holders, talking to case agents whenever possible, and learning why an individual is a subject
21 of an investigation. DEF-00431896. Similarly, officers are also instructed that they need to keep
22 law enforcement record owners apprised of significant impending actions on their cases, as they may
23 have potential to affect an ongoing investigation. DEF-00431906-08.

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

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

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

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9 34. Yet an equally important instructional point emphasized in the training is that USCIS, and
10 not law enforcement record owners, makes all benefit processing decisions. *See* 2020, MS, 66
11 (“Let’s talk about what deconfliction is NOT. Deconfliction is not USCIS asking permission to do
12 something. We are not asking the FBI for permission to adjudicate an N-400. Nor is USCIS seeking
13 concurrence with our decisions.”). The training further seeks to impress on officers in training that
14 this autonomy must extend beyond the adjudicative decision to any aspect of benefit processing. *See*
15 DEF-431148.

16
17 ***Presence of classified information may impact the grounds for denial***

18 35. A large percentage of national security concerns are identified through information
19 supplied by law enforcement and intelligence agencies such as the FBI, CBP, and ICE. Sometimes,
20 the information USCIS receives is classified or law enforcement sensitive. USCIS is generally
21 prohibited from disclosing classified information or law enforcement-sensitive information to
22 applicants without permission from the record owners because disclosing such information may
23 impact an ongoing investigation or cause collateral harm to USG interests. Further, USCIS is
24 precluded from denying cases on national security grounds unless they can be substantiated using
25 unclassified information, and is not permitted to use even unclassified third agency information in a
26 denial without written permission from the record owner. In circumstances where non-disclosable
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1 information indicates the applicant's ineligibility for the benefit sought, USCIS may face the
2 prospect of having to grant a benefit to an ineligible applicant unless there is other disclosable
3 evidence providing another basis for denial on which the agency can genuinely rely. There are
4 instances, therefore, when USCIS deems it appropriate to rely on other evidence in issuing a denial,
5 provided that such evidence is a legally sufficient basis on which to deny the decision. This rather
6 complex concept is a key point of instruction in CARRP training.

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8 36. After the training content has provided officers in training ample familiarity with the
9 building blocks for identifying national security concerns, assessing eligibility, and internal and
10 external vetting, the training instruction guides them on bringing resolution to CARRP cases with
11 existing national security concerns through advanced vetting practices and, finally, adjudication.
12 This component of the instruction gives officers in training a roadmap for making further inquiries
13 into eligibility where national security information warranting denial is owned by third agencies and
14 prohibited from use. The training instructs officers that because "we are almost never going to be
15 able to deny based on NS grounds given that facts necessary to support such denials are often based
16 on classified information or information owned by third agencies that USCIS may not obtain
17 permission to use. . . we need to consider all grounds of statutory ineligibility if unresolved NS
18 information indicates the case should not be approved." DEF-00431856. The instruction, however
19 cautions that "a national security case can be denied on other grounds unrelated to the NS Concern"
20 only where "the facts of the case support it."

21
22 37. Furthermore, the training instruction clarifies for officers that "CARRP is not a denial
23 program," (DEF-00431142) and that even cases with unresolved national security concerns will be
24 approved if the applicant is otherwise eligible at the conclusion of vetting and a final eligibility
25 review. *See* DEF-00432008 ("where the individual is eligible for the benefit but we cannot resolve
26 the NS concern. . . there are two potential outcomes to our determination. . either a senior leader. . .
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1 signs off on approving the benefit; or more vetting is done to look for potential ineligibility before it
2 is elevated for approval.”).

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

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18 39. It is true USCIS instructs its officers in training not to overlook any potential grounds for
19 ineligibility when adjudicating CARRP applications that still pose NS concerns after vetting is
20 complete. I am aware that the plaintiffs argue that these potential grounds of ineligibility are
21 “trivial” or “pretextual.” *See* MSJ at 6 (complaining that USCIS should not fault applicants for
22 failing to disclose prior addresses, group memberships, or charitable donations). This is incorrect.
23

24 40. First, Congress set forth the requirements for applicants to receive immigration benefits,
25 and USCIS instructs its officers to enforce the requirements set by Congress. Second, what the
26 plaintiffs appear to regard as overly technical bases of ineligibility can have greater significance in
27 CARRP cases than in so called “routine cases.” For example, an individual whose application is
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1 under CARRP review may attempt to conceal membership in a group that supports terrorism, or
2 conceal residence at an address where a designated terrorist organization plans activities, or make
3 donations to a charity that has been found to fund terrorist activity, any of which could render the
4 applicant ineligible for an immigration benefit, depending on the circumstances. Finally, as
5 discussed above, in many CARRP cases where vetting is complete and the NS concern is still
6 unresolved, USCIS is aware of information that makes or is likely to make an applicant ineligible for
7 a benefit, but our agency cannot disclose that information to the applicant because it might
8 compromise USG interests. CARRP vetting allows USCIS to apply additional resources to cases
9 with identified national security concerns, such as additional security checks or vetting. These
10 additional resources may be the source of information that an applicant is ineligible under the non-
11 national security grounds, and such information might not have been available without the additional
12 CARRP vetting. Thus, USCIS trains its officers to assess whether the vetting process has
13 established other legitimate bases on which the application may be denied that allow for non-
14 disclosure of the NS information. Critically, these decisions are not “pretextual.” Although every
15 reason informing the agency’s decision in a given case may not be provided in the decision, the
16 stated grounds must nonetheless be based on adequate evidence from the record, accurately reflect
17 reasons that factored into the decision, and be sufficient under the law.

20 Conclusion

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

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

9 Executed on this 30th day of April 2021, at Washington, DC.

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12 KEVIN QUINN
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DECLARATION OF KEVIN QUINN
IN SUPPORT OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT - 17
(Case No. 2:17-cv-00094-RAJ)

UNITED STATES DEPARTMENT OF JUSTICE
CIVIL DIVISION, OFFICE OF IMMIGRATION LITIGATION
Ben Franklin Station, P.O. Box 878
Washington, D.C. 20044
(202) 616-4900

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2021, I electronically filed the foregoing UNDER SEAL via the Court's CM/ECF system, which will send notification of such filing to all counsel of record. Additionally, I directed that an encrypted copy of the foregoing SEALED submission be served on counsel for Plaintiffs via email.

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