

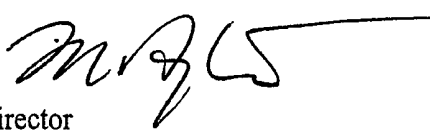


U.S. Citizenship
and Immigration
Services

FEB - 6 2009

Memorandum

TO: Field Leadership

FROM: Michael Aytes 
Acting Deputy Director

SUBJECT: Additional Guidance on Issues Concerning the Vetting and Adjudication of Cases
Involving National Security Concerns

I. Purpose

This memorandum provides further guidance for adjudicating National Security (NS) cases/concerns. It specifically addresses the following:

- Cases that involve pending NS concerns but appear to be otherwise approvable;
- Cases that involve indicators of NS concerns that have been "removed" by the record owner;
- The level of review required for the adjudication of Known or Suspected Terrorist (KST)¹ NS concerns; and
- Deconfliction.

Most notably, under this guidance cases with unresolved KST NS concerns can be granted only after concurrence by the USCIS Deputy Director.

II. Background

On April 11, 2008, USCIS released a memorandum entitled, "Policy for Vetting and Adjudicating Cases with National Security Concerns" (CARRP memo). This memorandum instituted the Controlled Application Review and Resolution Program (CARRP), a disciplined, agency-wide approach for identifying, processing, and adjudicating applications and petitions

¹ 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/IBIS, and/or Consular Lookout and Support System (CLASS), as used by the Department of State (DOS). A KST in IBIS has a record number beginning with a "P" for person and ending in a "B10," and should indicate that the individual is a "Suspected Terrorist." A KST in NCIC has a record number beginning "NIC/T." See Operational Guidance for each USCIS component.

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involving an identified National Security (NS) concern. CARRP involves the following four separate, but often overlapping, procedures:

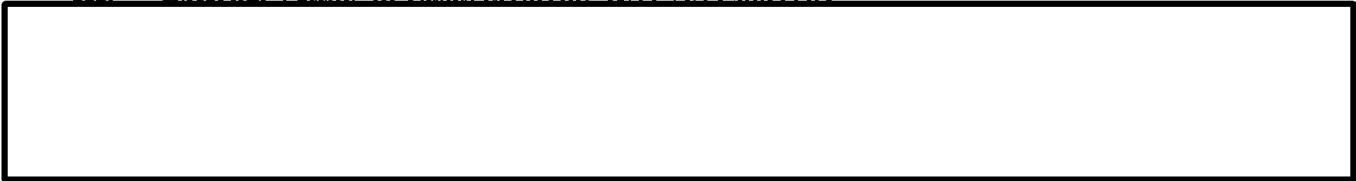
1. Identifying NS concerns;
2. Internal Vetting and Assessing Eligibility in Cases with NS concerns;
3. External Vetting of NS concerns; and
4. Adjudicating cases with NS concerns ("CARRP Adjudication").

CARRP decentralized the process of vetting and adjudicating cases with NS concerns. Thus, the field² assumed responsibility for vetting cases involving Non-KST concerns and adjudicating all NS-related cases.

After the release of the CARRP memorandum, Domestic Operations and Refugee, Asylum, and International Operations issued coordinated Operational Guidance³ to implement CARRP within their respective directorates. In June 2008, to enhance the accuracy of NS records maintained by HQFDNS, USCIS conducted a Worksheet Inventory Audit of previously reported NS concerns. This audit, which included significant input from the field, disclosed the need to clarify CARRP policy and procedures. This memorandum aims to address that need for clarification as well as various questions that have arisen since the issuance of the above referenced Operational Guidance.

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III. External Vetting in Cases involving KST NS Concerns



² The term "field" refers to Field Offices, Service Centers, the National Benefits Center, and equivalent offices within the Refugee, Asylum, and International Operations Directorate.

³ Neufeld, Don, *Operational Guidance for Vetting and Adjudicating Cases with National Security Concerns*, Memorandum for Field Leadership, April 24, 2008.

Ow, Alanna, *Guidance for the International Operations Division on the Vetting, Deconfliction, and Adjudication of Cases with National Security Concerns*, Memorandum for Overseas District Directors, April 28, 2008.

USCIS Asylum Division, *Identity and Security Checks Procedures Manual – Section VIII Cases Involving Terrorism or Threats to National Security*, Procedures Manual, revised August 2008. (The ISCPM revised to incorporate CARRP procedures was issued via the Joseph E. Langlois memo *Issuance of Revised Section of the Identity and Security Checks Procedures Manual Regarding Vetting and Adjudicating Cases with National Security Concerns*, Memorandum for Asylum Division, May 14, 2008.)

USCIS Refugee Affairs Division, *Refugee Adjudication Standard Operating Procedure: Cases Involving National Security Concerns*, Standard Operation Procedure, May 12, 2008.

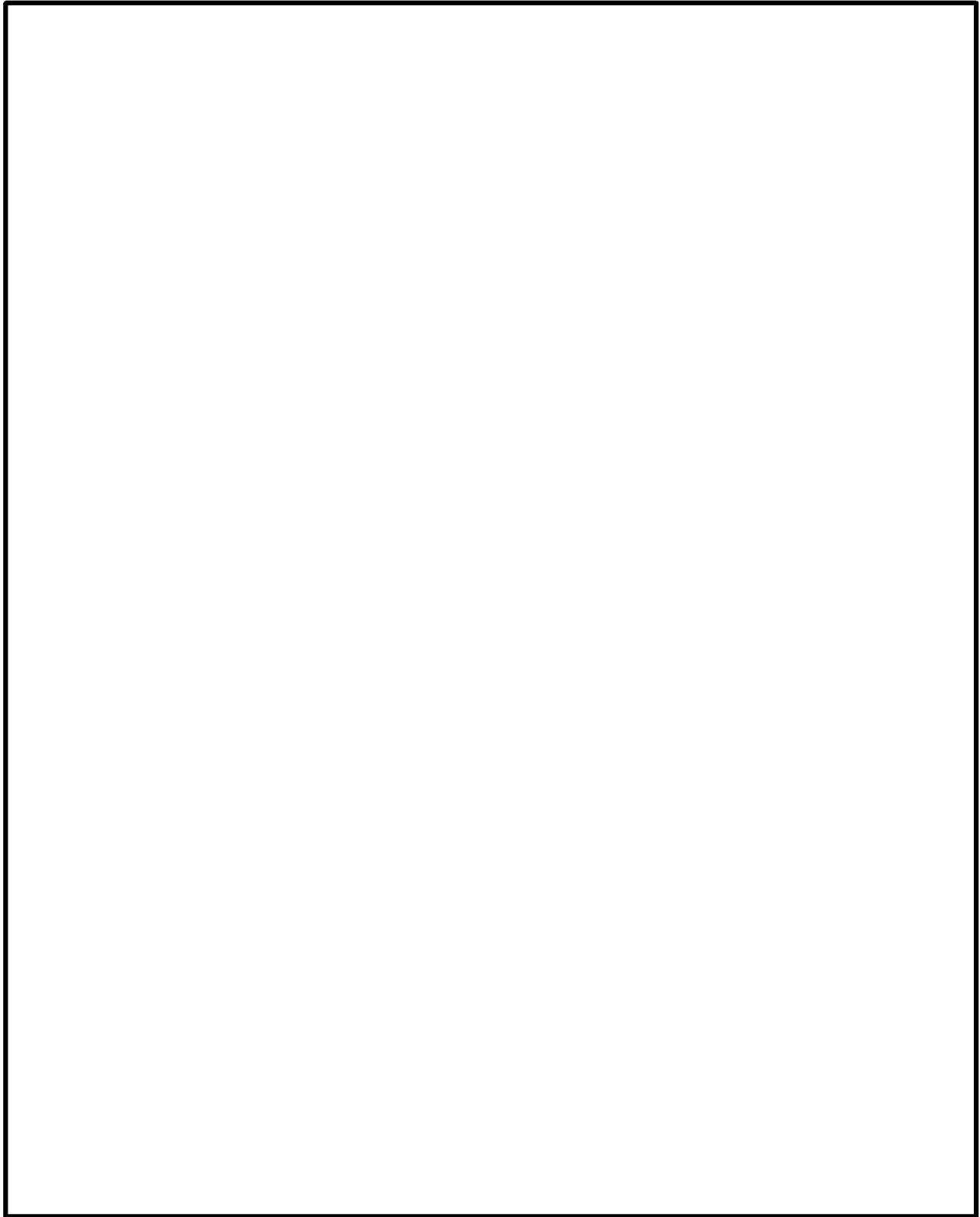
⁴ This policy applies to all applications and petitions that convey immigrant or non-immigrant status. This policy does not apply to petitions that do not convey immigrant or non-immigrant status. See Operational Guidance for instructions.

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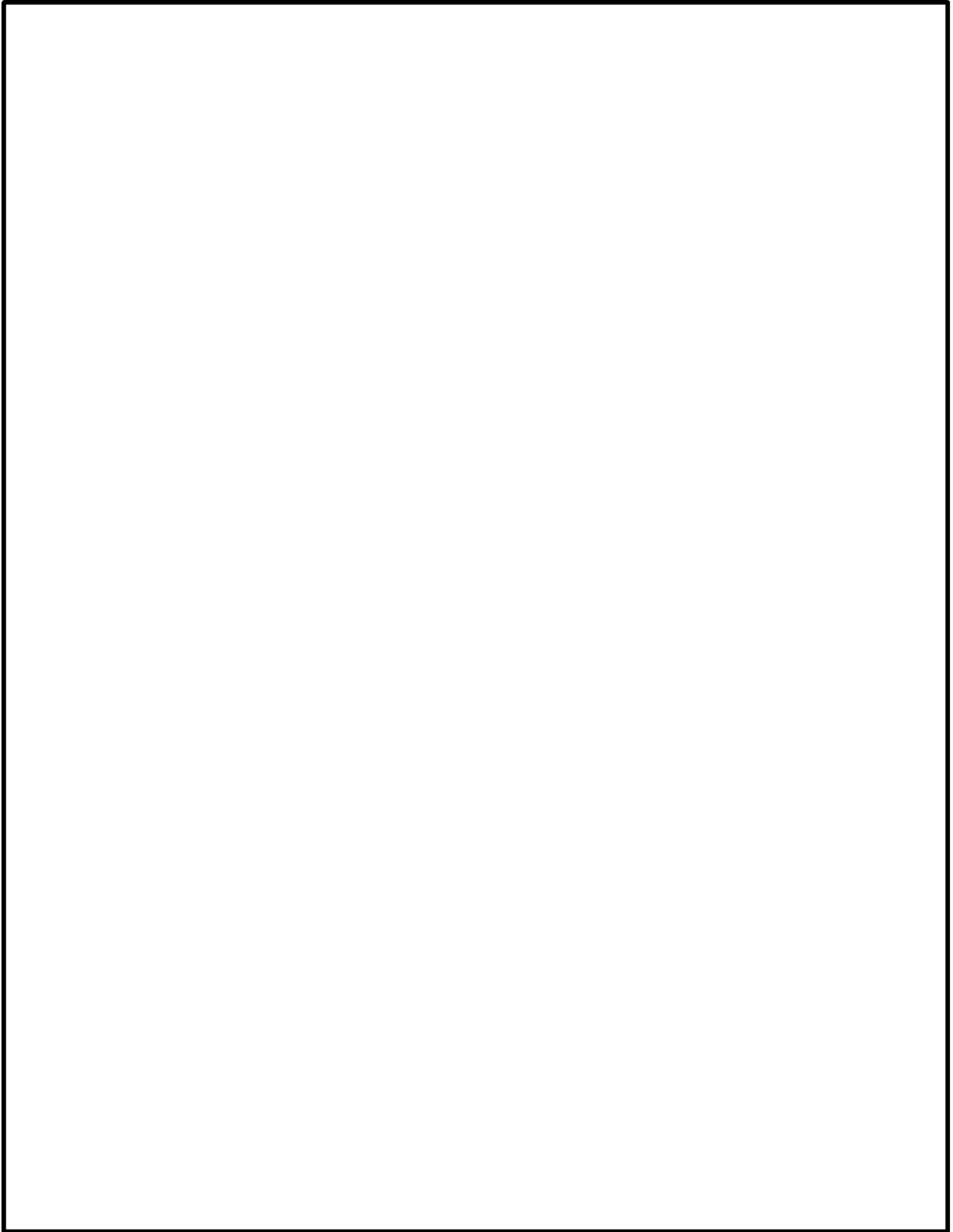


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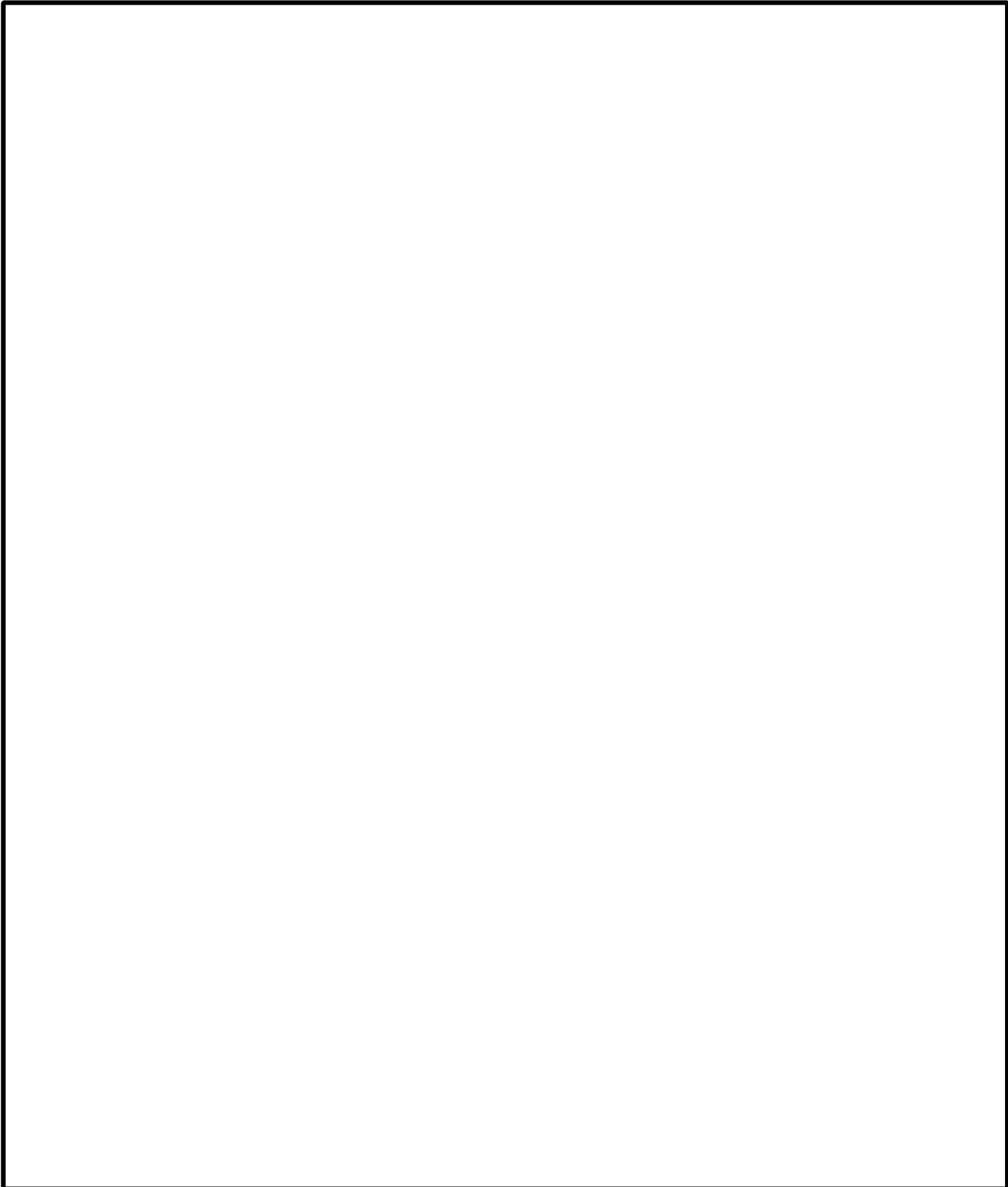
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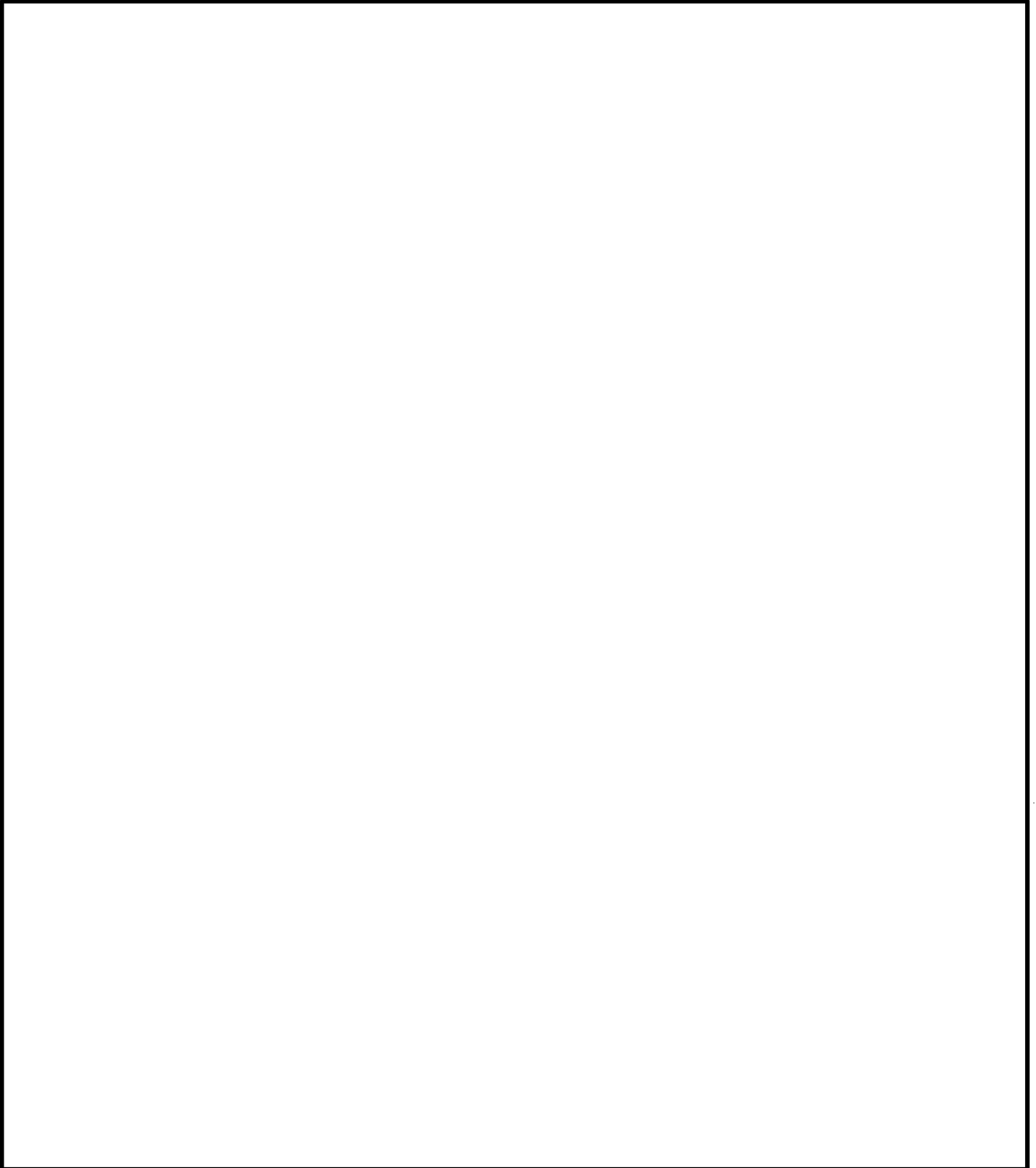


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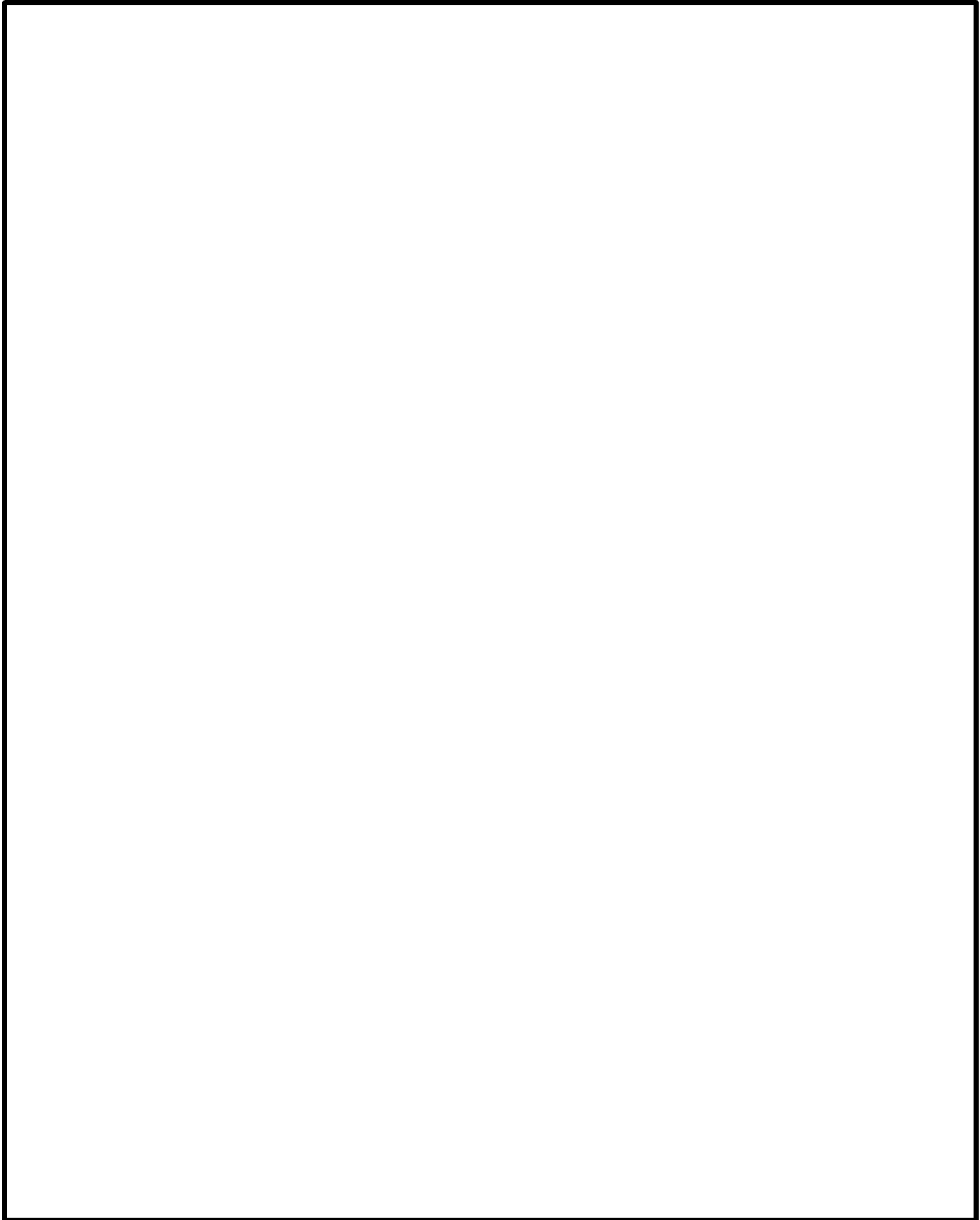
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²² Officers may request assistance from HQFDNS at the completion of internal vetting and eligibility assessment.

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VIII. Conclusion

This memorandum is provided as guidance to officers for the handling of cases involving national security concerns. If officers have further questions regarding policy and procedures related to these cases, such questions should be raised through the officers' chain of command. If the chain of command is unable to provide further guidance, supervisory officers may send a Request for Assistance for policy or procedure guidance to the FDNS-NSB mailbox, according to current procedures.

²³ Scharfen, Jonathan R., *Policy for Vetting and Adjudicating Cases with National Security Concerns*, Memorandum for Field Leadership, April 11, 2008. Section IV, Part C reads: "in a case with a Non-KST NS Concern, the officer must initiate the external vetting process before the case may proceed to final adjudication if... there is an identified record owner in possession of NS information..." Programs may require external vetting in some circumstances as identified in Operational Guidance.

²⁴ Form I-765, Application for Employment Authorization and Form I-131, Application for Travel Document.

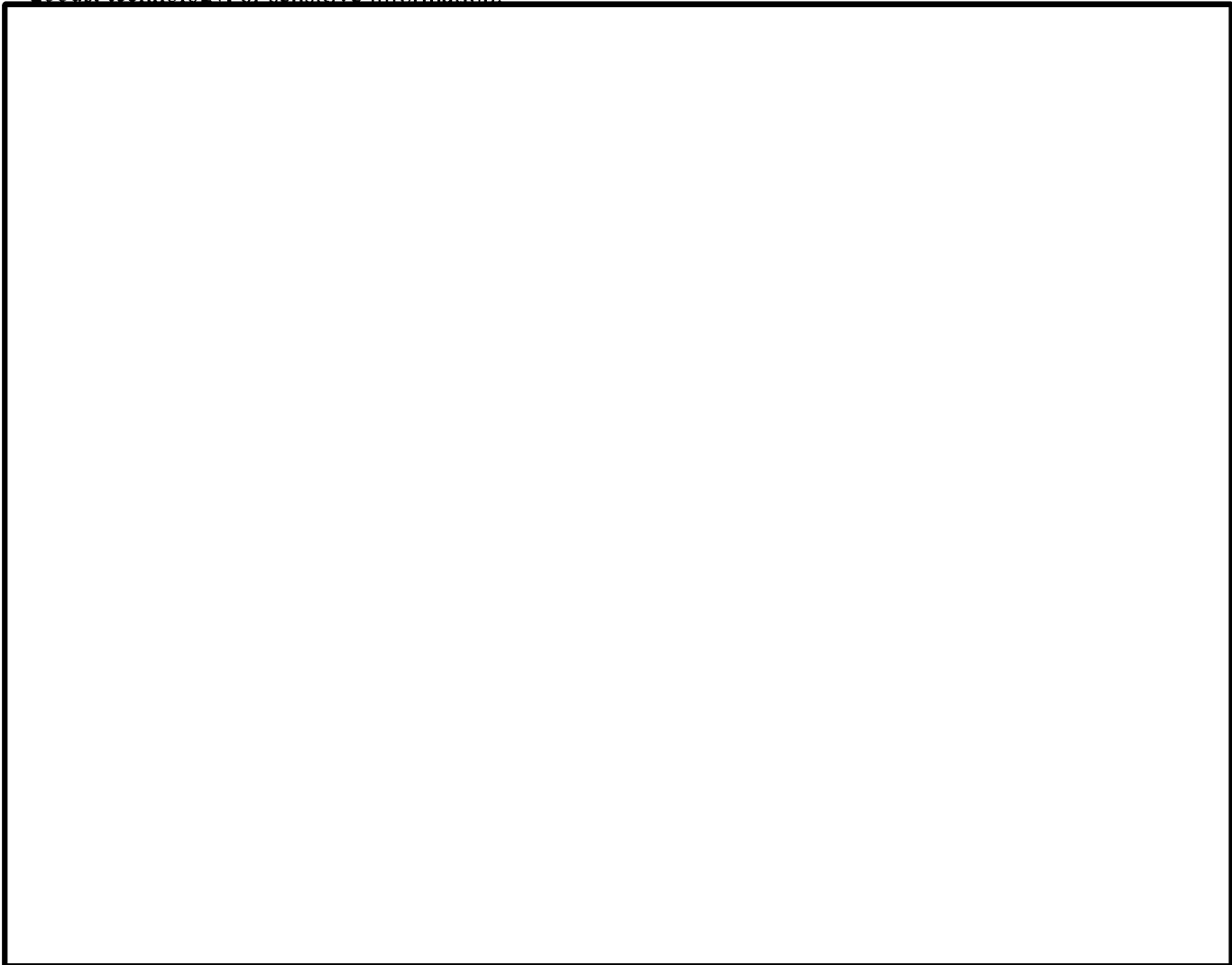
²⁵ Future agency policy may have an effect on the currently required 60-day evaluation period for Form I-90, Application to Replace Permanent Resident Card.

Attachment A – Guidance for Identifying National Security Concerns

I. Introduction

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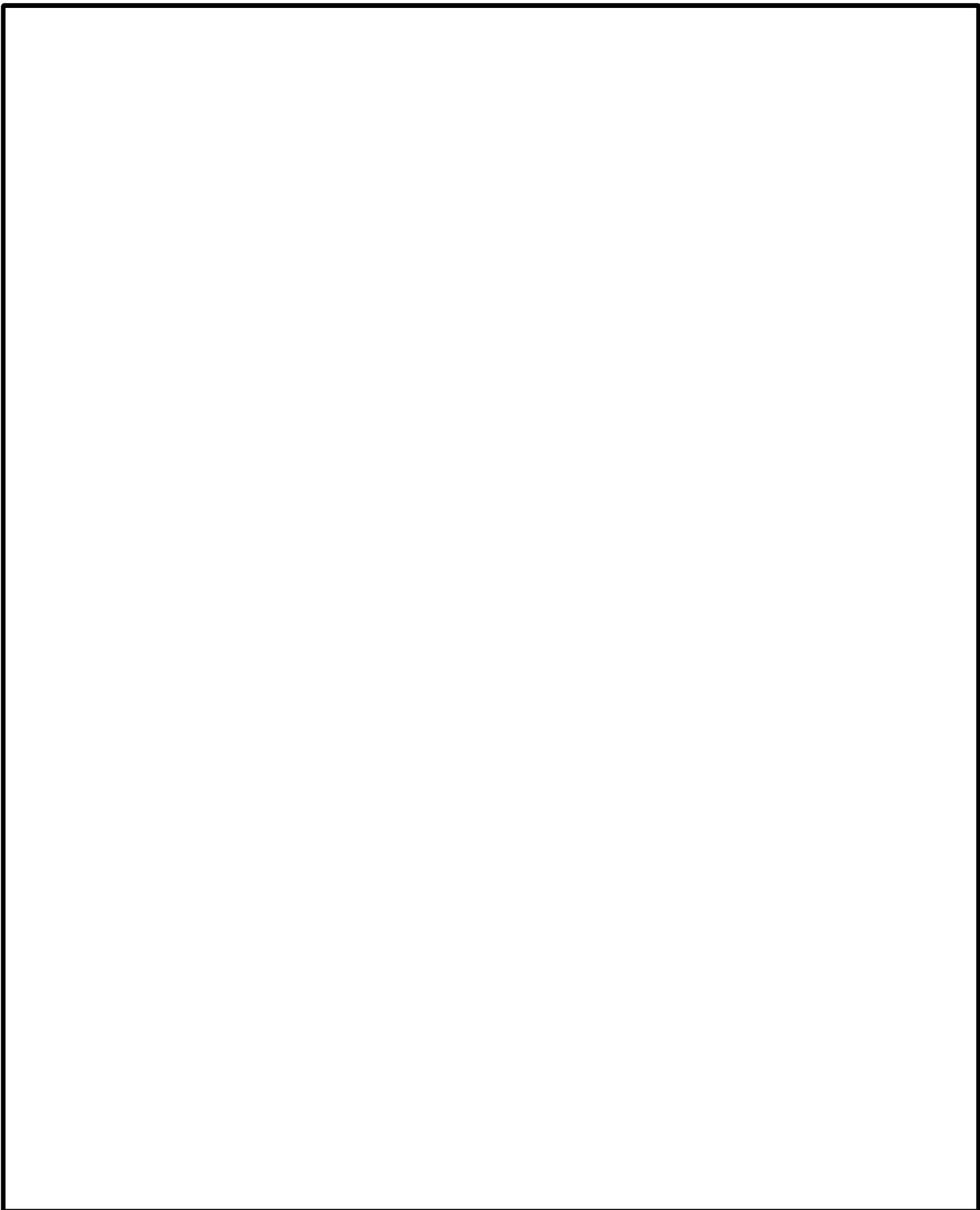
USCIS seeks to ensure that immigration benefits are not granted to individuals and organizations that pose a threat to national security. It is important, therefore, that officers be able to identify certain indicators of a National Security (NS) concern. A NS concern exists when an individual or organization 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 sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Immigration and Nationality Act (the Act). This includes, but is not limited to, terrorist activity; espionage; sabotage; and the illegal transfer of goods, technology, or sensitive information.



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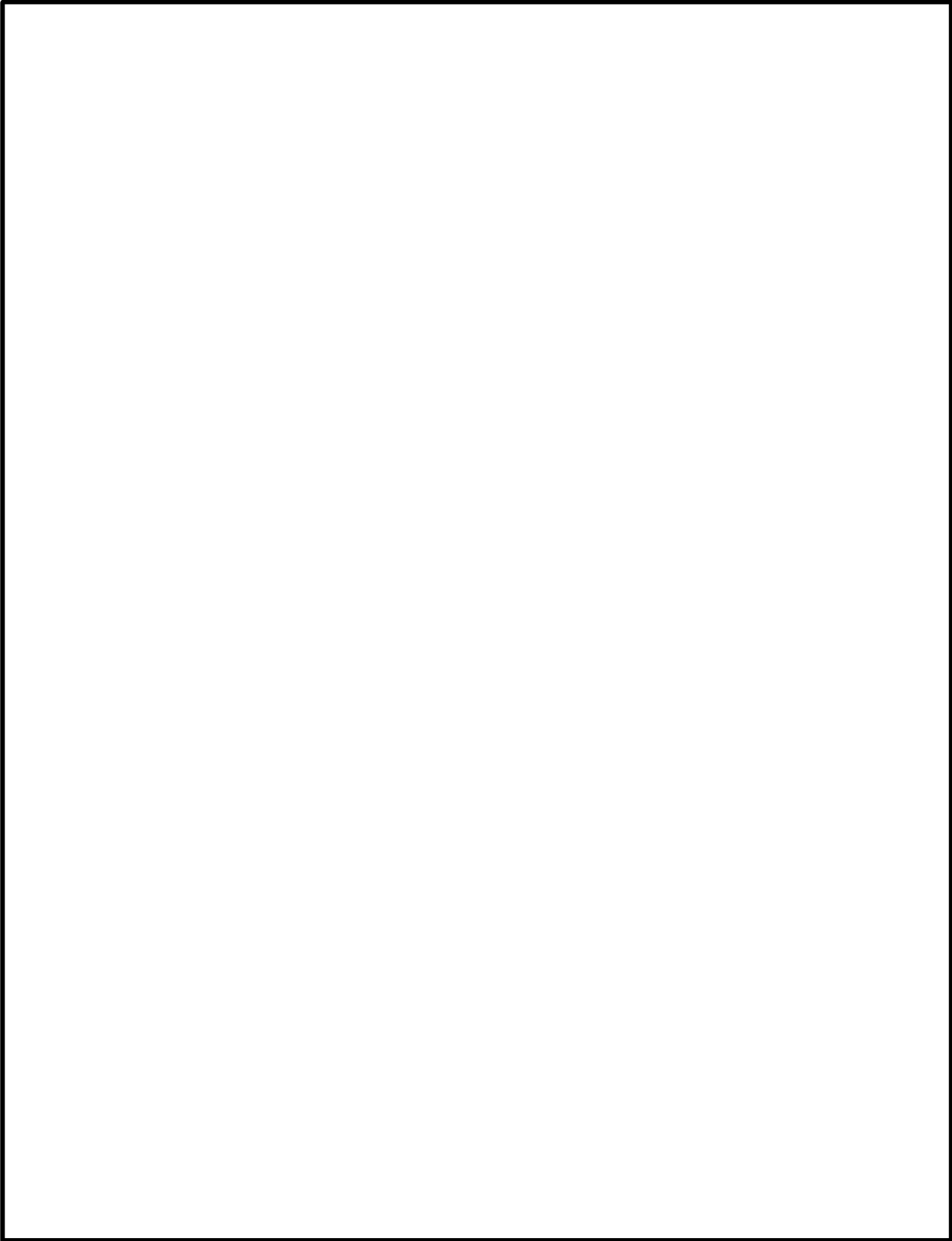


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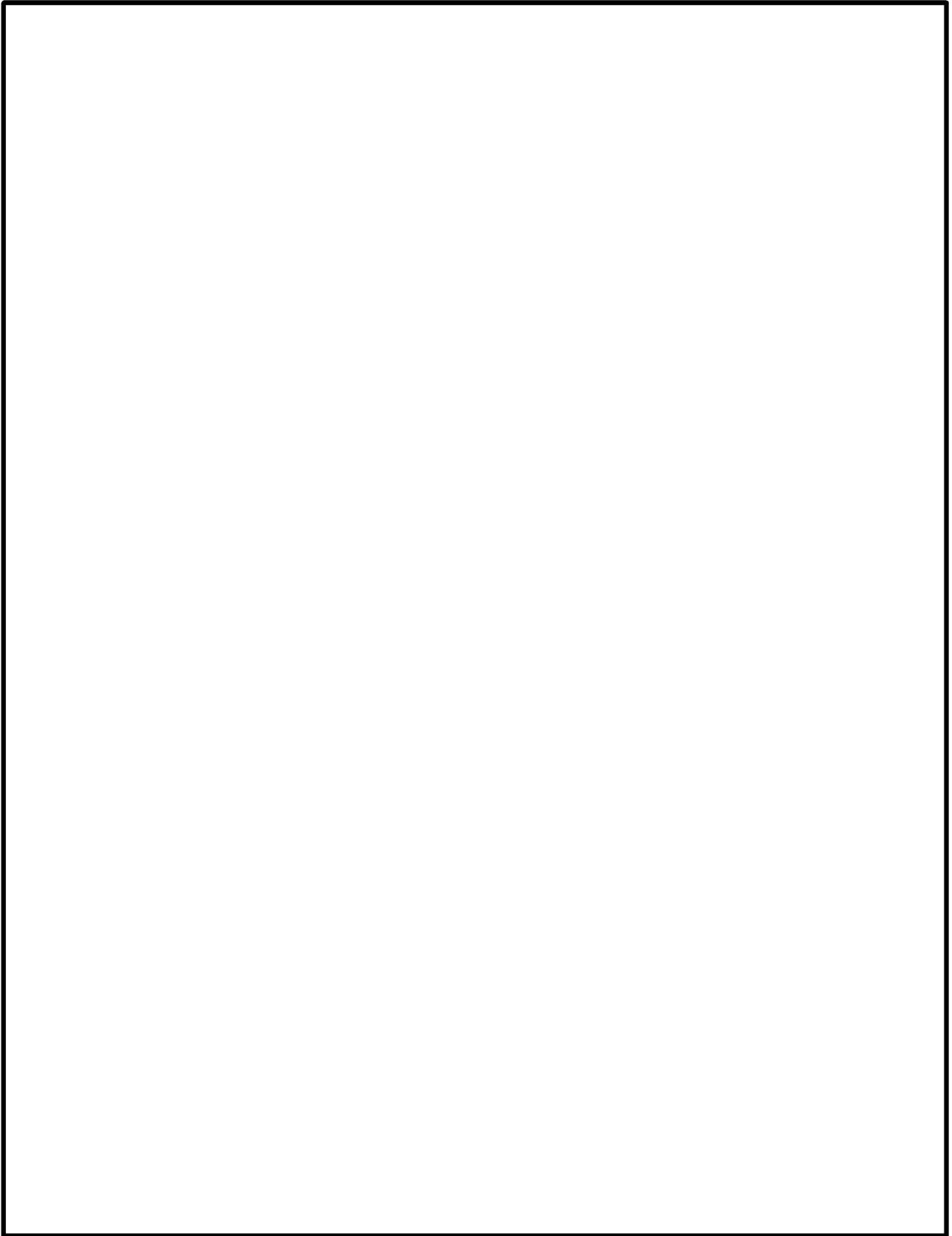


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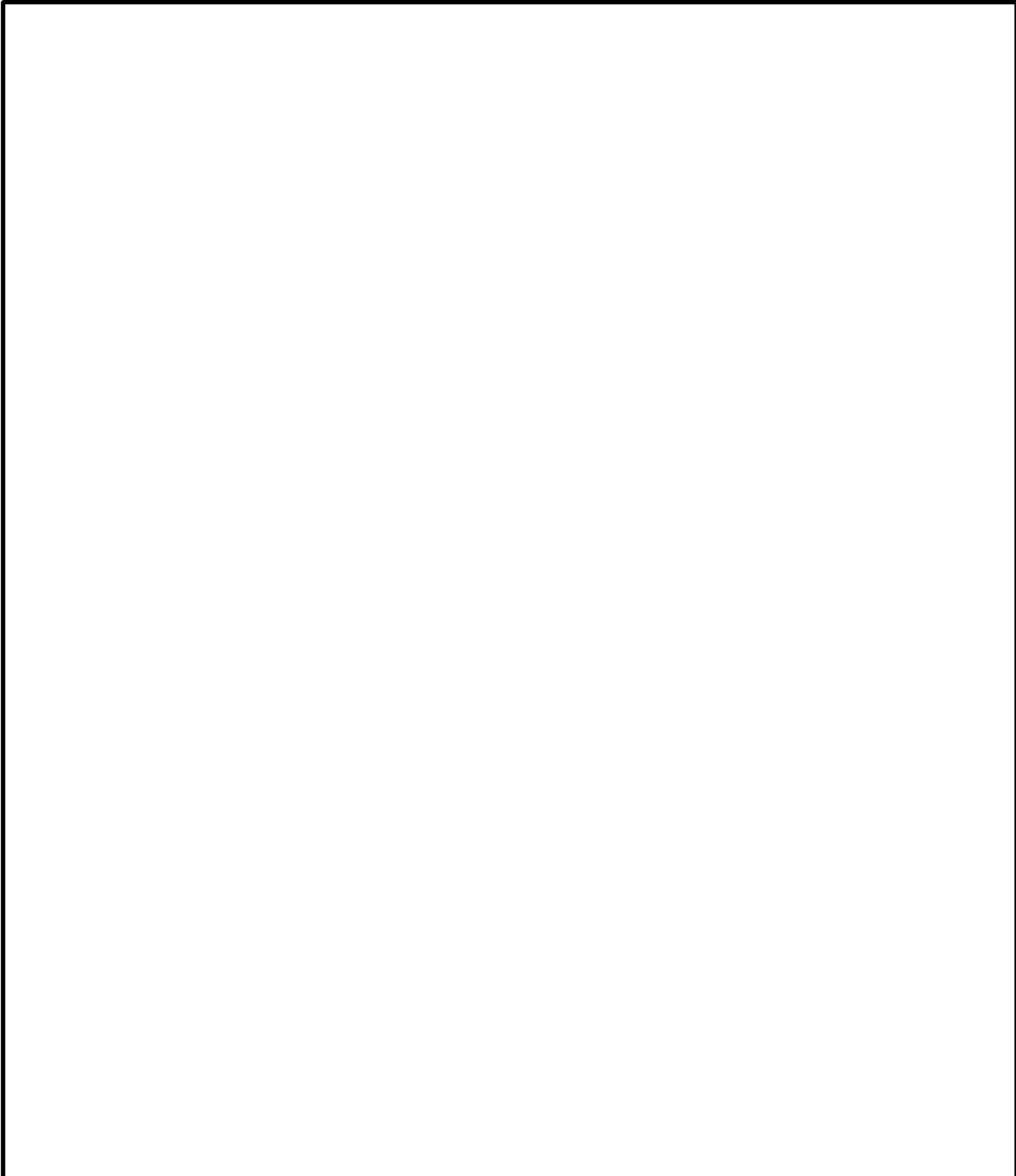
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TECS/IBIS TABLE CODE

SF
SK
ST
SX

CODE DESCRIPTION

TSA "NO FLY" LIST
KNOWN TERRORIST
SUSPECTED TERRORIST
ASSOCIATE OF TERRORIST

NCIC OFFENSE CODE

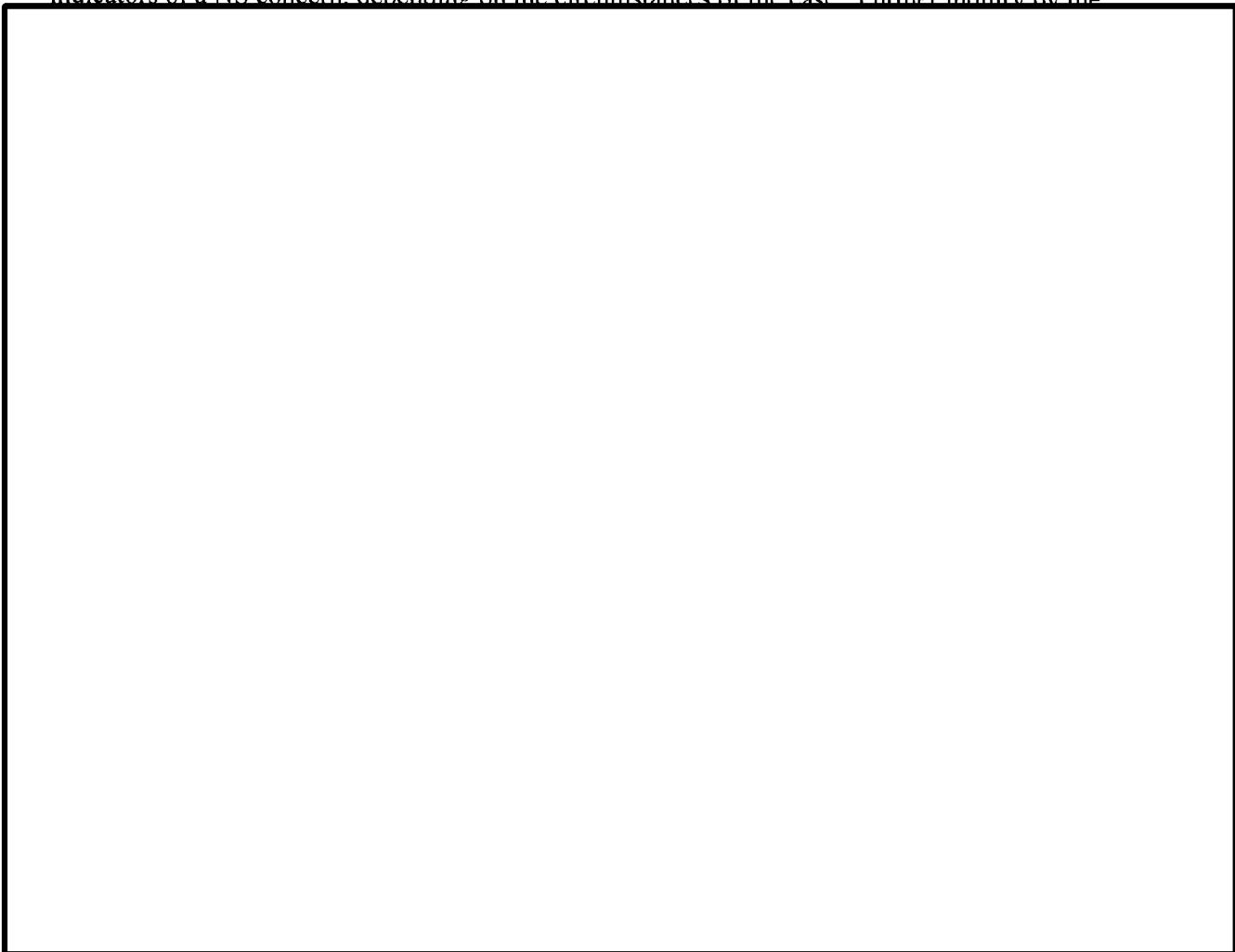
0103
0104
0105
5299

CODE DESCRIPTION

Espionage
Sabotage
Sedition
Weapons/Explosives (may be only a criminal indicator;
must check context)

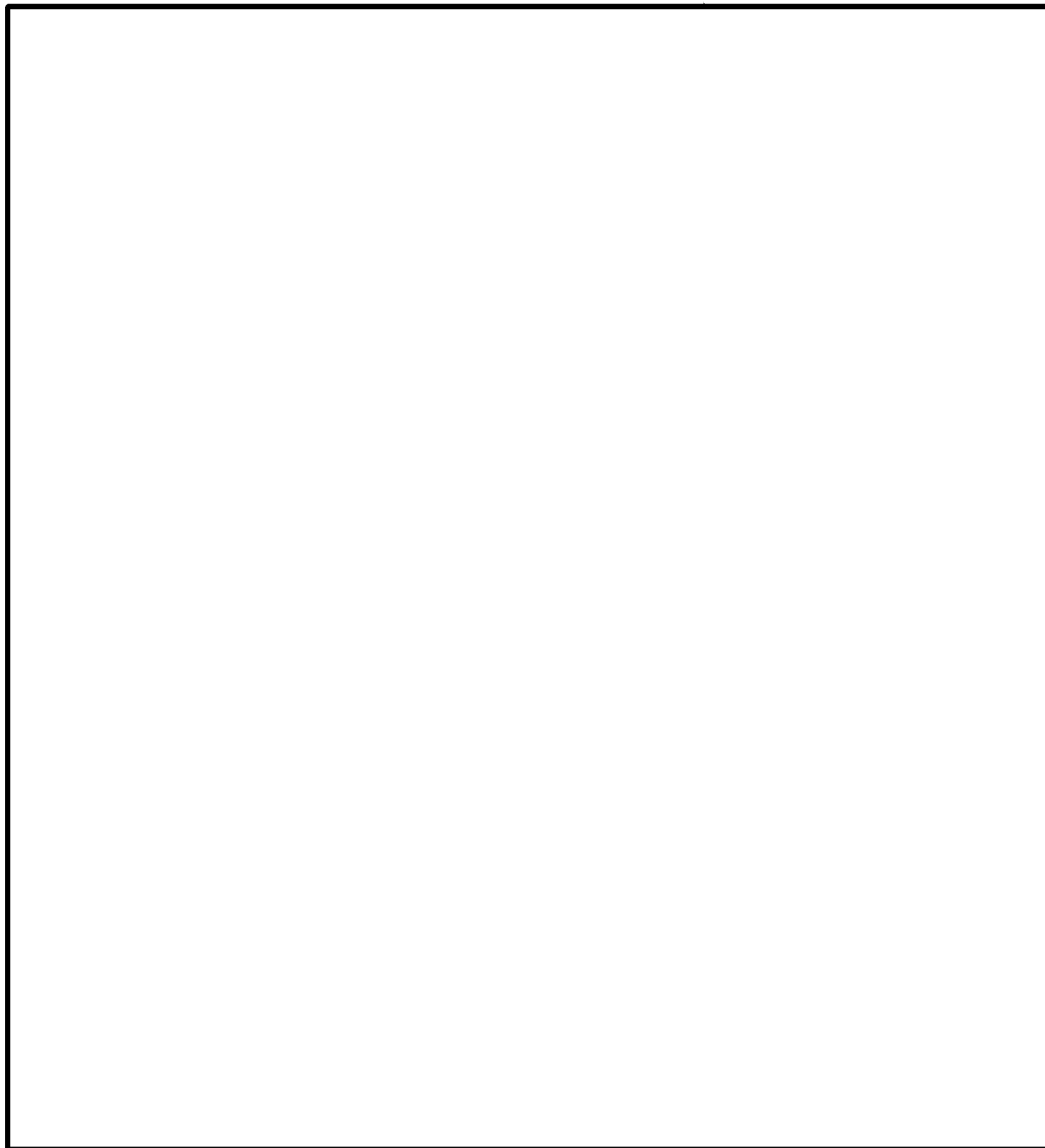
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The following table contains terms and acronyms related to TECS/IBIS which may (or may not) be indicators of a NS concern, depending on the circumstances of the case. Further inquiry by the



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