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National Background, Identity, and Security Check Operating Procedures Handbook

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Foreword

The U.S. Citizenship and Immigration Services Fraud Detection and National Security (FDNS) Handbook (HB), *National Background Identity and Security Check Operating Procedures Handbook*, is the standard working tool to document routine administrative and procedural

This HB describes FDNS policies and procedures for planning, implementing, and maintaining FDNS systems. The Mandatory Review Date (MRD) of this HB is two years. This document will be reissued without change, revised, or withdrawn from the Knowledge Management Directory. However, revisions may be made.

This HB is marked "**FOR OFFICIAL USE ONLY - LAW ENFORCEMENT**". It contains unclassified information that requires protection against unauthorized handling, transmission, distribution and disposal in accordance with DHS Policy 11042.1, "Safeguarding Sensitive But Unclassified (For Official Use Only) Information". It may be exempt from release under the Freedom of Information Act (5 U.S.C. 552). Names and other identifiers are provided purely for illustrative purposes. They do not relate to actual applicants or petitioners.

Questions or comments regarding any part of this document should be directed to USCIS FDNS NSB at FDNS-NaBISCOP@dhs.gov.

Copies of this document may be obtained from FDNS directly or by downloading it from the Executive Secretariat Home Page: <http://connect.uscis.dhs.gov/org/EXSO/Pages/default.aspx>.

NOTE: These materials must be handled and safeguarded in accordance with DHS management directives governing protection and dissemination of such information. At a minimum, these materials shall only be disseminated on a "need-to-know" basis.

Do you have a need to know this information?

Yes No

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- F. Santillan (EOIR Grants) with NS Concerns
- G. Request for Assistance to HQFDNS National Security Branch (NSB)

A Non-KST NS concern includes all other NS concerns, regardless of source, including, but not limited to: associates of KST(s), un-indicted co-conspirators, terrorist organization members, persons involved with providing material support to terrorists or terrorist organizations, and agents of foreign governments.

Officers should refer to Guidance for Identifying National Security Concerns, <http://connect.uscis.dhs.gov/org/FDNS/Documents/AttachmentAtoCARRPOperationalGuidance.pdf>, as a tool for assistance in identifying NS indicators. Pay particular attention to the following sections:

- Statutory Indicators;
- Non-Statutory Indicators;
- Security Check Indicators;
- FBI Name Check;
- FBI Fingerprint or NCIC Criminal History Check (NN16);
- US-VISIT/IDENT; and
- TECS.

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At any stage of the screening or adjudicative processes, an officer may identify an indicator of an NS concern with respect to an individual or organization.

An 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.

When deciding whether an NS concern exists:

- Consider the activities, individuals, and organizations described in sections 212(a)(3)(A), (B), and (F), and 237(a)(4)(A) and (B) of the Act.
- Need not consider satisfying the legal standard used in determining admissibility or removability.
- Consider the totality of circumstances to determine whether an articulable link exists between the individual or organization and 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 Act.

A NS concern can be either a Known or Suspected Terrorist (KST) or Non-KST NS Concern.

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The CARRP process provides a disciplined approach to identify, record, and adjudicate applications and petitions where a National Security (NS) concern is identified, and applies to all applications and petitions that convey an immigrant or nonimmigrant status. Officers should refer to relevant guidance for instructions on adjudication of applications and petitions that do not convey an immigrant and nonimmigrant status but have a NS or egregious public safety concern.

This CARRP process is applied by **officers designated within each operational component** and involves four (4) distinct, yet not mutually exclusive, processing steps:

1. **Identifying an NS Concern:** The process of identifying and confirming whether the indicator relates to the applicant, petitioner, beneficiary or derivative (hereafter, "individual"[1]), and whether there is an articulable link between the individual and activities, individuals or organization described in section 212(a)(3)(A), (B) or (F) or 237(a)(4) (A) or (B) of the Act (related to national security). See Attachment A entitled "Guidance for Identifying National Security Concerns," <http://connect.uscis.dhs.gov/org/FDNS/Documents/AttachmentAtoCARRPOperationalGuidance.pdf>.
2. **Internal Vetting and Assessing Eligibility in Cases with NS Concerns:** If it is determined that an NS concern exists, the case is forwarded to a designated officer for a thorough review of the record associated with the application/petition to determine if the individual is eligible for the benefit sought.
3. **External Vetting of NS Concerns:** If after completion of the eligibility assessment and internal vetting, the individual appears eligible for the benefit sought, or if field management determines further processing is necessary to strengthen or support a decision, the application/petition proceeds to the External Vetting stage. The field is responsible for external vetting of all KST and Non-KST NS concerns.
 See the memo entitled "Revision of Responsibilities for CARRP Cases Involving Known or Suspected Terrorists," [http://connect.uscis.dhs.gov/org/FDNS/Documents/CARRP%20PM%20\(Approved%207-26-11\).pdf](http://connect.uscis.dhs.gov/org/FDNS/Documents/CARRP%20PM%20(Approved%207-26-11).pdf)
4. **Adjudication of NS Cases:** The focus of this stage is to evaluate any additional information obtained during the vetting process to determine if the NS concern has been resolved or confirmed, whether the application/petition should be approved or denied, and when appropriate, to proceed with removal, rescission, termination, or revocation.

If, after completing the vetting and deconfliction processes in KST cases, there continue to be national security concerns, and there is insufficient evidence or other grounds to deny the application, offices are to seek further guidance from their respective HQ Directorate, in consultation with local counsel and HQ counsel when appropriate.

Note: The field is NOT authorized to approve CARRP cases involving KSTs unless guidance and written approval is received from USCIS Headquarters.

Pursuant to each component's CARRP operational guidance, information on the vetting and adjudication of the NS concern is entered into the Fraud Detection and National Security Data System (FDNS-DS).

Deconfliction is of utmost importance throughout the CARRP process. Designated USCIS officers must conduct deconfliction with the appropriate law enforcement agency or record owner to ensure that any USCIS action does not adversely impact any investigative or other interest.

[1] For purposes of this memorandum, the term "individual" may include a petitioning company.

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a) National Security

Any TECS hit that may indicate an NS concern must be processed in accordance with the Controlled Application Review and Resolution Program (CARRP) policy memorandum issued on April 11, 2008. Refer to section IX, Resolution: National Security Concerns (CARRP).

- Known or Suspected Terrorist (KST)
 - TECS: Record number begins with the letter "P" for person and ends with "B10." The record indicates the individual is a "Suspected Terrorist" or "Known Terrorist". The record lists the contact as NTC 24X7 lookout duty officer.
 - NCIC: Record requests contact with the Terrorist Screening Center (TSC). ORI is listed as the TSC. NIC # begins with the letter "T".
 - In accordance with CARRP, the designated officer contacts the Terrorist Screening Center to confirm whether the subject of the KST hit relates to the individual seeking an immigration benefit.
- Other NS indicators:
 - TECS hits that indicate an individual or organization may have prior, current or planned involvement in or association with an activity, individual, or organization described in section 212(a)(3)(A), (B) or (F) or 237(a)(4) (A) or (B) of the Act.
 - The following TECS and NCIC Status Codes and Code Descriptions may (or may not) be indicators of an NS concern, depending on the circumstances of the case. Further inquiry by the officer is needed. These codes should not be considered a complete list of codes that the officer may encounter. The officer must verify any unfamiliar codes encountered.

Table 29: TECS Table Code Descriptions

TECS Table Code	Code Description
SF	ISA "NO FLY" LIST
SK	KNOWN TERRORIST
ST	SUSPECTED TERRORIST
SX	ASSOCIATE OF TERRORIST

Table 30: NCIC Offense Code Descriptions

NCIC Offense Code	Code Description
103	Espionage
104	Sabotage
105	Sedition
5299	Weapons/Explosives (may be only a criminal indicator, must check context)

Refer to Attachment A of the CARRP Guidance (<http://connect.uscis.dhs.gov/org/FDNS/Documents/AttachmentAtOCARRPOperationalGuidance.pdf>) for a detailed list of potential indicators and additional terms and acronyms related to TECS which may or may not be indicators of an NS concern, depending on the circumstances of the case.

b) Egregious Public Safety

Any TECS hit that may indicate it meets the definition of an EPS case as defined in Policy Memorandum 110, refer to section X.

c) INTERPOL

The International Criminal Police Organization (INTERPOL) is the world's largest international police organization, with 188 member countries. It facilitates cross-border police co-operation, and supports and assists all organizations, authorities and services whose mission is to prevent or combat international crime.

INTERPOL aims to facilitate international police co-operation even when diplomatic relations do not exist between particular countries. Action is taken within the limits of existing laws in different countries and in the spirit of the Universal Declaration of Human Rights. INTERPOL's constitution prohibits any intervention or activities of a political, military, religious or racial character. INTERPOL does not vet the evidence substantiating arrest warrants; it is a venue for the posting of information.

One of INTERPOL's most important functions is to help police in member countries share critical crime-related information using the organization's system of international notices. The seven types of notices and their objectives are:



Red Notice
 To seek the arrest or provisional arrest of wanted persons with a view to extradition.



Yellow Notice
 To help locate missing persons, often minors, or to help identify persons who are unable to identify themselves.



Blue Notice
 To collect additional information about a person's identity or activities in relation to a crime.



Black Notice
 To seek information on unidentified bodies.



Green Notice
 To provide warnings and criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.



Orange Notice
 To warn police, public entities and other international organizations about potential threats from disguised weapons, parcel bombs and other dangerous materials.

NO: Minimum criteria for the circulation, by the General Secretariat, of international warning notifications (green notices and equivalent measures).



INTERPOL-United Nations Special Notice

Issued for groups and individuals who are the targets of UN sanctions against Al Qaeda and the Taliban.

Please access the INTERPOL website at <http://www.interpol.int/Public/Notices/default.asp> for more information on these notices.

Information about contacting INTERPOL for more information can be found in **Appendix H: Notice to INTERPOL**.

d) All Other Hit types

Examples include, but are not limited to the following:

- Agricultural violations
- Visa overstays
- Marriage fraud
- Absconders

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