



Controlled Application Review & Resolution Program (CARRP)
Adjudicator Training
ADOTC – March 5, 2013

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USCIS Mission

National security protection is USCIS's primary mission

Objectives

- How do we identify national security concern cases?
- How do we process national security concern cases?

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Dealing with Cases Involving National Security Concerns

Controlled Application Review and Resolution Process (CARRP)

- Four step process for vetting and adjudicating cases with national security (NS) Concerns
- Agency-wide standards
 - Authority to vet and adjudicate NS cases with the field
 - Supervisory concurrence before final adjudication of cases involving NS concerns
 - USCIS Senior Leadership concurrence required before a KST may be approved
 - Standard recording of actions and findings of NS concerns in FDNS-DS
- Collection of statistics for data and trend analysis

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Governing Documents

- **Policy for Vetting and Adjudicating Cases with National Security Concerns, issued April 11, 2008**
- **Issuance of Revised Section of the ISCPM Regarding Vetting and Adjudication of Cases Involving National Security Concerns, issued May 14, 2008**
- **Interim Procedures for Documenting and Tracking New, Pending and Inventory Cases with National Security Concerns, issued July 18, 2008**
- **Instructions to Discontinue Use of Worksheets for Documenting and Tracking Cases with National Security Concerns, issued September 16, 2008**
- **Additional Guidance on Issues Concerning the Vetting and Adjudication of Cases Involving National Security Concerns, issued February 6, 2009**
- **Revision of Responsibilities for CARRP Cases Involving Known or Suspected Terrorists, issued July 26, 2011**
- **Handling Potential National Security Concerns with No Identifiable Records, issued August 29, 2012**
- **Asylum Identity and Security Check Procedures Manual (ISCPM)**
- **USCIS National Background Identity and Security Checks Operating Procedures (NaBISCOP)**

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2 types of NS concerns:

- Known or Suspected Terrorists
(KSTs)
- non-Known or Suspected Terrorists
(non-KSTs)

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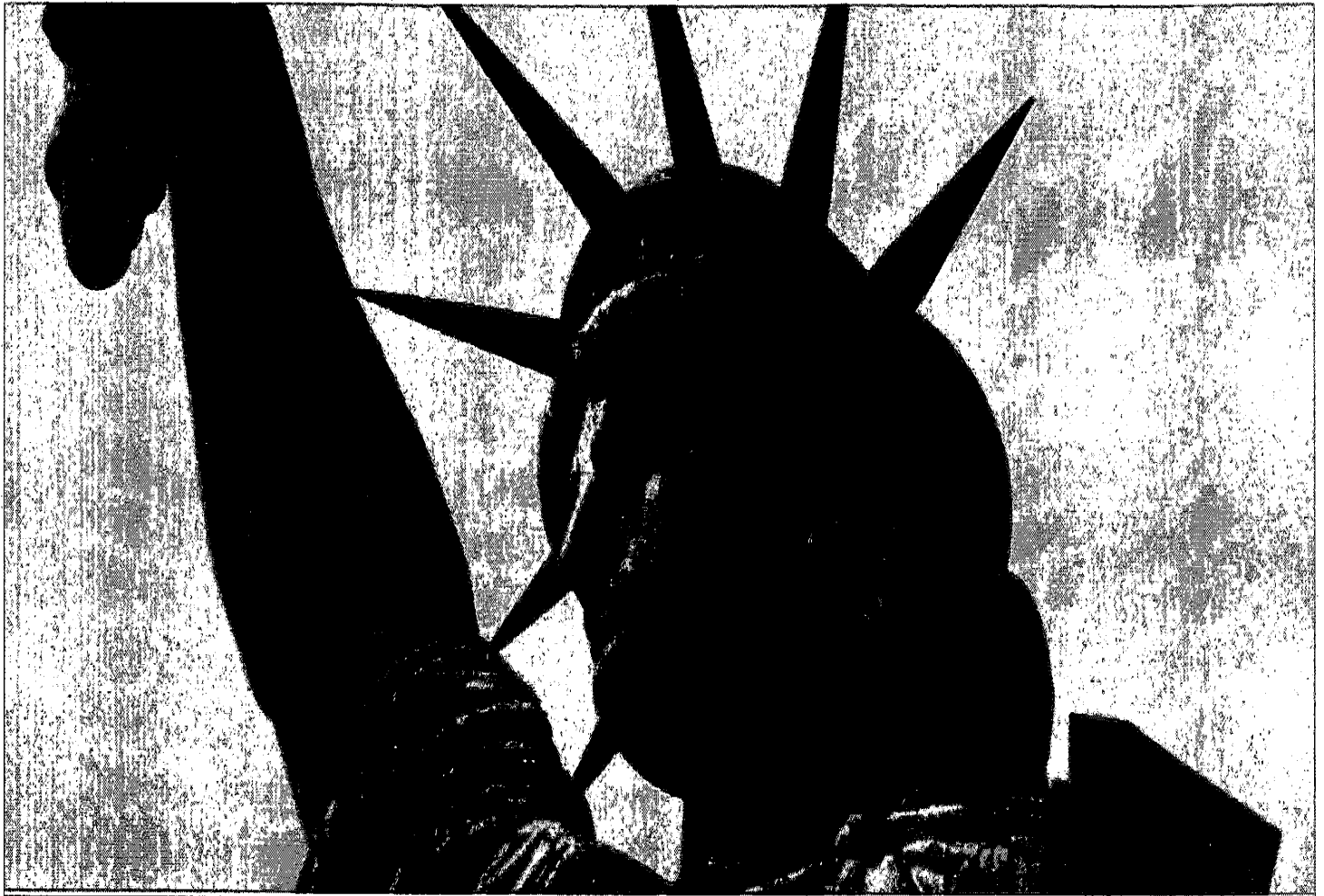


Non-Known or Suspected Terrorist (Non-KST) NS Concern

- **A category of cases with NS concerns, regardless of source, including but not limited to associates of KST(s), unindicted co-conspirators, terrorist organization members, persons involved with providing material support to terrorists or terrorist organizations, and agents of foreign governments.**
 - **Includes individuals falsely accused of terrorist activity**
- **Individuals and organizations who fall into the Non-KST grouping may also pose a serious threat to national security.**

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CARRP Procedures



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Four-Step Process

- Identification of NS Concern
- Internal Vetting/Eligibility Assessment
- External Vetting
- Final Adjudication

Deconfliction

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Step 1. Identification of NS Concern

Identifying a Case with a NS Concern –

- 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), and (F), and 237(a)(4)(A) and (B) of the INA
- Process for Identifying Cases that May Include a NS Concern
- Indicators of a NS Concern
 - Statutory
 - Non-Statutory
 - Security Checks

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Deconfliction

Deconfliction

- A term used to describe coordination between USCIS and another governmental agency owner of NS information (the record owner) to ensure that planned adjudicative activities (e.g., interview, request for evidence, site visit, decision to grant or deny a benefit, and the timing of the decision) do not compromise or impede an ongoing investigation or other record owner interest.
 - Deconflict at any point when a decision on an application is contemplated to ensure that all activities can be coordinated.
 - Use FDNS as a connection with Law Enforcement Community.
 - Understand Law Enforcement needs for secrecy and do not divulge any information that could compromise an investigation.

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Step 2. Eligibility Assessment/ Internal Vetting

When NS Concern Exists –

- **Eligibility Assessment**
 - Precludes lengthy vetting if statutory grounds for denial exist
 - Must still deconflict with Record Holder(s) if applicable
- **Internal Vetting**
 - DHS Records/Systems Checks
 - Open Source Information (internet, professional journals, other media...)
 - File Review
 - Interview

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Step 3. External Vetting

- When Eligibility Assessment and Internal Vetting do not resolve NS Concern, when identified record owner holds NS information, and when applicant is still otherwise eligible for benefit
- Consists of inquiries to record owners in possession of the NS information to identify: (a) fact or fact patterns necessary to determine the nature and relevance of the NS concern, including status and results of any ongoing investigation and the basis for closure of any previous investigation; and (b) information that may be relevant in determining eligibility, and when appropriate, removability.
 - Note: closure of an investigation does not necessarily mean that the NS concern has been resolved.
- Conducted by Field Office:
 - Consideration and use of unclassified information
 - Consideration and use of classified information

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Step 4. Final Adjudication

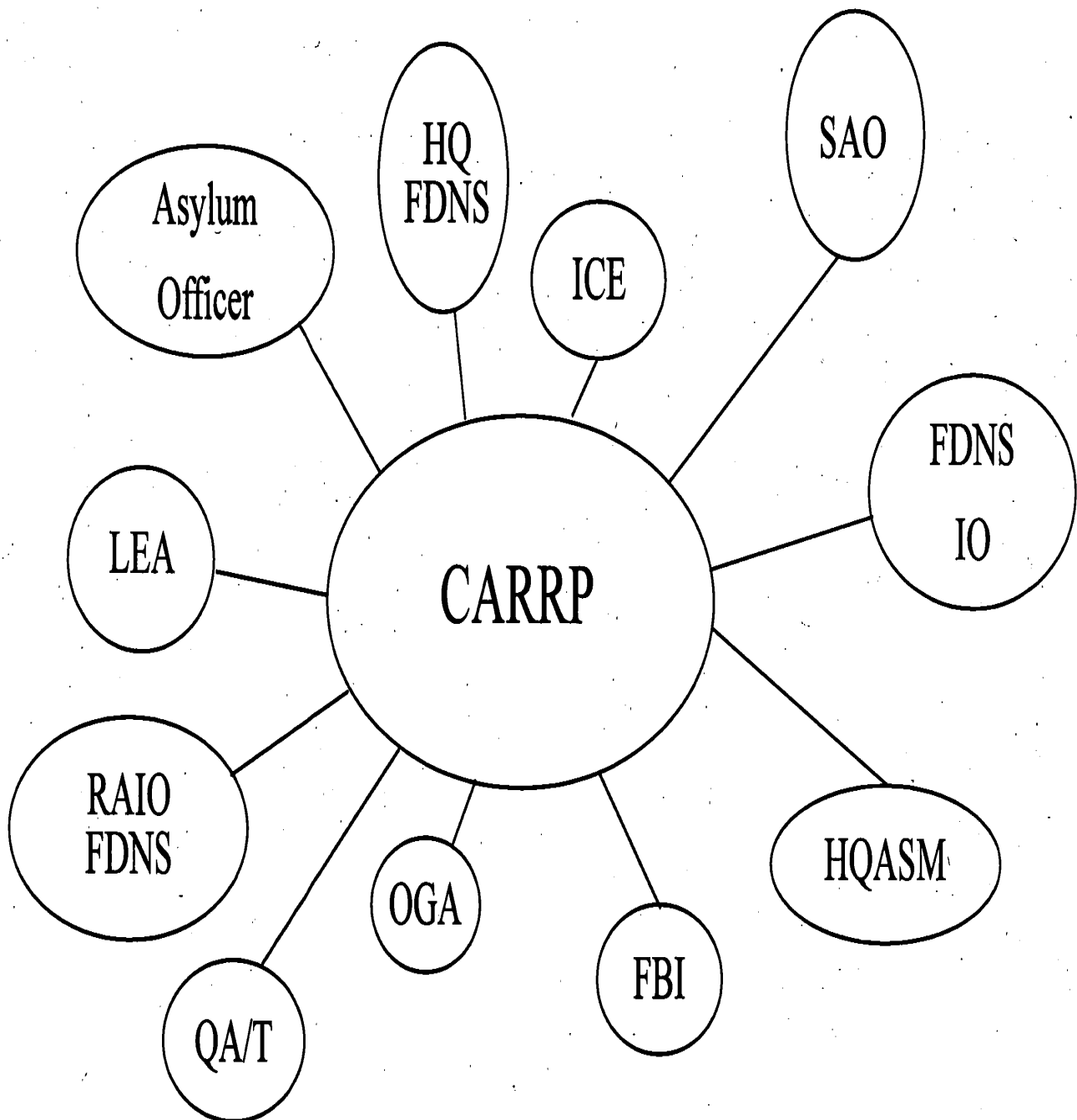
- Evaluate vetting results
 - NS Concerns Resolved
 - NS Concerns Confirmed or Unresolved
- Determine further actions
 - Process through normal adjudication
 - Re-interview
 - Country Conditions Research
 - Additional background and systems checks
- CARRP Adjudication if NS Concern Remains
 - Non-KST: Approval only with HQ concurrence
 - KST: Approval only with USCIS Senior Leadership concurrence

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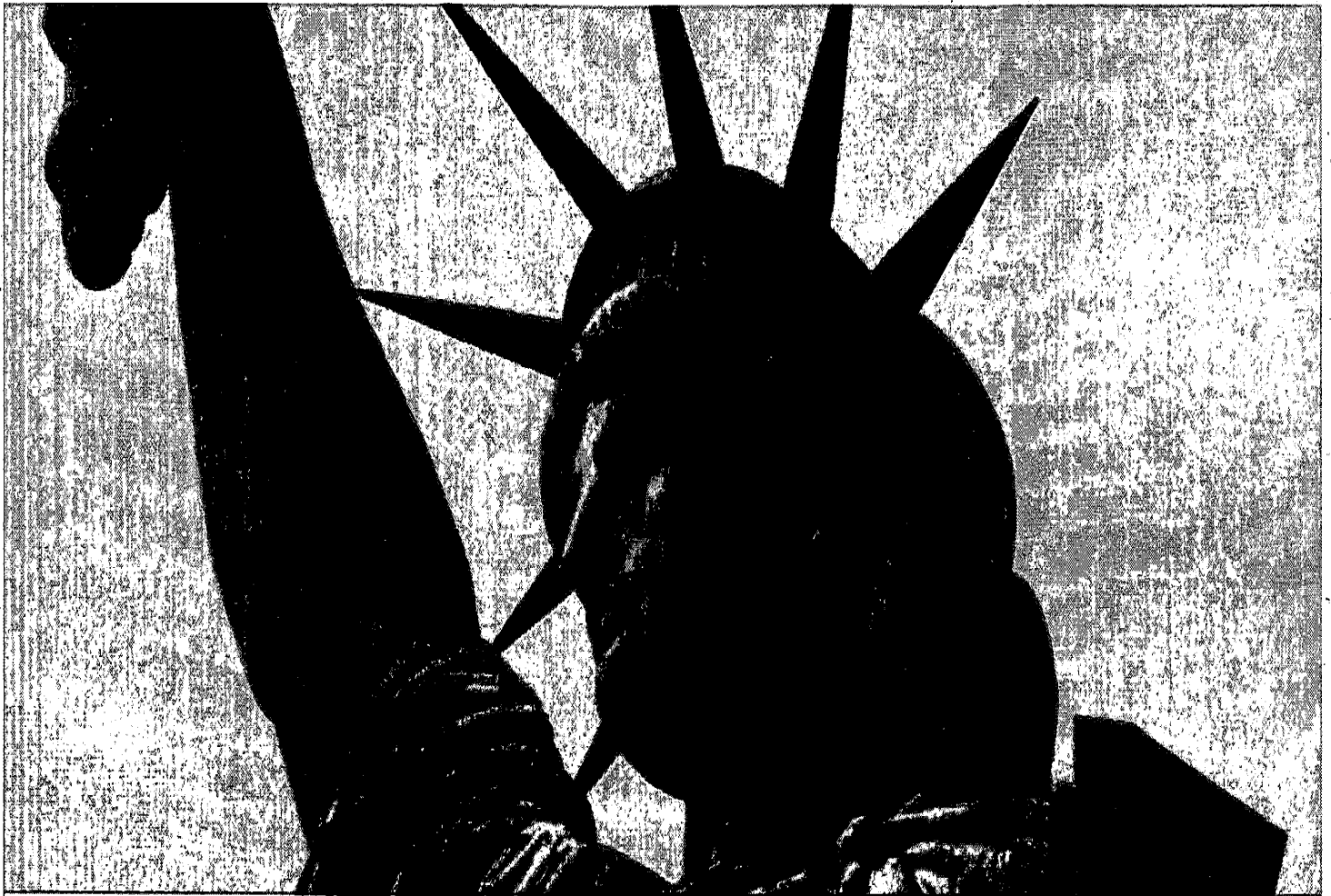


You Never CARRP Alone



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Identification of NS Indicators/Concerns



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Guidelines for Identifying NS Concerns

- 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 and activity, individual, or organization described in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the INA.
 - Terrorist Activity
 - Espionage
 - Sabotage
 - Illegal Transfer of Goods, Technology, or Sensitive Information

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Articulate link

- Articulate link: An articulate link exists when two things are connected in a way that can be explained
- Articulate is defined as capable of being expressed, explained or justified
- Information may be from the application, interview, system checks, or other sources
- Here, the connection is between NS activity as described in INA 212(a)(3)(A), (B), or (F), or INA 237(a)(4)(A) or (B), and the individual
- Must consider totality of the circumstances
- Does the information allow a reasonable inference to be drawn as to the connection?
- Connection need not rise to the level required for the issuance of an NTA (clear and convincing) but there must be some connection

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Where You May Find NS Concerns

- Security Check Results
- Interview Testimony
- Review of Application
- Review of Supporting Documents
- Review of A-File or Other Related File(s)
- Leads from other US Government Agencies or Foreign Governments
- Other Sources (internet, newspapers, other media...)

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Indicators of a NS Concern

- **Statutory Indicators –**

- Sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the INA
- Other

- **Non-Statutory Indicators –**

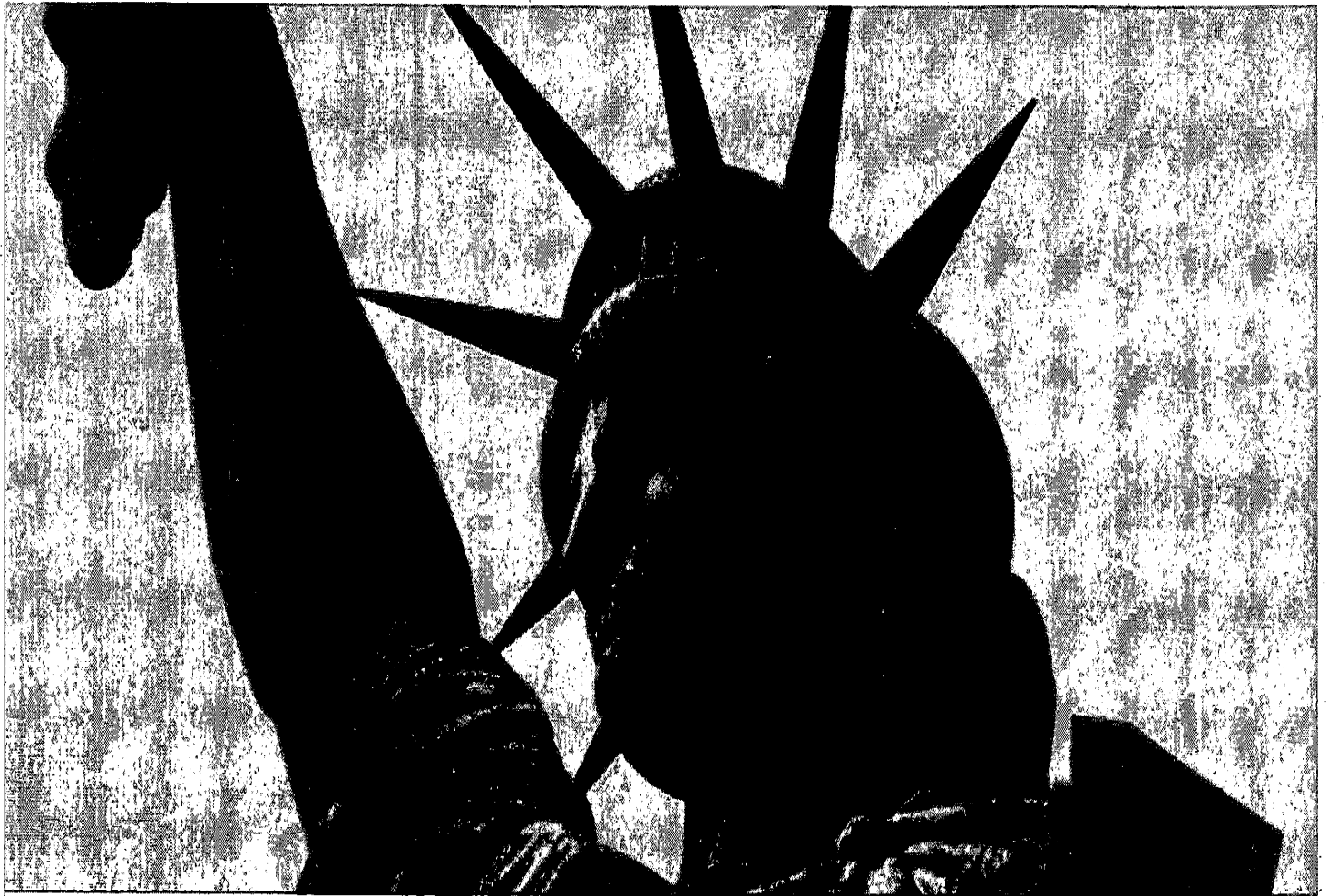
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- **Security Check Results –**

- FBI Name Check
- FBI Fingerprint Check
- US-Visit/IDENT
- TECS/IBIS

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Documentation of an NS Concern



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If your office requires the AO to fill out a form to inform the FDNS IO of a national security concern, it may look like this:

For Official Use Only (FOUO) - Law Enforcement Sensitive Do Not Include Classified Information in this Worksheet									
 U.S. CITIZENSHIP & IMMIGRATION SERVICES CARRP WORKSHEET									
SUBJECT									
1	Date:		Officer:		Program Office:				
2	FDNS-DS Number:		NS Concern:		Urgency:		Due Date (if applicable):		
3	A-Number(s)				Current Immigration Status				
4	Last Name		First Name			Middle Name			
5	Alias(es):				Organization(s):				
6	Date(s) of Birth Month/Day/Year			Country of Birth		Country (ies) of Citizenship			
	1	2	3						

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Documentation of NS Concerns

Entry into FDNS-DS is required if:

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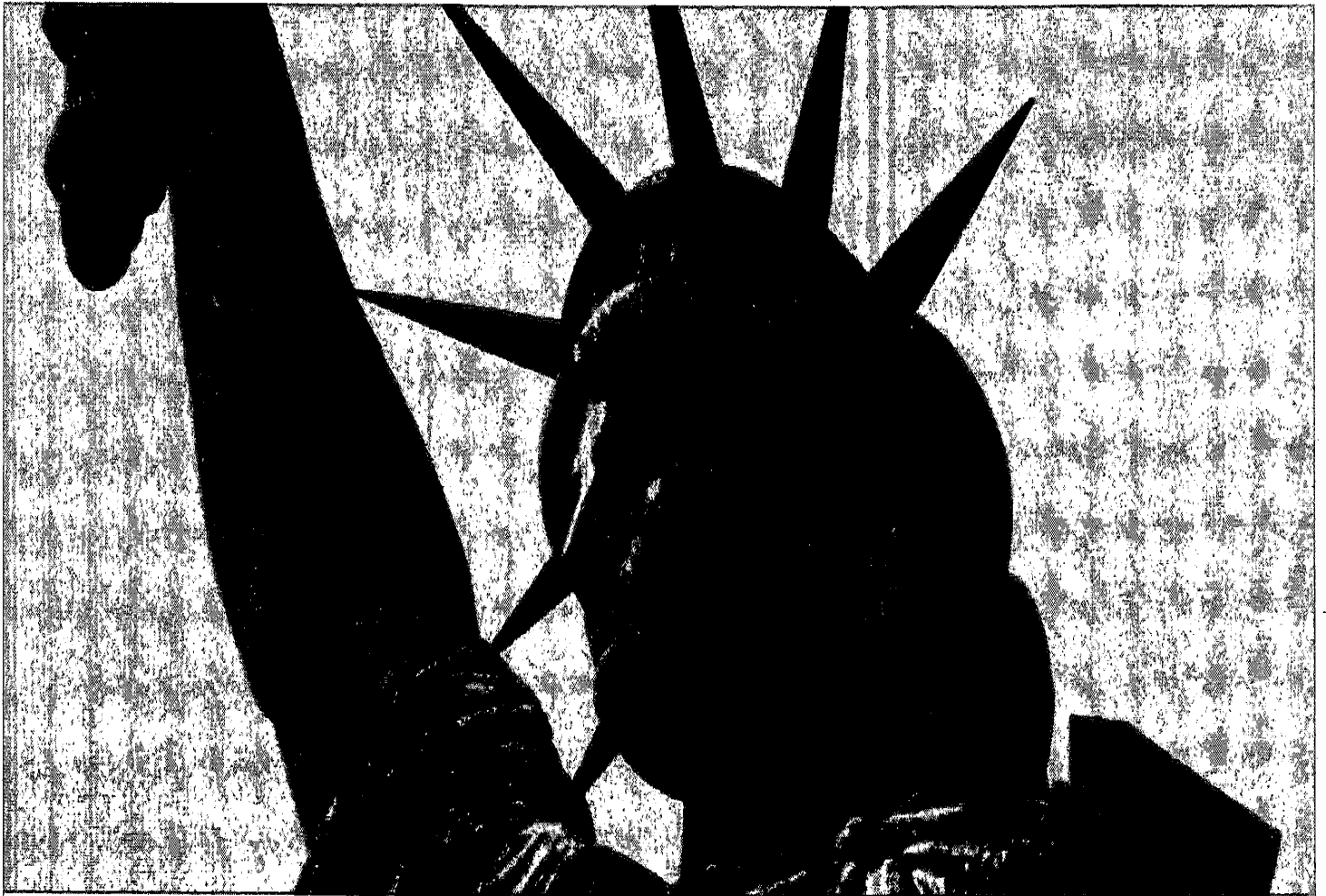
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Asylum Case Processing



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Role and Responsibilities of Asylum Officer

- **Conducts Interview**
- **Conducts Mandatory Standard Security Checks**
- **Identifies NS Concerns**
- **Assesses Eligibility**
- **Refers case to FDNS IO if:**

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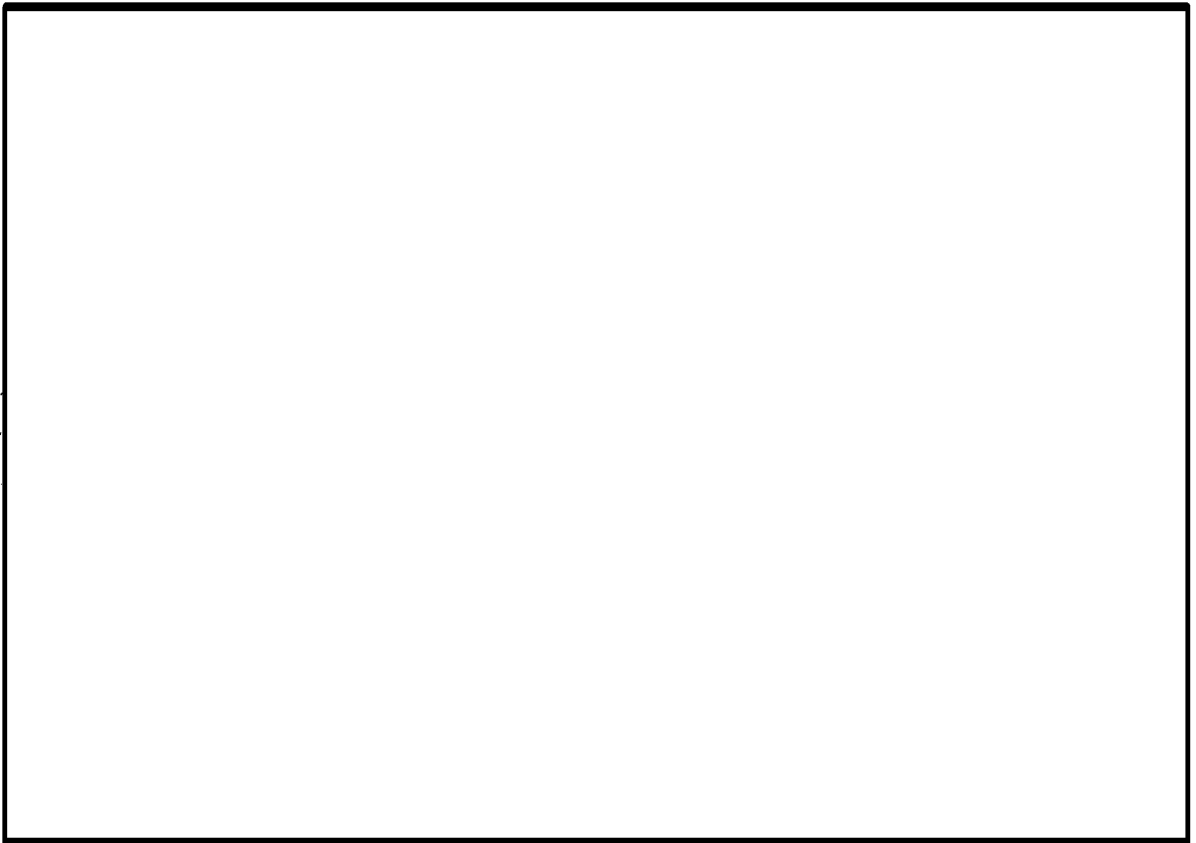
KST CASE PROCESSING

Step 1 – KST Identification

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- *Prior to interview AO discovers KST hit*

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- *AO proceeds with interview if there is no request for abeyance.*

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Step 2 – KST Internal Vetting and Eligibility Assessment

- **Internal Vetting**
 - Elicit additional information
 - Conduct additional country conditions research
 - Check commercial databases, as appropriate
 - Conduct other systems checks, as appropriate
 - Conduct interview

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KST CASE PROCESSING

- **Eligibility Assessment**

- **Applicant found Ineligible**

- No external vetting required, no QA review required*
 - Proceed to final adjudication

- **Applicant found Otherwise Eligible**

(includes possible exemptions and mandatory holds)

- External vetting required

*Discretionary Referrals/Denials require HQ/QA review prior to decision service. Depending on strength of discretionary denial/referral, external vetting may be appropriate and/or required.

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KST Case Processing

Step 3 – KST External Vetting, HQ/QA Review

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- FDNS IO conducts external vetting

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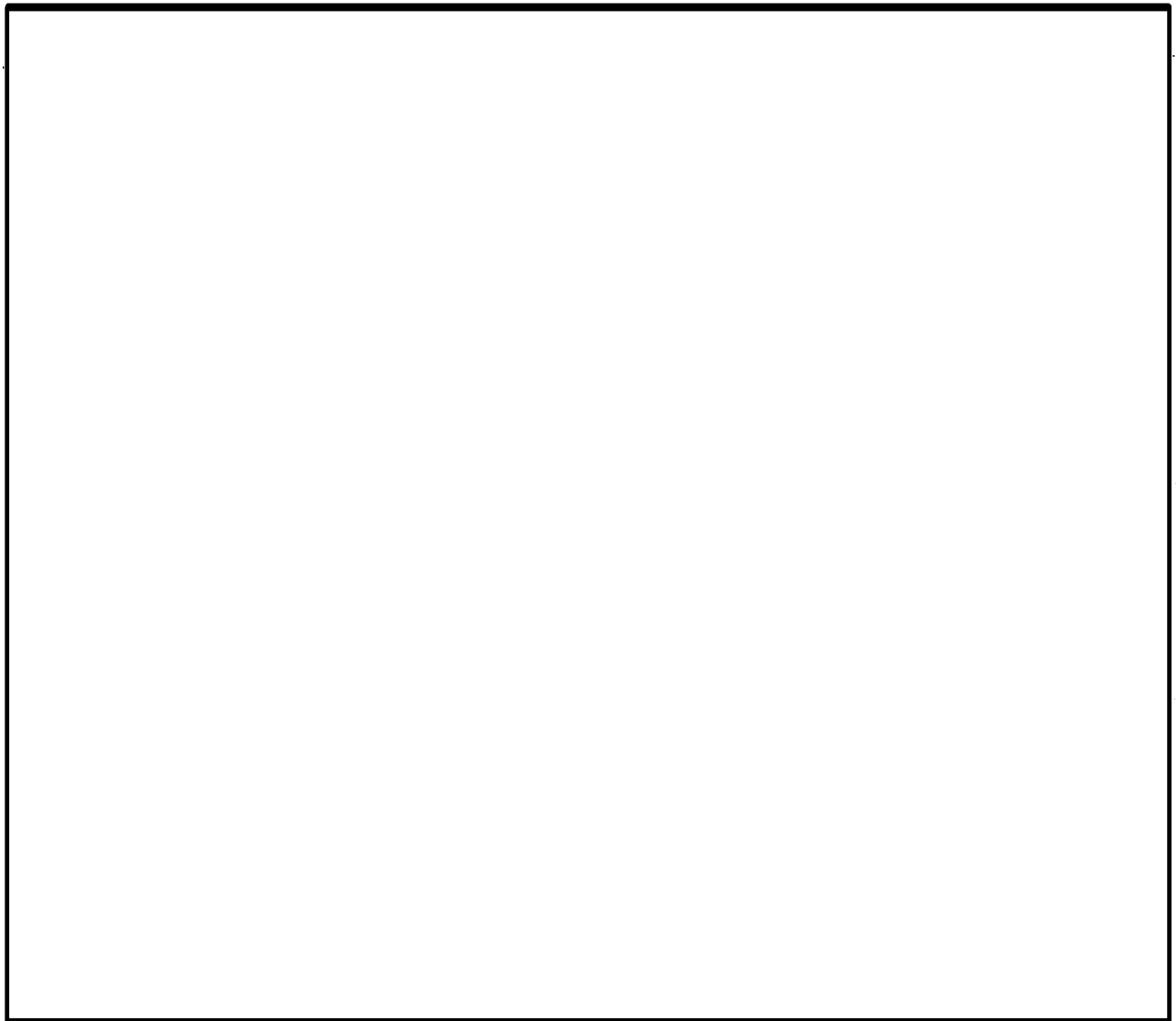
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KST Case Processing

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KST External Vetting Actions and Results



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KST Case Processing

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Step 4 – KST Final Adjudication

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- Cases with unresolved KST NS Concerns CANNOT be APPROVED without USCIS Senior Leadership concurrence.

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Non-KST Case Processing

Step 1 – Non-KST Identification

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- *Prior to interview AO discovers a security check hit*

- *FDNS-IO contacts appropriate LEA to deconflict if applicable*
- *AO proceeds with interview if there is no request for abeyance.*

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Non-KST Case Processing

Step 2 – Non-KST Internal Vetting and Eligibility Assessment

- **Internal Vetting**
 - File review
 - Security checks in DHS systems
 - Interview
 - Other database or system checks, as appropriate
 - Research into open source information (i.e., country conditions, etc.)

***Some of these activities may be completed during Step 1.**

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Non-KST Case Processing

- **Eligibility Assessment**
 - **Applicant found Ineligible**
(no exemption, no mandatory hold)
 - no external vetting required, no QA review required
 - **Applicant found Otherwise Eligible**
(includes possible exemptions and mandatory holds)
 - External vetting by local FDNS IO required
 - HQASM review required prior to decision

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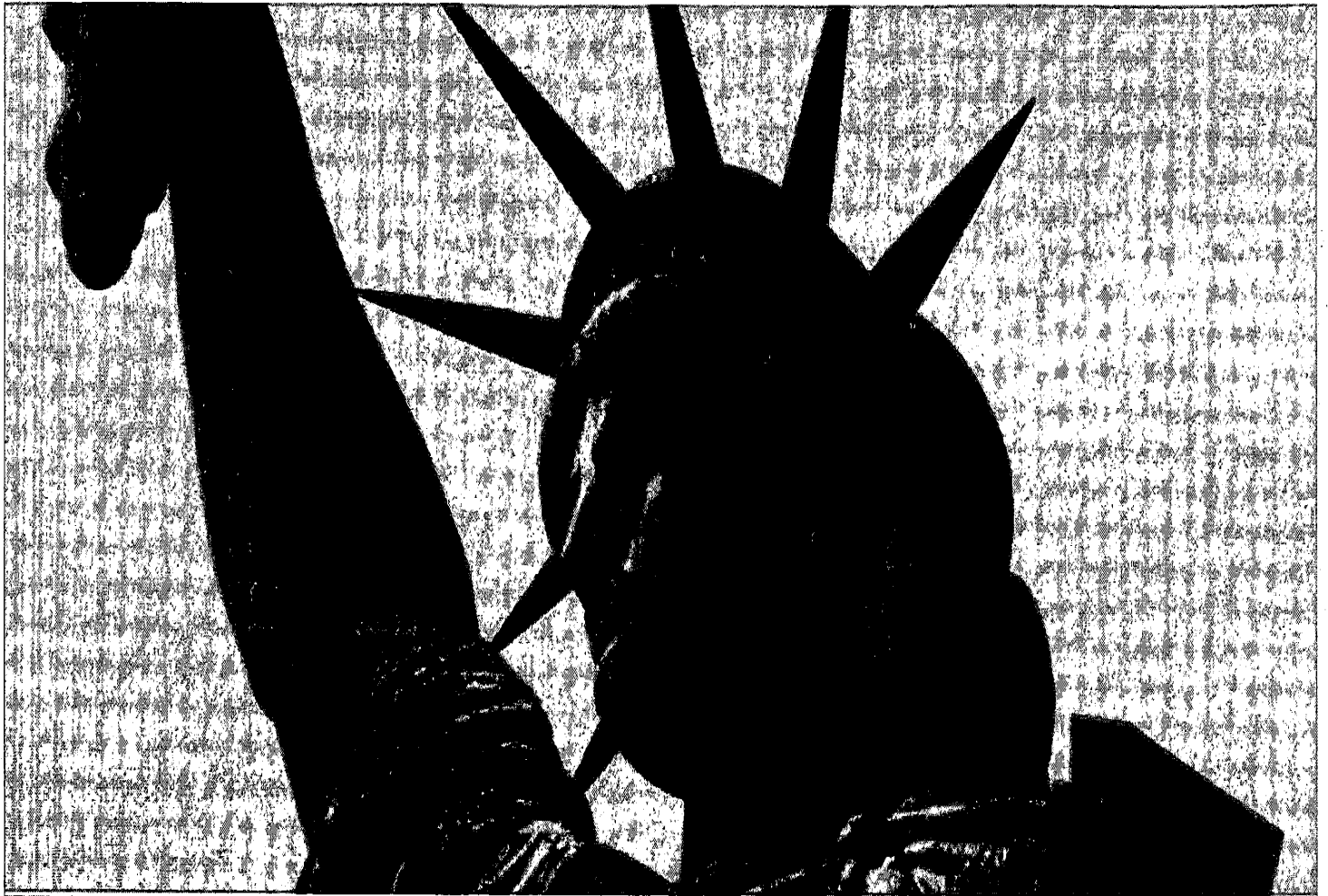
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Use of Classified Information in Decisions



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Policy for Use of Classified Information

The policy on use of classified evidence requires coordination through HQ FDNS and involves multiple steps:

- Requesting declassification from owning agency
- Obtaining permission of owning agency (b)(5)
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- Obtaining approval from the Secretary of Homeland Security
- Declassification of pertinent information, or obtaining approval for use of unclassified but sensitive information contained in investigative reports, is a time-consuming process

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Reminder . . .

- Third agency information, such as law enforcement sensitive (LES) information, even if unclassified, may not be “used” in a written decision without the approval of the owner.
- No restrictions on internal DHS exchange as long as
 - Authorized purpose
 - Requisite security clearance
 - Adequate protection of information assured

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Four-Step Process

- Identification of NS Concern
 - Internal Vetting/Eligibility Assessment
 - External Vetting
 - Final Adjudication
-

Deconfliction

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Summary: Cases Requiring HQASM Review

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NS cases requiring submission to HQASM/QA for concurrence:

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Questions?

- Refer to ISCPM, NaBISCOP, RAIOVL
- Ask SAO, FDNS IO, Asylum HQ, RAIO FDNS

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Controlled Application Review & Resolution Program (CARRP)

Adjudicator Training

AOBTC- 29

Kimberly Mack, HQ Asylum Division



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General CARRP Workflow

Four-Step Process

- **Identification of NS Concern**
- **Internal Vetting/Eligibility Assessment**
- **External Vetting**
- **Final Adjudication**

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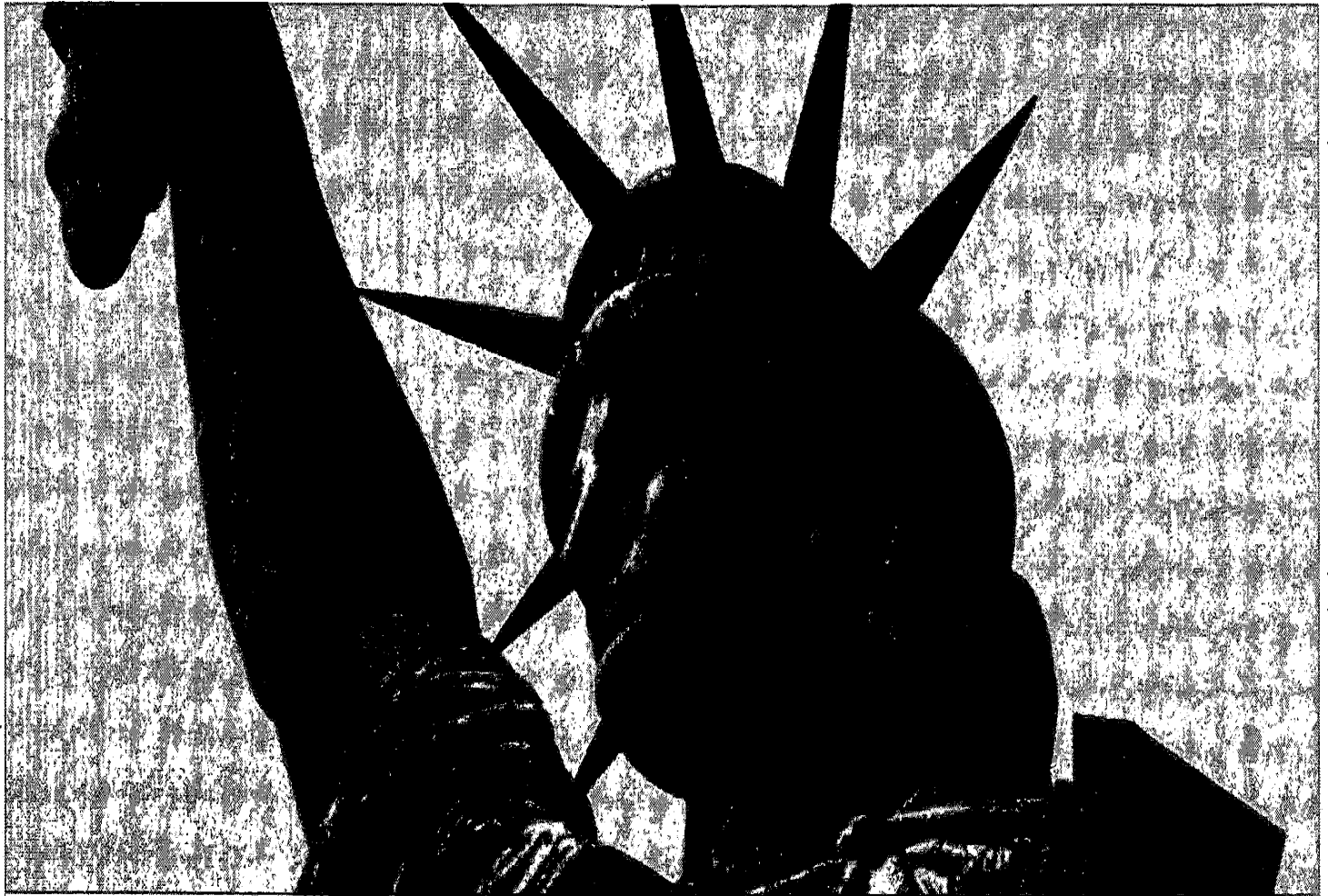


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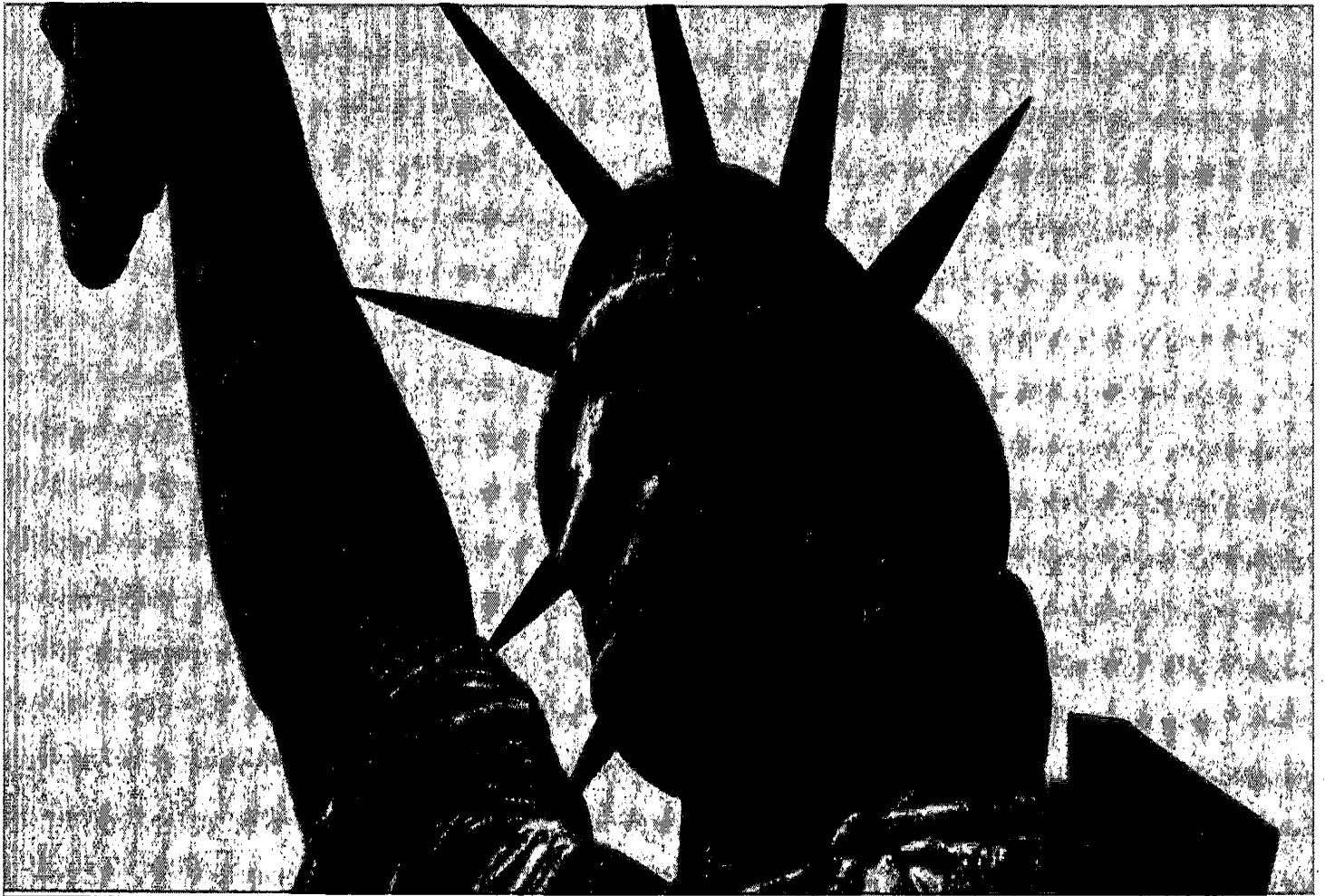
Terms of Reference



U.S. Citizenship
and Immigration
Services

(b)(5)

(b)(7)(e)



CARRP Worksheet and Update Sheet & Instructions



U.S. Citizenship
and Immigration
Services



U.S. Citizenship
and Immigration
Services

CARRP Worksheet and CARRP Update Sheet

The CARRP Worksheet is a tool used to document the identification, processing, and decision points for cases involving NS concerns. (b)(5) (b)(7)(e)

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(b)(5)

(b)(7)(e)