



U.S. Citizenship  
and Immigration  
Services

Date: August 29, 2012

## UNCLASSIFIED MEMORANDUM

TO: Refugee, Asylum, and International Operations Directorate Staff

FROM: Steve Bucher   
Associate Director  
Refugee, Asylum, and International Operations Directorate

SUBJECT: Handling Potential National Security Concerns with No Identifiable Records

### Purpose

The purpose of this memorandum is to provide additional clarification and uniform guidance for the handling of cases involving potential articulable national security (NS) concerns that arise outside the security and background check process, because of information derived either from the applicant or from another outside source. In such situations, there is no identifiable record associated with the NS concern because the law enforcement and intelligence community may be unaware of the information. This memo describes the process for the handling of such cases and provides guidance to all Controlled Application Review and Resolution Process (CARRP) Officers<sup>1</sup> within the Refugee, Asylum, and International Operations Directorate (RAIO) who handle NS cases to ensure that timely notifications are made to Immigration and Customs Enforcement (ICE) and that proper system updates are completed.

### Scope

Unless specifically exempted herein, this memo applies to and is binding on all personnel within the RAIO Directorate.

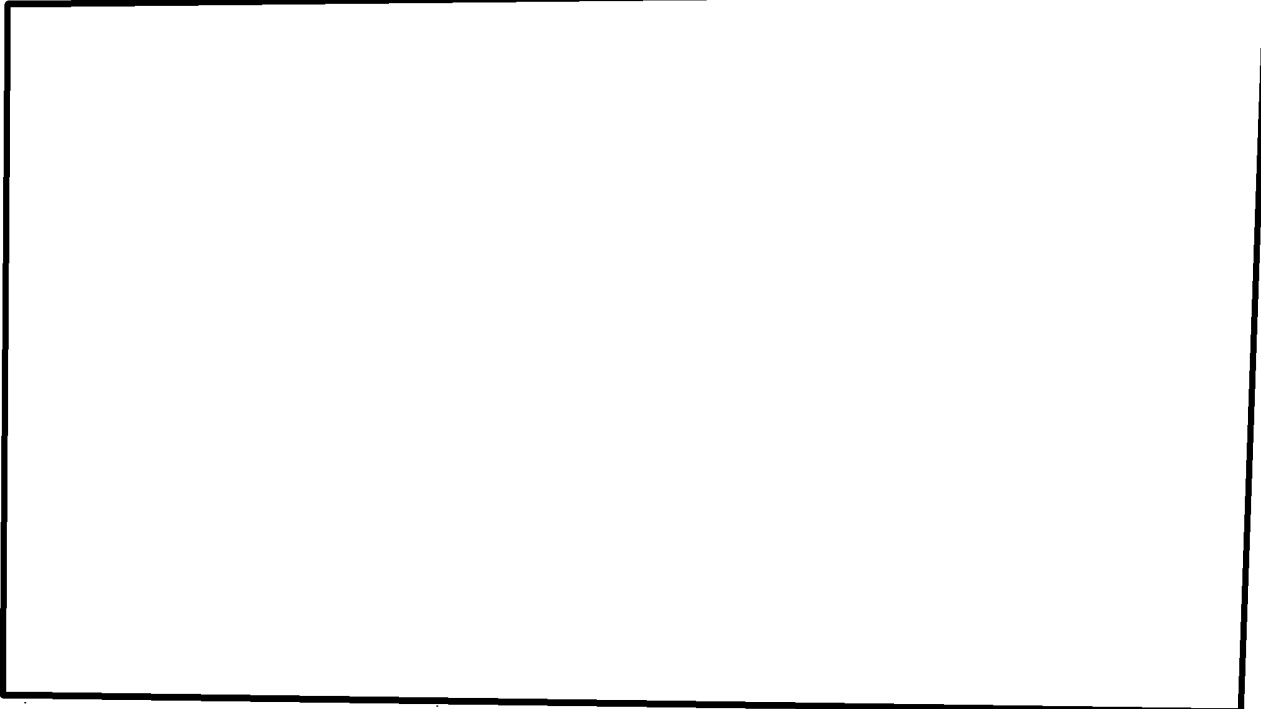
### Background

All cases with potential NS concerns are processed pursuant to the CARRP guidance<sup>2</sup>. This policy also provides guidance as to how officers may identify indicators of NS concern (both statutory

<sup>1</sup> CARRP officer is defined as someone who has received the CARRP training and who regularly handles national security related resolutions. CARRP officer may include RAIO adjudication officer and FDNS immigration officer.

<sup>2</sup> "Policy for Vetting and Adjudicating Cases with National Security Concerns", signed by Deputy Director Jonathan R. Scharfen, April 11, 2008. "Additional Guidance on Issues Concerning the Vetting and Adjudication of Cases

and non-statutory) with respect to an individual or an organization



**Procedural Guidance**

In cases where there is no identifiable record for the potential NS-related information, the Officer handling the concern must take all reasonable steps described below to determine whether there is a pending law enforcement investigation or intelligence interest associated with the subject in question. If there is a pending law enforcement investigation or intelligence interest, the Officer must deconflict with that agency prior to taking any adjudicative action. If the Officer is unable to identify any pending investigation or intelligence interest, the Officer must perform all required actions pursuant to the four stages of the CARRP process prior to releasing the case for adjudication on the merits, however, deconfliction is not required

(b)(7)(e)

Officers should follow CARRP policy and associated division guidance to determine which officer is responsible for each step of the CARRP process.

Involving National Security Concerns”, signed by Acting Deputy Director Michael Aytes, February 6, 2009. “Uniform Instructions for Standardized CARRP File Identification and Movement of CARRP Cases within USCIS”, Signed by Donald Neufeld, March 26, 2009. “Clarification and Delineation of Vetting and Adjudication Responsibilities for Controlled Application Review and Resolution Program Cases in Domestic Field Offices”, Signed by Donald Neufeld, June 5, 2009. A full list of all CARRP policy and component specific operational guidance can be accessed via <http://connect.uscis.dhs.gov/org/FDNS/Pages/default.aspx>

<sup>3</sup> See Attachment A of the original CARRP guidance for indicators of potential NS concerns.

<sup>4</sup> See CARRP FAQ, question 6: How should officers handle cases where there is No TECS Record or Identified Record Owner?

<http://ecn.uscis.dhs.gov/team/fdns/National%20Security%20Branch/CARRPFAQ/Lists/CARRP%20Frequently%20Asked%20Questions%20%20For%20Official%20Use/Flat.aspx?RootFolder=%2Fteam%2Ffdns%2FNational%20Security%20Branch%2FCARRPFAQ%2FLists%2FCARRP%20Frequently%20Asked%20Questions%20%20For%20Official%20Use%2F6%2E%20How%20should%20officers%20handle%20cases%20where%20there%20is%20No%20TECS%20Record%20or%20Identified%20Record%20Owner&FolderCTID=0x01200200D09B70B50A6E5144B3D5F460304D5013>

[www.uscis.gov](http://www.uscis.gov)

**Implementation**

**Identification of Potential NS Concern and Resolution Process**

(b)(7)(e)

Officers should use all available information to determine if a potential NS concern with no identifiable record is the subject of a pending law enforcement investigation or intelligence interest. This could include:

(b)(5)



If it is determined that there is an ongoing investigation or interest, Officers should conduct deconfliction per existing CARRP guidance.

If Officers determine that there is no ongoing investigation or interest, they should proceed with the four stages of the CARRP process as applicable but are not required to perform deconfliction.

**FDNS-DS Record Creation, Update, and ICE Notification**



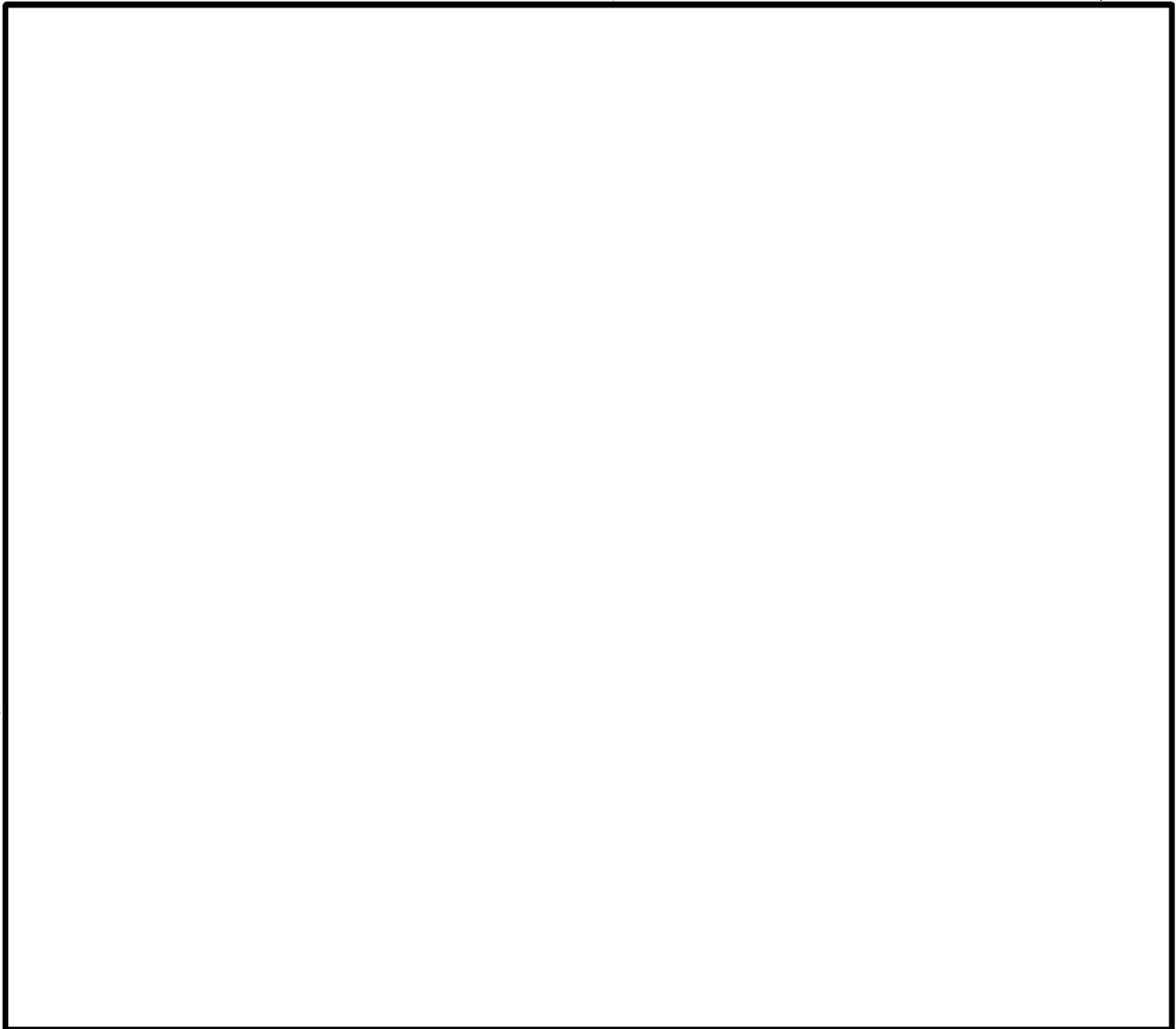
<sup>5</sup> Federal regulations at 8 CFR 208.6 generally prohibit the disclosure to third parties of information contained in or pertaining to asylum applications, credible fear determinations, and reasonable fear determinations except under certain limited circumstances. Information contained in or pertaining to refugee applicants is subject to the same confidentiality provisions as a matter of long-standing USCIS policy. When discussing information with an outside source, officers must not breach confidentiality or improperly disclose sensitive or personally identifiable information for any case.

<sup>6</sup> See the July 26, 2011 memo, "Policy Guidance: Revision of Responsibilities for CARRP Cases Involving Known or Suspected Terrorists" for more information on submitting Requests for Assistance for high-side checks.

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When creating or modifying non-KST NS concerns without identifiable records in FDNS-DS, the following relevant details should be included:



Officers should ensure that when information needs to be entered into FDNS-DS it is done as early in the CARRP process as possible and is kept up to date.



**Use**

This memo is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

**Contact Information**

Questions or suggestions regarding this guidance should be addressed through appropriate channels to RAIO FDNS Unit.