



# U.S. Citizenship and Immigration Services



# U.S. Citizenship and Immigration Services

## *BASIC*

### NATIONAL SECURITY COURSE 235

### PARTICIPANT GUIDE

~~FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE~~

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.

**SYLLABUS**

**COURSE TITLE:** National Security

**COURSE NUMBER:** 235

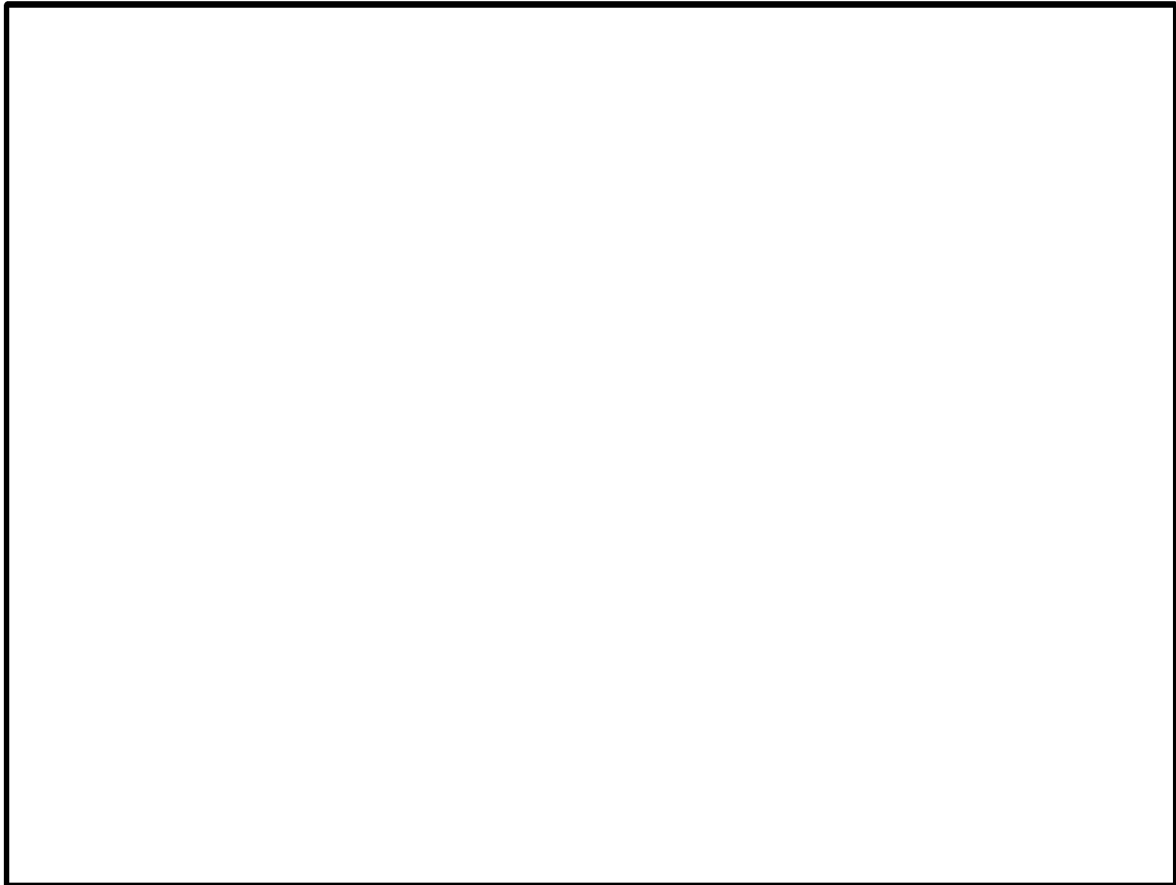
**COURSE DATE:** July 2012

**LENGTH AND METHOD OF PRESENTATION:**

Lecture	Lab	P.E.	Total	Program
3:00	0:00	1:00	4:00	BASIC

**This lesson is designated as For Official Use Only/Law Enforcement Sensitive (FOUO/LES) and the information contained within must be properly safeguarded. This lesson may NOT be distributed to the public.**

(b)(7)(e)



~~FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE~~

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.

[http://www.uscis.gov/files/pressrelease/security\\_checks\\_42506.pdf](http://www.uscis.gov/files/pressrelease/security_checks_42506.pdf)


What is the Third Agency Rule? Government wide policy that does not allow information owned by one agency to be disseminated by another agency. Includes information from TECS.

Effective June 29, 2010, Executive Order 12958, as amended, "Classified National Security Information," is rescinded and replaced with Executive Order 13526, same title (copy enclosed).

**FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE**

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.

Office of Security  
U.S. Department of Homeland Security  
Washington, DC 20528

JUN 3 2010  **Homeland Security**

MEMORANDUM FOR: Component Heads and Chief Security Officers

FROM: Jerry Williams *Chief Matthew (Active 9/10)*  
Chief Security Officer/Senior Agency Official

SUBJECT: Executive Order 13526, "Classified National Security Information"

Effective June 29, 2010, Executive Order 12958, as amended, "Classified National Security Information," is rescinded and replaced with Executive Order 13526, same title (copy enclosed). With this change comes the introduction of new and revised standards that are designed to minimize impediments to information sharing, alleviate issues associated with over-classification, harmonize and prioritize the declassification of historical records, and increase individual accountability for classification activity. Significant among these changes and effective as of June 29, 2010, are:

- Elimination of the "Third Agency Rule." EO 13526 states: "Classified information originating in one agency may be disseminated to another agency or U.S. entity by any agency to which it has been made available *without the consent of the originating agency*, as long as the criteria for access... are met, unless the originating agency has determined that prior authorization is required... and has marked or indicated such requirement on the medium containing the classified information... (3) documents created prior to the effective date of this order shall not be disseminated outside any other agency to which they have been made available without the consent of the originating agency." Two key elements of this change are:
  - 1) the term "U.S. entity" is incorporated into the language. U.S. entity is defined by the order as including: "(1) State, local, or tribal governments; (2) State, local, and tribal law enforcement and firefighting entities; (3) public health and medical entities; (4) regional, state, local, and tribal emergency management entities, including State Adjutants General and other appropriate public safety entities; or (5) private sector entities serving as part of the nation's critical infrastructure."
  - Agencies no longer have to receive authority from an originating agency to further disseminate their classified information to other agencies, or U.S. entities, unless the classified information has been specifically marked with dissemination restrictions or it was created prior to the effective date of the order.
- Mandatory Training: All persons who have been delegated as an Original Classification Authority (OCA) must receive training initially upon delegation and annually thereafter. Additionally, all persons who perform derivative classification actions must receive training on the classification standards and processes at least once every two years. Pursuant to the order,

Derivative classification means the incorporating, paraphrasing, restating, or generating in new form information that is already classified, and marking the newly developed material consistent with the classification markings that apply to the source information. Derivative classification includes the classification of information based on OCA approved security classification guidance.

**FOR OFFICIAL USE ONLY (FOUO)-LAW ENFORCEMENT SENSITIVE**

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.

OCA's and derivative classifiers who do not attend the required training shall have their authority to perform these functions suspended until such training has been received. Given the limited number of OCA's within DHS, management of the OCA training requirement will have little impact. However, in order to ensure that persons who are performing derivative classification receive the required training, they will have to be designated as derivative classifiers by their respective supervisors/managers and the list of designees provided to and maintained by component security officials for training and tracking purposes.

- **Increased Accountability.** Persons who apply derivative classification markings must identify themselves by name and position in addition to identifying the classified source(s) used and the declassification instructions. An example of the new classification block for a derivatively classified document is:

Classified By: Jimmy Smith, Director of Security  
 Derived From: DHS SCG 000-00, May 2010  
 Declassify On: May 27, 2020

- **Comprehensive Security Classification Guide Review.** By June 29, 2012, agencies are to have completed a comprehensive review of all the agency's security classification guides to ensure they reflect current circumstances and the standards of the order. The classification guidance review is to include original classification authorities and agency subject matter experts to ensure a broad range of perspectives. When the review is complete, a report citing the results of the review must be submitted to the Information Security Oversight Office (ISOO) with an unclassified version made available to the public. In the coming months, representatives from the Administrative Security Division within the Office of the Chief Security Officer (OCSO) will be contacting component points of contact with published security classification guides to begin this process.

The changes cited above reflect only a couple of the more significant aspects of EO 13526 and is not an all-inclusive list of all changes represented in the order. To address these and other changes, OCSO has convened two intra-agency working groups, one to address the training aspects and the other to consolidate and revise existing DHS directives on classification into a single one-stop-shop DHS implementing instruction. The efforts of both these groups and the products they produce will serve to ensure that the Department's implementation of the order is consistent with the standards and requirements of the order and its implementing directives and that those standards and requirements are communicated effectively throughout the Department.

Please ensure this information is given widest dissemination within your respective components. If you have any questions, contact [redacted] Chief, Administrative Security Division, at [redacted].

Enclosure: BG-13526

(b)(7)(c)

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.

Where do I find out if an organization has been designated as a Tier I or Tier II terrorist organization? The Department of State's website, [www.state.gov](http://www.state.gov) lists designated terrorist organizations but does not label the terrorist organizations by Tier. It merely sights the designation lists. Please note that Tier I organizations are those on the Foreign Terrorist Organization List (FTOs). Tier II organizations are those on the Terrorist Exclusion List (LET). For description of the factors used to designate Tier I and Tier II terrorist organizations, see INA 212(a)(3)(B)(vi)(I) & (II).

## Terrorist Designation Lists

- **Foreign Terrorist Organizations List (FTOs)**  
Impacts travel related to terrorist organizations, makes it a crime to provide material support to terrorist organizations, and freezes the financial accounts of terrorist organizations in U.S. financial institutions.
- **Terrorist Exclusion List (TEL)**  
Impacts and restricts travel associated with terrorist organizations.
- **Executive Order 13224**  
Designates both individuals as well as organizations, and contains provisions to block/freeze tangible property.
- **Terrorism Designations Page**  
Contains the lists above as well as press releases and notices from the Federal Register.

<http://www.state.gov/s/ct/list/index.htm>

What if I don't know if a case meets the definition of a NS concern? See your supervisor.

How do I handle For Official Use Only Information? Only to be used in official performance of duties. Do not leave unattended. **Must only be shared when there is a need to know AND when the person who the information will be shared with has the proper clearance; BOTH requirements must be met.**

---

~~FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE~~

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.

**STUDENT SPECIAL REQUIREMENTS:**

Read pages 221 - 224 in *Immigration Law and Procedure in a Nutshell, 5<sup>th</sup> Edition*, by David Weissbrodt and Laura Danielson.

**NOTE:** Like other reference guides and textbooks, *Immigration Law and Procedure in a Nutshell* is written by a private author, and is **not** a U.S. Government publication. Accordingly, any opinions expressed in the text are those of the author, and not those of U.S. Citizenship and Immigration Services or the Department of Homeland Security. This text is being used to provide background information on the law to the student, in order that the student may apply that background to the duties performed by USCIS adjudicators.

Additionally, the Fifth Edition of this book was published in 2005. Since the immigration law and policy is constantly changing and evolving, it is always important to verify whether there have been changes to the law or procedures when using this or other reference materials.

**METHOD OF EVALUATION:**

Written Examination – Multiple Choice (Open Book)

**Handling for Official Use Only (FOUO) Material:**

**Materials and information are to be controlled, handled, transmitted, distributed, and disposed of in accordance with US DHS policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public, or other personnel who do not have a valid "need-to-know" reason without prior approval from the originator. It is important to note that the caveat "For Official Use Only" is NOT a security classification; however, FOUO material should be safeguarded.**

Directive does not appear to require such a high level of protection for FOUO materials. See J.M. Loy, ADM, Deputy Secretary of Homeland Security, Safeguarding Sensitive but Unclassified (For Official Use Only) Information, MD11042.1 (1.6.2005). For example, many A-files contain FOUO information. Nonetheless, MD11042.1 does not appear to prohibit leaving A-files on an officer's desk when the officer is away from the desk temporarily or even away overnight, provided the office area has sufficient physical access control measures. See MD11042.1, Section 6. I. Storage.

The practices which the text says to avoid use the word "should," apparently indicating that these are recommendations against certain practices, not prohibitions. If that is the intention, then the text should clarify that these are suggestions for methods to limit unauthorized access to FOUO information, but not absolute prohibitions.

~~FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE~~

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.





**Who has the first .....QUESTION?**

~~FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE~~

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.

**IV. APPLICATION**

**A. In-Class Laboratory**

- None

**B. In- Class Practical Exercises**

- 15 Scenarios for Applying Referral Criteria

**V. REFERENCES**

A. INA §§ 101(a)(43), 101(f)(6), 212(a)(3), 212(a)(6)(C)(i), 219, 237(a)(4), 237(c), 240(b)(4)(B),

B. 8 C.F.R. §§ 103.2(b)(16)(i)-(iv), 235.8

C. Nutshell Chapter 8 §§ 8-1.2(c), 8-2.2(d)

Chapter 9 § 9-1.1(d)(2)

Chapter 13 § 13-4.6

~~FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE~~

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.

**VI. Appendix**

- A. Clarification and Delineation of Vetting and Adjudicating Responsibilities for Controlled Application Review and Resolution Program (CARRP) Cases in Domestic Field Offices, dated June 5, 2009.
- B. USCIS Operational Memorandum, "*Policy for Vetting and Adjudicating Cases with National Security Concerns*" dated April 11, 2008
- C. USCIS Memorandum, "*Revised National Security Adjudication and Reporting Requirements*," dated February 4, 2008.
- D. USCIS Operational Memorandum, "*FBI Name Check Process and Clarification for Domestic Operations*," dated December 21, 2006.
- E. USCIS Fact Sheet, "*Immigration Security Checks—How and Why the Process Works*," dated April 25, 2006.
- F. DHS Secretary's Memorandum, "Department of Homeland Security Guidelines for the Use of Classified Information in Immigration Proceedings," dated October 4, 2004.
- G. Guidance for Identifying National Security Concerns

**FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE**

This document is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO. It contains information that may be exempt from release under the Freedom of Information Act (5 U.S.C. § 552). This information shall not be distributed beyond the original addressees without prior authorization of the originator.