



U.S. Citizenship and Immigration Services

U.S.C.I.S. Officer Academy

National Security

Course 235



U.S. Citizenship
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Services

DESCRIPTION

- Discuss USCIS policies and procedures regarding the identification and adjudication of cases involving national security concerns. Provide an overview of the roles and responsibilities of the organizational components involved in processing cases involving national security concerns.



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TERMINAL PERFORMANCE OBJECTIVE

(TPO)

Given a field situation involving the adjudication of an application or petition, the Immigration Services Officer will be able to understand the security check process and specify criteria for identifying a national security concern. The Immigration Services Officer will have an understanding of the relevant USCIS components and processes associated with vetting and adjudicating cases with identified national security concerns.



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ENABLING PERFORMANCE OBJECTIVE

(EPOs)

EPO #1: Identify the relevant terms of reference relating to cases involving national security concerns.

EPO #2: Identify the organizational components responsible for reviewing the results of security checks, vetting and adjudicating cases with national security concerns.

EPO #3: Apply USCIS policies in vetting and adjudicating cases involving national security concerns.

EPO #4: Identify the types of security checks completed by USCIS as part of the background check process.



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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 must be safeguarded.



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Handling For Official Use Only (FOUO) Material

FOUO material should not be left unattended on desks

FOUO material should be placed out of sight when not in use

Unauthorized personnel should not be allowed in the area when
FOUO material is being reviewed



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Introduction

USCIS leadership has identified national security protection as the agency's primary mission, and therefore these issues have become a central element in USCIS adjudications.

- Prior to the terrorist attacks on September 11, 2001, the legacy Immigration and Naturalization Service (INS) conducted security checks on less than one-third of applicants and beneficiaries seeking immigration benefits.
- Today, as part of the background check process, USCIS policy requires the completion of one or more security checks prior to granting immigration benefits.



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Introduction (cont'd)

- The background check process allows USCIS to conduct a comprehensive review of the facts of the case to include any identified public safety or national security issues which may or may not result from the security check. The background check process is not considered complete until USCIS has resolved all identified concerns.
- Only a small percentage of the security checks reveal information related to national security, compared to the large number of applications filed each year, however all national security concerns require intensive review and resolution.



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Introduction (cont'd)

- USCIS performs security checks regardless of race, ethnicity, national origin or religion.
- USCIS Goal: *“To deliver the right benefit to the right person at the right time, and no benefit to the wrong person.”*



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EPO #1: Identify the relevant terms of reference relating to cases involving national security.

National Security (NS) Concern

Known or Suspected Terrorist (KST)

Non-Known or Suspected Terrorist (Non-KST)

Security Checks

Internal Vetting

External Vetting

Deconfliction

Designated Officer



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Terms of Reference

National Security (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 212(a)(3)(A), (B), or (F), 237(a)(4)(A) or (B) of the Immigration and Nationality Act (INA). This determination requires that the case be handled in accordance with Controlled Application Review and Resolution Program (CARRP) policy.



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Terms of Reference

Known or Suspected Terrorist (KST) hit

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,



(b)(7)(e)



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(b)(7)(e)

Terms of Reference

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

is a category of the remaining 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.

Individuals and organizations who fall into the Non-KST grouping may also pose a serious threat to national security.



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Terms of Reference

Security Checks may consist of:

The FBI Fingerprint Check,

Treasury Enforcement Communications System (TECS)/Interagency
Border Inspection System (IBIS),

FBI Name Check.



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Terms of Reference

United States-Visitor and Immigrant Status Indicator Technology (US-VISIT)/Automated Biometrics Identification System (IDENT).

Specific checks or combination of checks required for each application or petition type, pursuant to each component's procedures.



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Terms of Reference

Internal Vetting

may consist of DHS, open source, or other systems checks; file review; interviews; and other research as specified in the Operational Guidance.



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Terms of Reference

External Vetting

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.



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Terms of Reference

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.



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Designated Officer :

For purposes of CARRP as outlined in the Delineation Memo of Jun 5, 2009:

Fraud Detection and National Security- Immigration Officer (FDNS-IO), CARRP trained Immigration Services Officer (CARRP-ISO), Supervisory Immigration Services Officer (SISO) and FDNS-Supervisory Immigration Officer (FDNS-SIO) and Field Office Director (FOD), CARRP trained Refugee and Asylum Officers. who has been designated by local management to be trained, competent and knowledgeable in CARRP procedures.



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New – Updated Policy

Memorandum - PM-602-0042

- **July 26, 2011:**
- The field is now authorized to contact the record owner or nominating agency to vet and deconflict NS concerns involving KSTs. The field, however, is not authorized to approve applications or petitions with confirmed KST NS concerns; that authority continues to rest with the senior leadership of this Agency.



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New – Updated Policy

Memorandum - PM-602-0067

- **May 8, 2012:**
- The following form types are now subject to CARRP processing:
 - Form I-526: Immigrant Petition by Alien Entrepreneur;
 - Form I-829: Petition by Entrepreneur to Remove Conditions;
 - Form I-924: application for Regional Center under the Immigrant Investor Pilot Program; and
 - Form I-924A: Supplement to Form I-924



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Practical Exercise

Terms of Reference



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Practical Exercise

National Security (NS) Concern

Known or Suspected Terrorist
(KST)

Internal Vetting

Non-Known or Suspected
Terrorist (Non-KST)

Definition:

may consist of DHS, open source, or other systems checks; file review; interviews; and other research as specified in the Operational Guidance.

Term:

Internal Vetting



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Practical Exercise

NS Concern

KST

Non-KST

Security Checks

Internal Vetting

External Vetting

Deconfliction

Designated Officer

Definition:

may consist of the FBI Fingerprint Check, TECS/IBIS, FBI Name Check, US-VISIT. Specific checks or combination of checks required for each application or petition type, pursuant to each component's procedures.

Term:

Security Checks



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Services

Practical Exercise

NS Concern

KST

Non-KST

Security Checks

Internal Vetting

External Vetting

Deconfliction

Designated Officer

Definition:

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 212(a)(3)(A), (B), or (F), 237(a)(4)(A) or (B) of the INA. Requires that the case be handled in accordance with CARRP.

Term:

NS Concern



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NS Concern

KST

Non-KST

Security Checks

Internal Vetting

External Vetting

Deconfliction

Designated Officer

Definition:

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.

Term:

External Vetting



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and Immigration
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Practical Exercise

NS Concern

KST

Non-KST

Security Checks

Internal Vetting

External Vetting

Deconfliction

Designated Officer

Definition:

Term: is a category of the remaining 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.

Term:

Non-KST



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and Immigration
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Practical Exercise

NS Concern

KST

Non-KST

Security Checks

Internal Vetting

External Vetting

Deconfliction

Designated Officer

Definition:

coordination between USCIS and another governmental agency owner of NS information to ensure that planned adjudicative activities (e.g., interview, 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.

Term:

Deconfliction



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Practical Exercise

NS Concern

KST

Non-KST

Security Checks

Internal Vetting

External Vetting

Deconfliction

Designated Officer

Definition:

is a category of individuals who are on the Terrorist Watch List, and have a specially coded lookout posted in TECS/IBIS and/or CLASS, as used by the Department of State.

Term:

KST



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QUESTIONS?



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EPO #2 Identify the organizational components responsible for vetting and adjudicating cases with national security concerns

The process for cases identified as having NS concerns may require extensive coordination between organizational components within USCIS as well as with law enforcement and intelligence agencies.



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Fraud Detection and National Security Division (FDNS)

Fraud Detection and National Security Directorate.

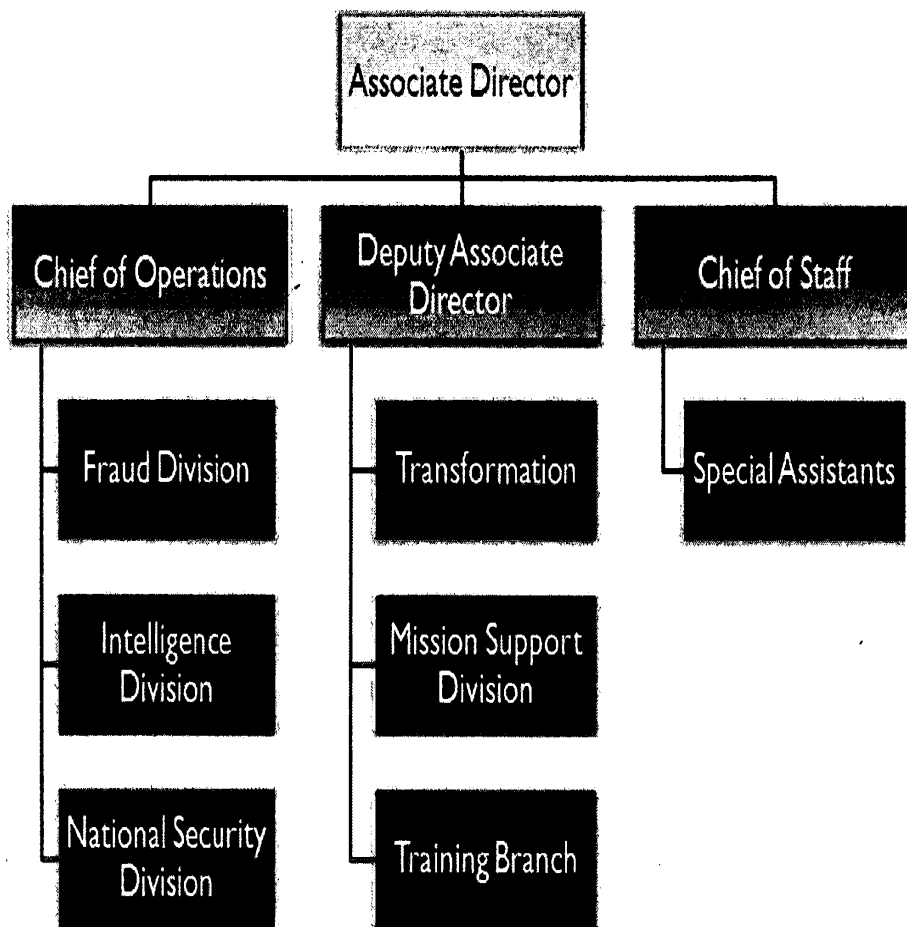
Established to enhance the integrity of the legal immigration system by identifying threats to national security and public safety, detecting and combating benefit fraud and removing systemic and other vulnerabilities.

FDNS Headquarters is composed of four separate divisions: National Security, Intelligence, Fraud, and Mission Support.



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FDNS Directorate



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FDNS Immigration Officer

Located at each field office, asylum office, service center, and overseas.

Review, research, and analyze information relating to applications/petitions where there are national security, public safety, or fraud concerns.

Do not adjudicate.

Document work in FDNS-DS to monitor and track national security concerns, suspected and confirmed fraud, and egregious public safety concerns.



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HQ FDNS National Security Division

National Security Division (NSD):

One of four divisions in HQFDNS.

Provides support to USCIS officers in the field during the vetting and adjudication of cases with NS Concerns.

Works closely with law enforcement agencies and the Intelligence Community to facilitate the exchange of information with the field.

Develop national security-related policies, programs and projects, including providing timely, effective training on related NS cases

Facilitate interagency screening coordination: initiate, develop and implement screening projects to enhance security processes



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HQ FDNS National Security Division

The National Security Division is comprised of 4 units:

Joint Program Coordination Branch (JPCB)

Over-site of all policies and procedures for National Security programs and liaison for all OGA activities

Screening Coordination Office (SCO)

Over-site in maintaining NSD objectives, quality, and effectiveness, including the NaBISCOP and ECN

Law Enforcement Support Operation Branch

Adjudicate special benefits (S visas), generates notional documents, liaison for LEA and Intel agencies sponsored immigration benefit programs

Other Government Agency

Over-site for permanent presence of FDNS IOs at Other Government Agencies (INTERPOL, White House, TSC, NJTTF, NCTC, HSTC)



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HQ FDNS National Security Division

Primary conduit for law enforcement coordination.

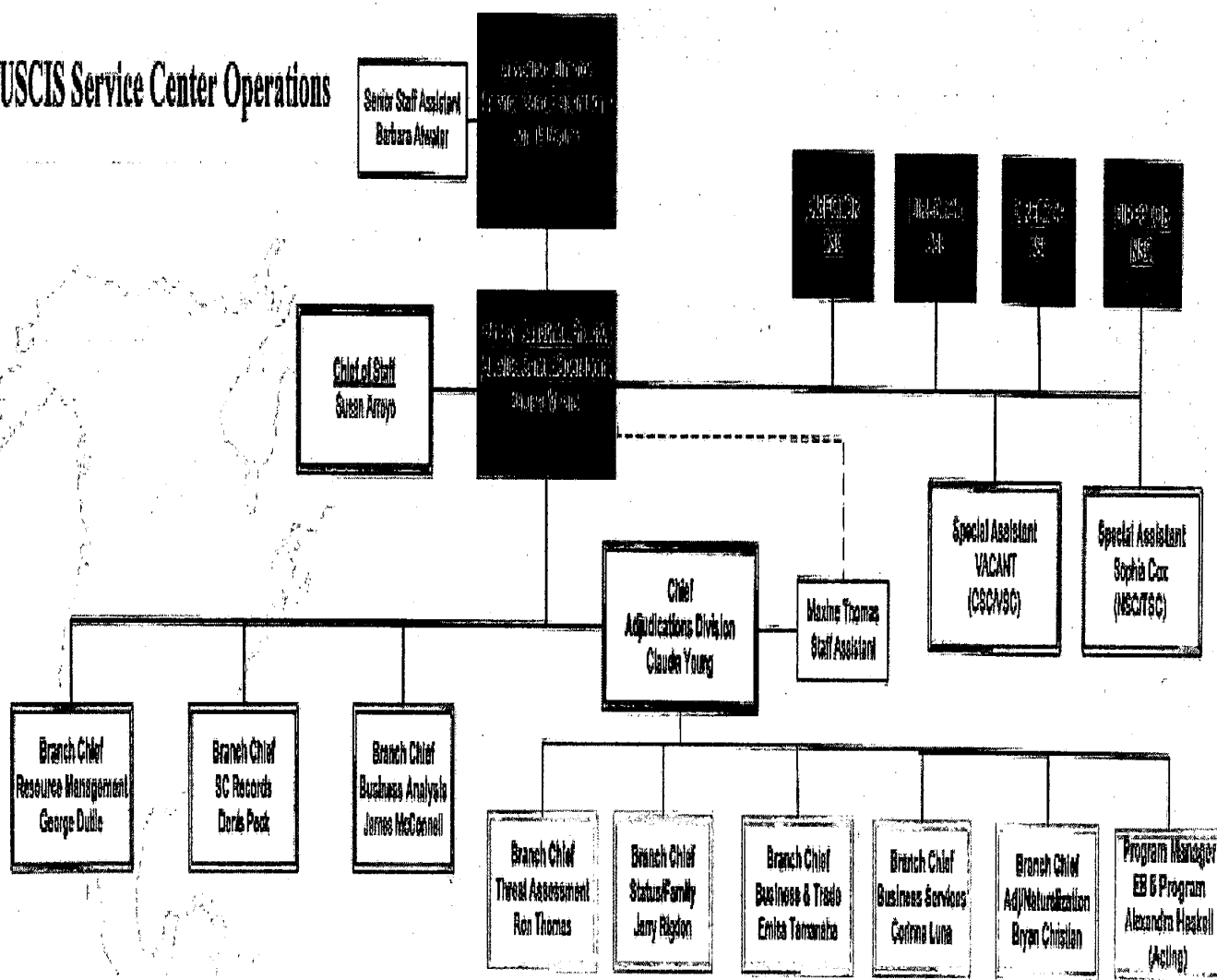
While FDNS IOs receive direction and oversight from HQFDNS, they report to and work for local management.



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Service Center Operations Directorate

USCIS Service Center Operations



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Service Centers

Vermont, Nebraska, Texas, and California

Have established procedures to review all IBIS, FBI fingerprint & FBI name check results when the initial response is received; this includes the immediate review of Rap sheets.

All national security concerns are referred to local Background Check Units (BCU).

FDNS Immigration Officers in Center Fraud Detection Operations (CFDO) do not generally process the national security cases but may assist.

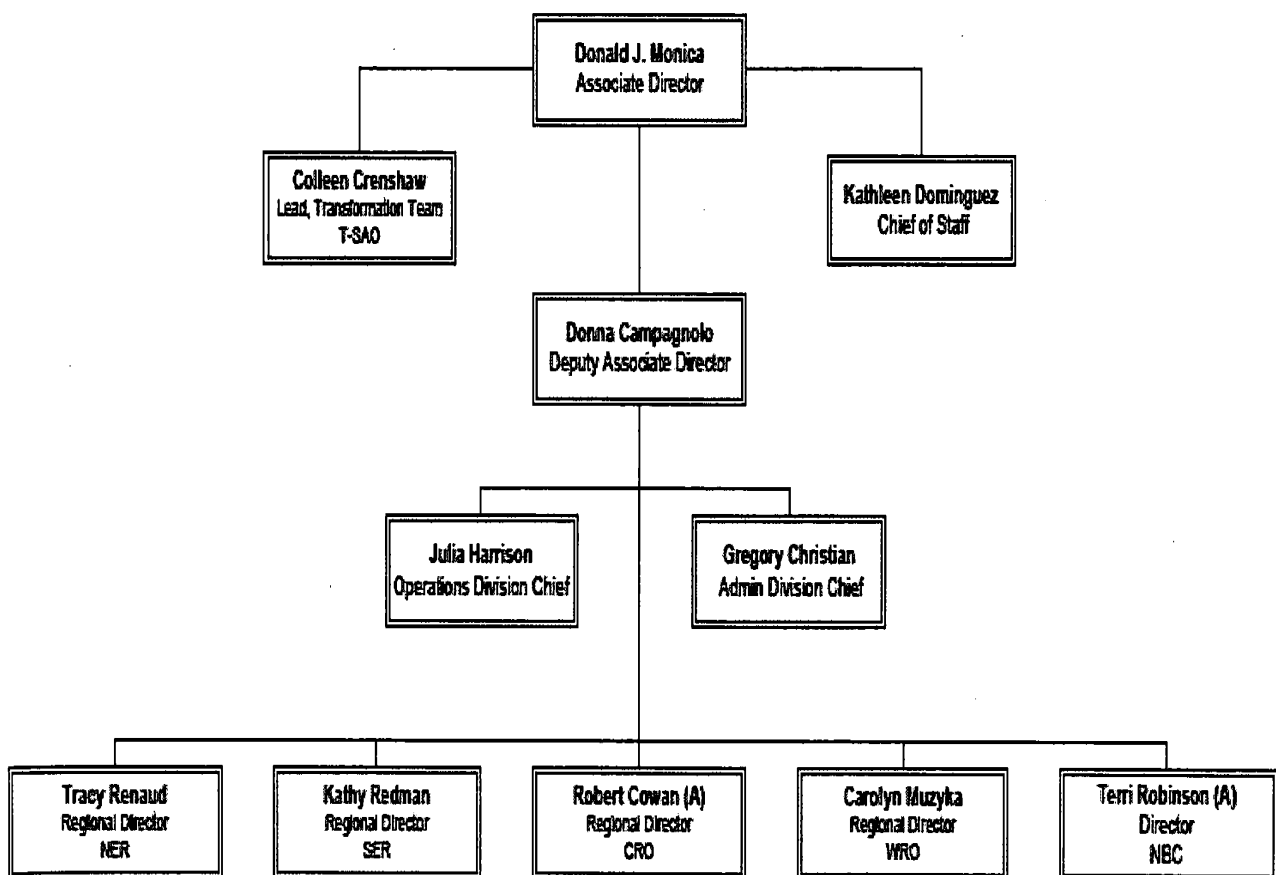


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Field Operations Directorate

FIELD OPERATIONS DIRECTORATE

June 18, 2012



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Field Offices

Have established procedures to ensure all IBIS, FBI Fingerprint & FBI Name Check results have been received, reviewed, and are current prior to the granting of an immigration benefit.

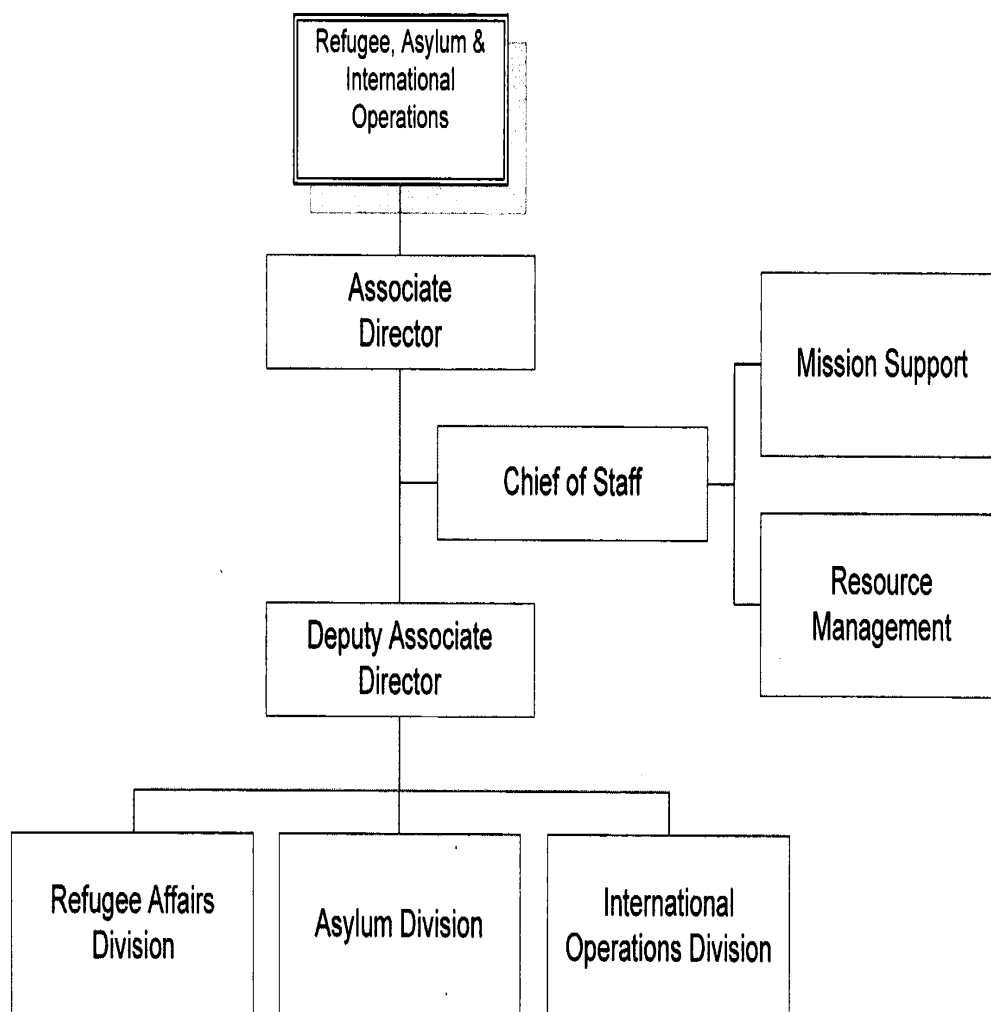
Has an established referral process to the local FDNS Unit for NS concerns.

National Benefits Center (NBC) falls under the Field Operations Directorate. FDNS staff at NBC handle NS concerns.



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Refugee, Asylum & International Operations Directorate



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Refugee, Asylum & International Operations Directorate

The headquarters components of RAIO provides policy and operational direction to asylum offices, the Refugee Affairs Division, and USCIS offices overseas. The headquarters components of RAIO manage assignments and monitor the resolution of cases having NS concerns.



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QUESTIONS?



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EPO #3: USCIS policy in adjudicating cases involving national security concerns.

- *“Policy for Vetting and Adjudicating Cases with National Security Concerns”* Signed April 11, 2008
- Provides agency wide NS policy
 - Defines key terms so we (USCIS) are all on the same page
 - Rescinds multiple NS memos
- Decentralizes the NS Workload from HQFDNS to field offices



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Effective Date of CARRP

Effective with issuance of Operational Guidance

Domestic Operations - April 24, 2008

Field and Service Centers

International Operations - April 28, 2008

Asylum - May 14, 2008

Refugee - May 14, 2008



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CARRP Overview – cont'd

FDNS-DS is the primary system for recording vetting, deconfliction, and other resolution activities.

Distinguishes between two types of NS concerns.

Known or Suspected Terrorist (KST)

Non-KST

Applies to all applications and petitions that convey immigrant or non-immigrant status.

Rescinded specific previous USCIS national security policy memoranda.



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CARRP Overview – cont'd

Establishes a standard CARRP workflow consisting of four stages for cases with NS concerns.

Completed by Designated Officers as outlined in each component's individual guidance.

Introduces Guidance for Identifying National Security Concerns (Attachment A).

Used by all components

Introduced Background Check and Adjudicative Assessment (BCAA) located in FDNS-DS.



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Updated CARRP Guidance

“Additional Guidance on Issues Concerning the Vetting and Adjudication of Cases Involving National Security Concerns” signed by Michael Aytes on February 6, 2009

KST’s need USCIS Deputy Director concurrence for approval

Processing of CARRP cases where B10 has been removed from system



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Updated CARRP Guidance

- *Revised Guidance Pertaining to the Adjudication of Form I-90, Application to Replace Permanent Resident Card*” signed by Donald Neufeld on February 6, 2009
 - Addresses both EPS and NS
 - Issuance of I-551 will not be delayed due to any pending resolution



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Updated CARRP Guidance

National Security Adjudication and Reporting Requirements Update” signed by Donald Neufeld on February 9, 2009

Rescinds February 4, 2008 guidance to approve certain applications if Name Check is pending for over 180 days

All applications need a definitive FBI Name Check Response and IBIS resolution prior to final adjudication



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Updated CARRP Guidance

JUN - 5 2009

HQ 70/43

Memorandum

TO: Field Leadership
FROM: *for* Donald Neufeld
Acting Associate Director, Domestic Operations

SUBJECT: Clarification and Delineation of Vetting and Adjudication Responsibilities for Controlled Application Review and Resolution Program (CARRP) Cases in Domestic Field Offices

I. Purpose

The purpose of this memorandum is to provide guidance to define the vetting and adjudication responsibilities for Controlled Application Review and Resolution Program (CARRP) cases in the domestic Field Offices. It outlines the distinctions between the duties and responsibilities of Fraud Detection and National Security – Immigration Officer (FDNS-IO) and CARRP-trained Immigration Services Officer (CARRP-ISO). It also explains the roles of Supervisory Immigration Services Officer (SISO) and FDNS-Supervisory Immigration Officer (FDNS-SIO) at each field office.



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NEW - GUIDANCE

July 26, 2011 PM-602-0042

▪ Policy Memorandum

SUBJECT: Revision of Responsibilities for CARRP Cases Involving Known or Suspected Terrorists

▪ Purpose

- This memorandum provides revisions to the Controlled Application Review and Resolution Program (CARRP), the U.S. Citizenship and Immigration Services (USCIS) policy on processing cases containing national security (NS) concerns. This memorandum amends previous guidance established in the policy memoranda authorizes designated officers in the field to perform external vetting in cases involving Known or Suspected Terrorists (KSTs). Further, this memorandum rescinds guidance requiring the field to seek adjudicative assistance from Headquarters FDNS (HQFDNS) for both KST and Non-KST cases.



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New – GUIDANCE

PM-602-0067

■ **May 8, 2012 PM-602-0067**

■ **Policy Memorandum**

■ **SUBJECT: Treatment of Certain Cases Related to Alien Entrepreneurs Involving National Security (NS) Concerns.**

■ **Purpose**

■ **This Policy Memorandum (PM) provides operational guidance for the processing of certain cases related to the Immigrant Investor Program (EB-5) which are subject to the Controlled Application Review and Resolution Program (CARRP)**



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Does CARRP policy cover all applications & petitions?

No. It does not apply to petitions that do not convey immigrant or non-immigrant status.

Forms I-129	Nonimmigrant worker
I-539	Change of Status (COS) or Extension of Stay (EOS).
I-129F	Fiancé/e
I-130	Alien relative
I-140	Employment
I-360	Religious Worker cases only
I-600/I-800	Adoption
I-824	Application for action on petition



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Why are these petitions not covered by CARRP*?

Adjudication is solely to establish eligibility for visa category - not admissibility.

NS Concern will still be documented in FDNS-DS.

Petition requires thorough review of eligibility.

May require TECS/IBIS record.

Approval requires supervisory concurrence.

**Dom Ops Guidance on Petitions and Other Forms with NS Concerns
p. 40-44*



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Which applications and petitions does CARRP policy cover?

All other applications

e.g. I-485, N-400, I-765, I-687, I-821, etc.

Petitions

Form I-129 petitions requesting change of status (COS) or
extension of Stay (EOS)

Form I-730 (alien relative of asylee or refugee)

**Form I-526 (petition for entrepreneur)



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Field Responsibilities - CARRP

Designated Officers in the FIELD are responsible for:

Establishing articulable link

Contacting the Terrorist Screening Center for KST NS concerns

Internal and External Vetting of KSTs and Non-KSTs



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Field Responsibilities - CARRP

Deconfliction on KSTs and Non-KSTs

Adjudicating all NS related applications and petitions

Approvals on Non-KSTs require Senior level official concurrence in Field (see Ops Guidance)

If KSTs are otherwise approvable (after eligibility assessment/internal vetting), assistance may be requested from HQFDNS

Approvals on KSTs require concurrence by the USCIS Deputy Director



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HQFDNS Assistance - CARRP

Under CARRP – NSD will

- Conduct limited
 - High-Side Checks
 - Tearlines
- Pursue declassification and/or use of classified information
- Conduct outreach to Intel Community
- Provide policy guidance, technical assistance, and other operational support



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CARRP Workflow – Four Stages:

Identify NS Concern

Eligibility Assessment/Internal Vetting

External Vetting

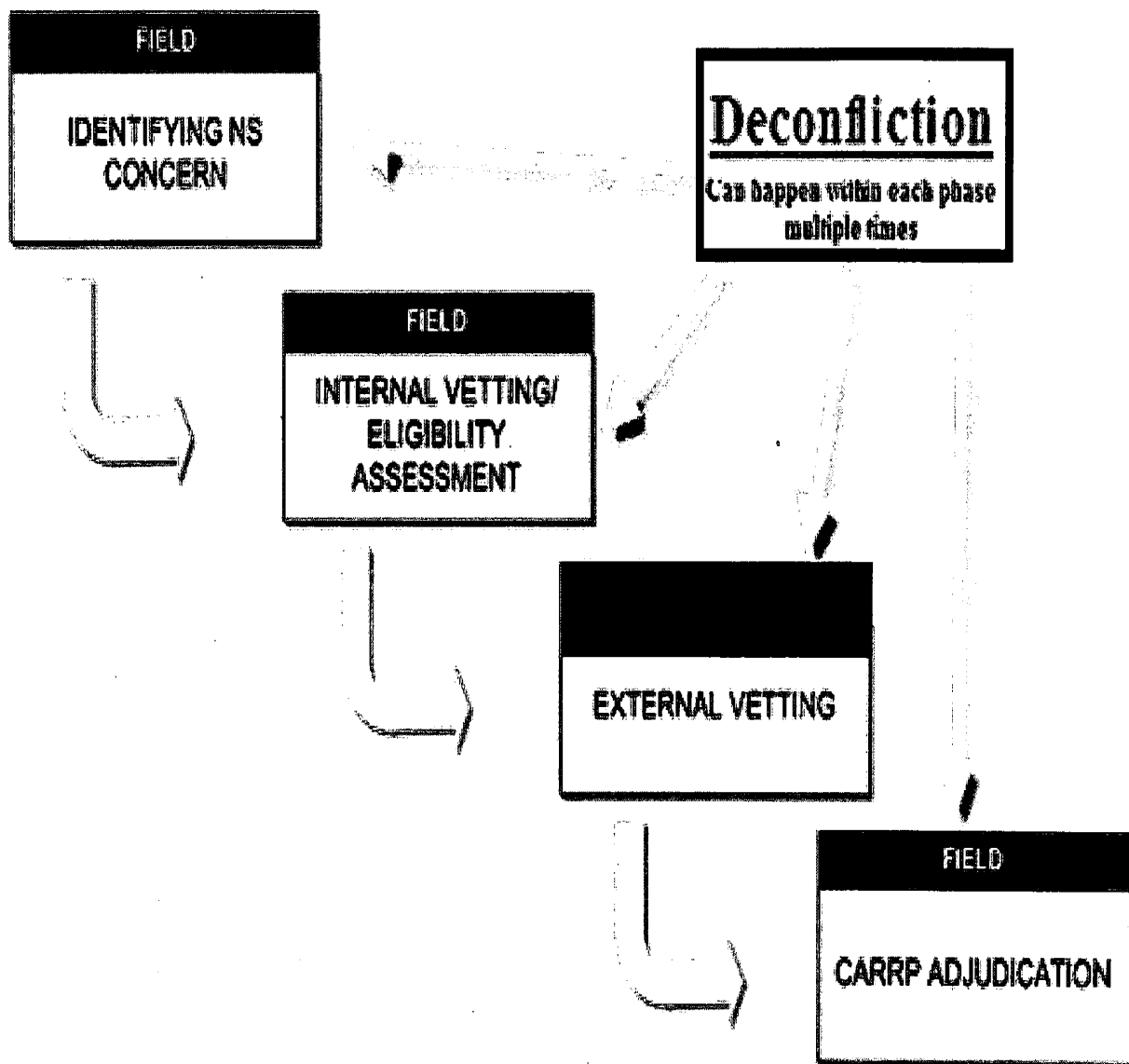
Final Adjudication

****DECONFLICTION**



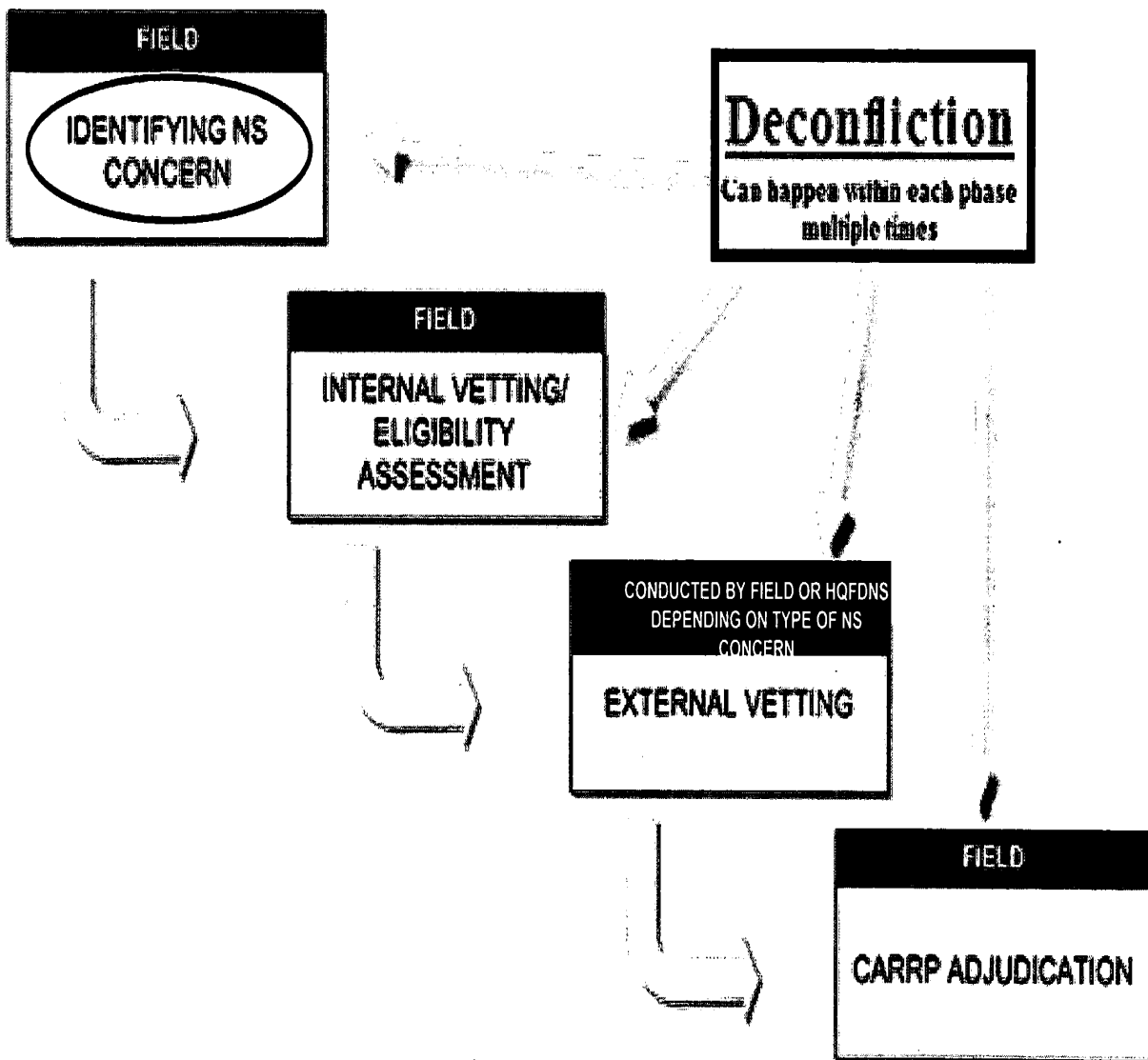
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CARRP Workflow



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CARRP Stage One



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Stage 1: Identify NS Concern

KST NS Concern

vs.

Non-KST NS Concern

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(b)(7)(e)



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Close Associates or Relatives

Petitioner, beneficiary, applicant, dependant or derivative may be a family member or close associate of a subject who has an identified NS concern.

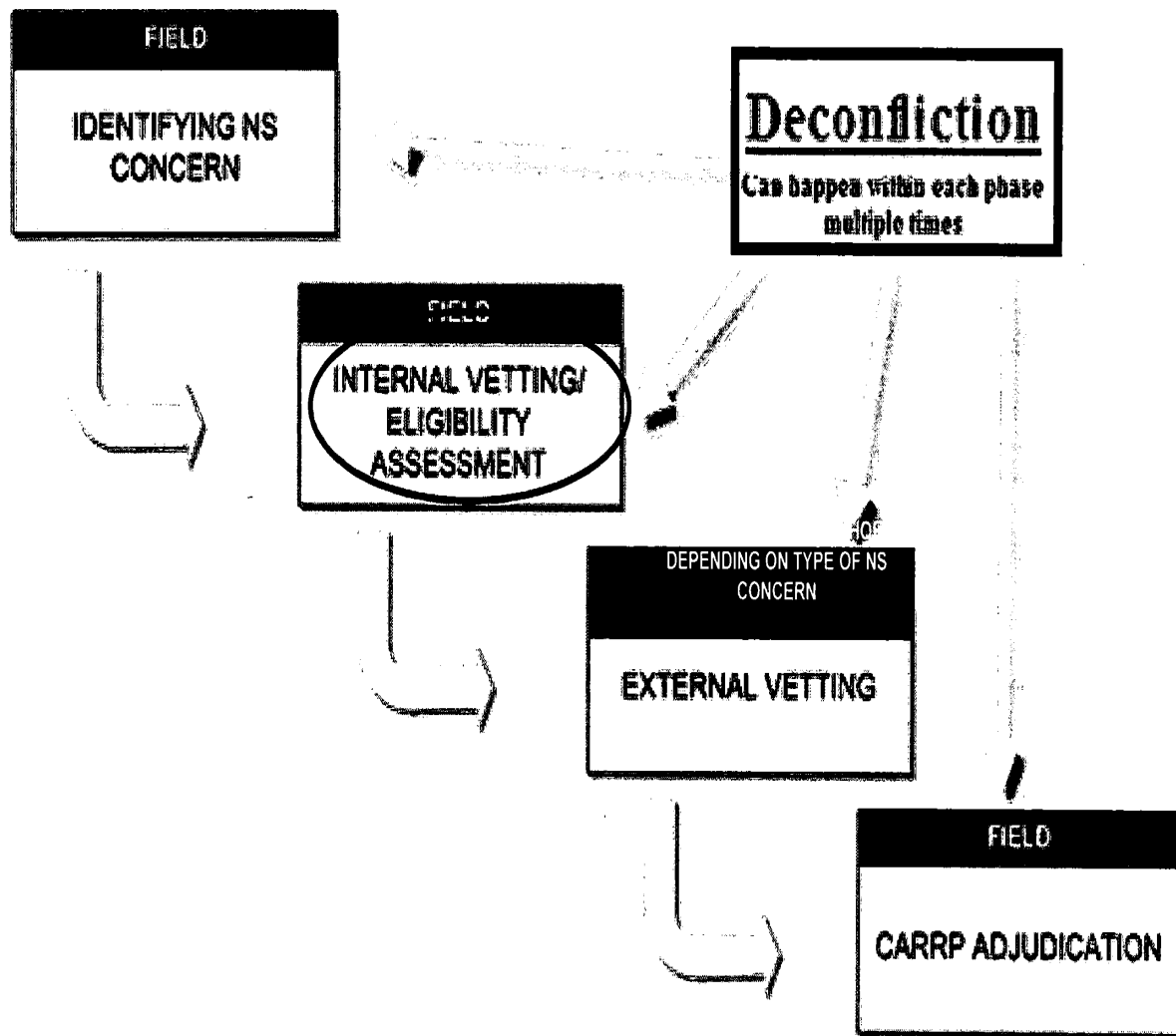
Must examine closely to determine if petitioner, beneficiary, applicant is also of concern because of the close relationship and how if at all eligibility or admissibility is affected.

Close associate? How close? Such as roommate, co-worker, employee, business owner, partner, affiliate, or friend.



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CARRP Stage Two



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Stage 2: Eligibility Assessment/ Internal Vetting

Conducted by designated officers in the Field for both KSTs and Non-KSTs

Includes Internal Vetting

File review

Required Systems Checks

Supplemental Systems Checks

Site visit --deconflict

Adjudicative activity

Interview

Request For Evidence (RFE)

Notice of Intent to Deny (NOID)

Decision

Must always deconflict prior to activity



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Stage 2: Eligibility Assessment/ Internal Vetting

NS concern no longer remains?

Routine Adjudication

Not eligible?

Deconfliction, denial with supervisory concurrence
(not solely on discretion p. 15 Dom Ops Guidance)

Still eligible?

External Vetting

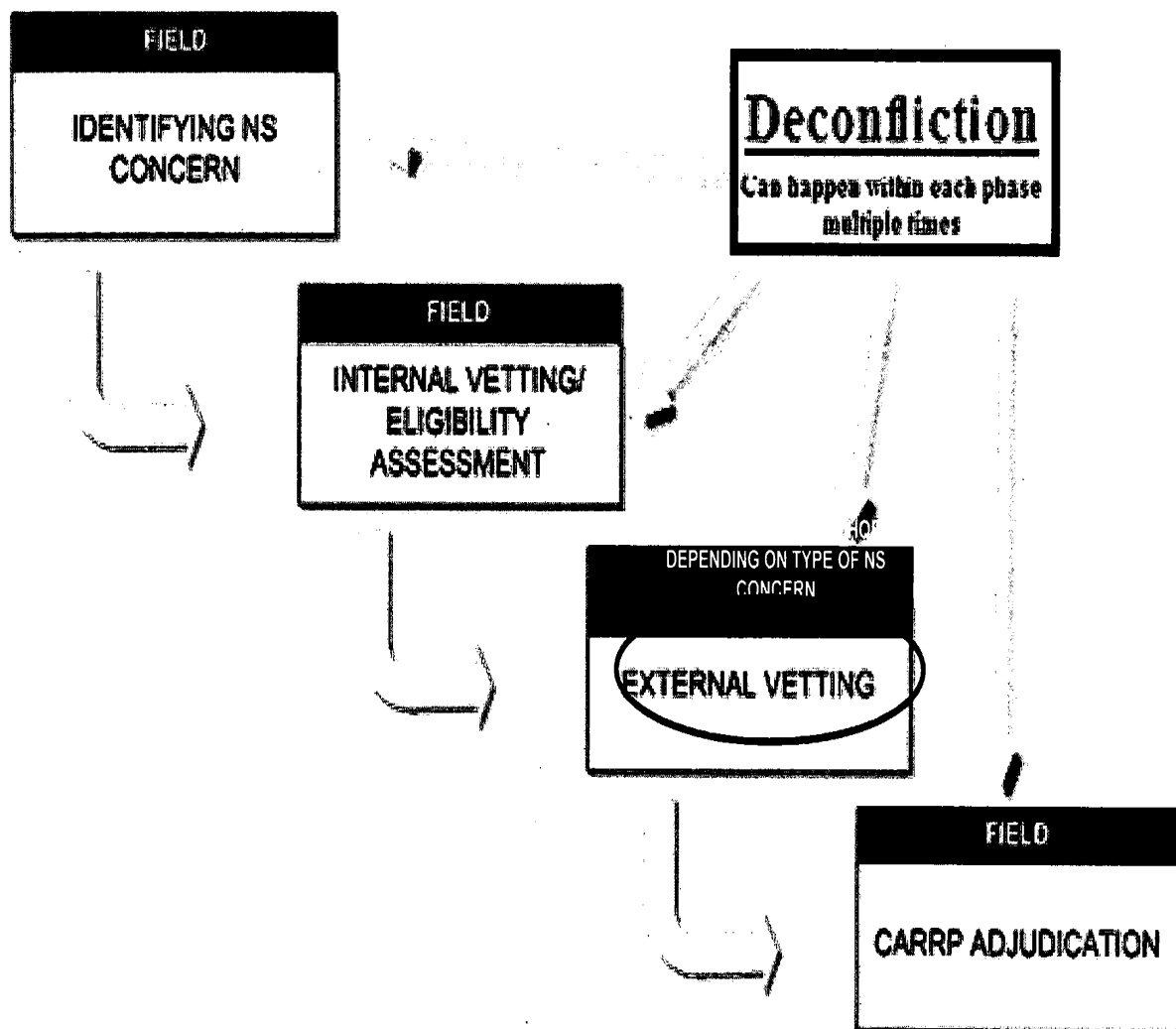
KST? To HQFDNS after Senior Official review.

Non-KST? Field externally vets.



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CARRP Stage Three



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Stage 3: External Vetting

NS concern external vetting is completed by designated officer in the Field

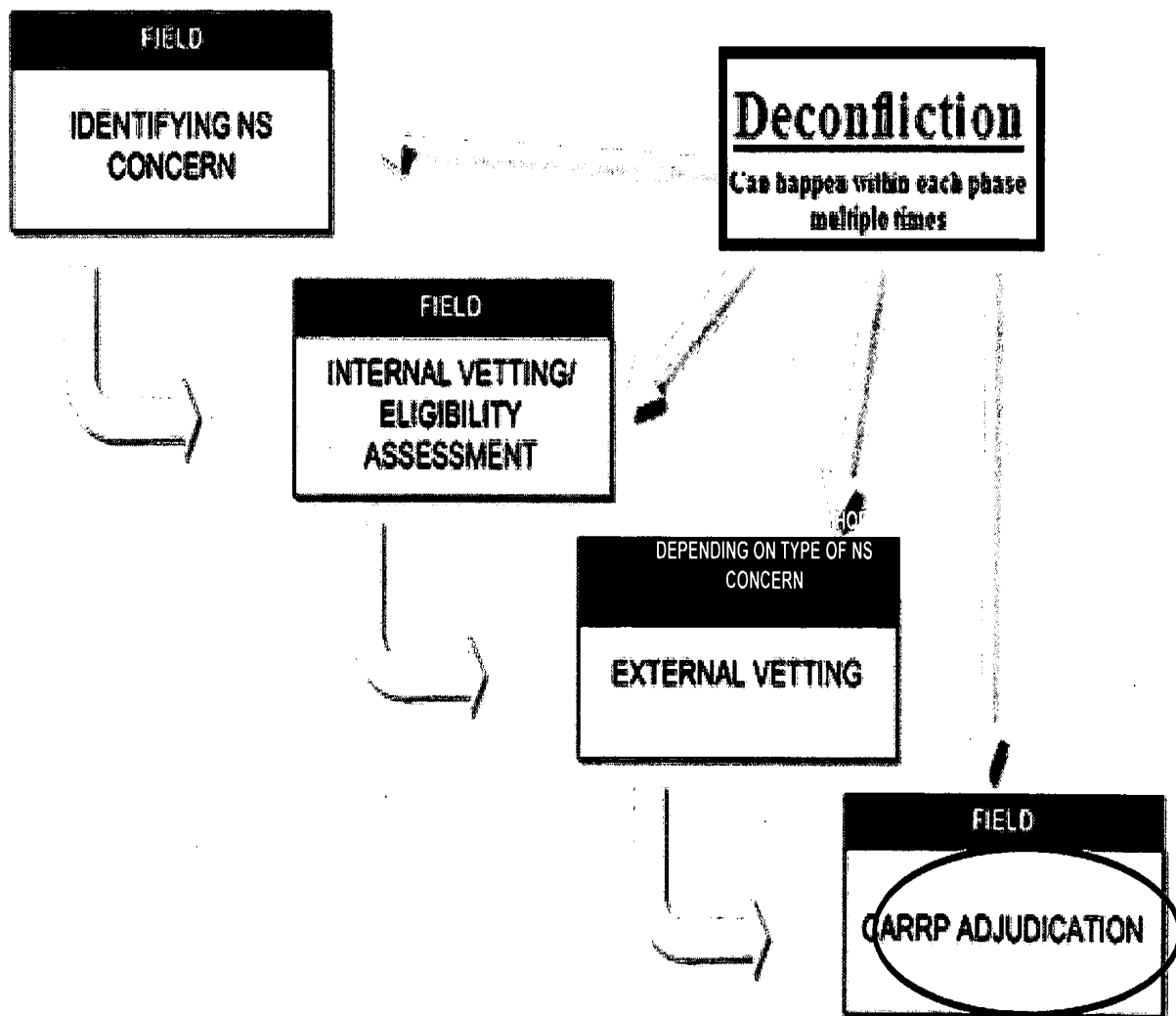
Outreach to record owner of national security information to obtain information on eligibility and to determine nature/extent of concern

Senior Official in Field must confirm no grounds of ineligibility exist prior to request to HQFDNS



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CARRP Stage Four



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Stage 4: Final Adjudication

For all NS concerns, designated officers with appropriate concurrence may seek assistance from HQFDNS. Senior Official will confirm that application/petition is approvable

For KST NS concerns, only the USCIS Deputy Director has the authority to approve.

For Non-KST NS Concern, Senior-level officials have the authority to approve.

Remember deconfliction

See specific operational guidance for definition of Senior-level official.

DomOps – FOD, DD, ACD, SCD



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CARRP Workflow

At any stage of the process, any of the following actions may occur:

Deconfliction may occur

Request for assistance to HQFDNS

Determination that the case is not national security and can be released for routine adjudication

A KST becomes a non-KST or a non-KST becomes a KST

*****FLEXIBILITY & COMMUNICATION is KEY*****



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Special CARRP Considerations!

Employment and Travel Authorizations (Ancillary/Stand alone)*: (I-765 and I-131)

Guidance includes NS and EPS cases

I-765 must be adjudicated within 90 days of receipt unless an interim EAD is issued or an exception applies

If stand alone I-765/I-131, officer determines if NS concern supports removal, rescission, revocation or termination of status

**See Dom Ops Guidance p. 31*



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Special CARRP Considerations!

I-90 to replace permanent resident card – updated guidance*

Guidance includes NS and EPS cases

The issuance of Form I-551, must not be delayed due to any pending resolutions.

Derogatory information will be resolved only after the adjudication of the I-90 application.

ALWAYS DECONFLICT PRIOR TO USCIS ACTION!!!!

*See Interoffice Memorandum signed February 06, 2009: Revised Guidance Pertaining to the Adjudication of Form I-90.



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Special CARRP Considerations!

Santillans aka EOIR grants who have not been issued evidence of their status

USCIS must provide evidence of status within a certain time frame after the class member's InfoPass appointment (after the EOIR grant)

30 days if granted on or after 4/1/2005

60 days if granted before 4/1/2005



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Special CARRP Considerations!

Refer to

Dom Ops guidance p. 32-33 and

USCIS memorandum dated December 29, 2005, "Interim Guidance for Processing of Status Documentation for EOIR adjusted Lawful Permanent Residents Pursuant to Permanent Injunction in Santillan"

ALWAYS DECONFLICT PRIOR TO USCIS ACTION!!!!



U.S. Citizenship
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Reminders

Memorandum and Operational Guidance is For Official Use Only
(FOUO)

DHS Management Directive about Safeguarding Sensitive But
Unclassified (SBU) Information aka FOUO for DHS purposes

DHS Guidelines for the Use of Classified Information in Immigration
Proceedings aka Ridge Memo



U.S. Citizenship
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QUESTIONS?



**U.S. Citizenship
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EPO #4: Identify the requirements for conducting security checks

USCIS officers and contractor personnel conduct checks on 6-7 million individuals seeking immigration benefits each year to ensure that applicants are eligible for the benefit sought and that the applicant is neither a national security or public safety risk.



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Security Checks

In addition to records checks against USCIS immigration systems, the following additional security checks are conducted:

- 1) FBI Name Check
- 2) FBI Fingerprint Check
- 3) TECS/Interagency Border Inspection System (IBIS)
- 4) US- VISIT/IDENT



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Security Checks

Applications

I-192 I-687
I-485 I-698
I-589 I-881
I-601 N-400

Applications

Applications Above (+)
I-90
I-821

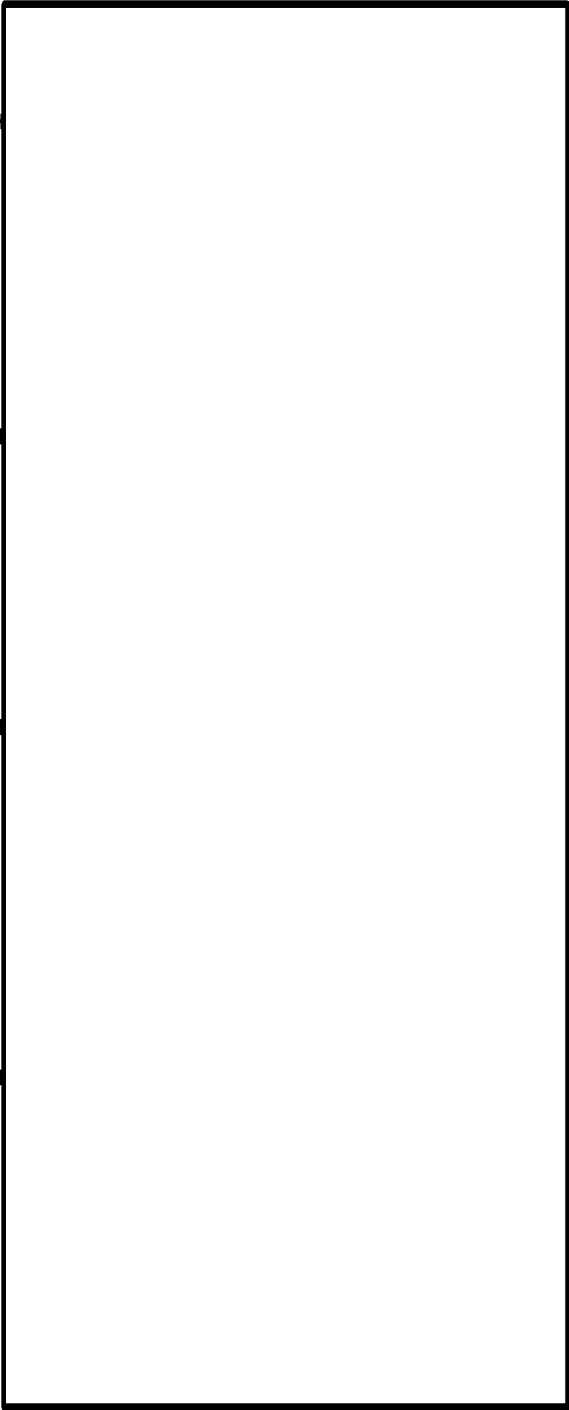
Applications

I-589
I-881

Applications

Petitions

ALL



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FBI Query Screen

For Training Purposes Only

AZ0 - (DHSD3.WSD, DHSD3.WCD) [F] [X]

File Edit Session Transfer Program Options Window Help [F] [X]

IMMIGRATION AND NATURALIZATION SERVICE 07/31/2008
FBI NAME CHECK RESPONSE 10:39:34

SEARCH CRITERIA:

CIDN : A0 ORI: USINSHQ02
A-NUMBER : 0
NAME (L/F):
DATE OF BIRTH :
NC REQUEST SENT: 01/27/2004
PLACE OF BIRTH :
3270 Keypad - 18 Key
Enter Clear Re
PF1 PF2 P
PF7 PF8 P

***** FBI RESPONSE INFORMATION *****

FBI RESPONSE DESC : UNKNOWN RESPONSE
DATE PROCESSED BY FBI: 03/07/2008
DATE/TIME LOADED AT INS: 03/13/2008 15:06:00
FBI NAME: B, F FBI DATE OF BIRTH: (/)/19()
PF6 PF8
PRIOR SCREEN LOGOFF
3270



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FBI Name Check

FBI's National Name Check Program (NNCP)

Review and analyze potential identifiable documents to determine whether a specific individual has been the subject of or referenced in a FBI investigations.

FBI Name Check does not necessarily reveal the same information as the results of the FBI's fingerprint check or IBIS.



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FBI Name Check

NNCP conducts manual and electronic searches of the FBI's Central Records System (CRS) Universal Index (UNI)

Centralized records of FBI Headquarters, field offices, and Legal Attaché offices

Contains all FBI investigative, administrative, personnel, and general files

The FBI's NNCP Section provides services to more than 70 federal, state, and local governments and entities.

<http://www.fbi.gov/hq/nationalnamecheck.htm>



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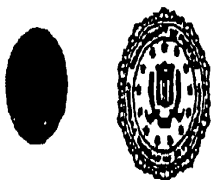
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Letterhead Memorandum (LHM)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-19-2006 BY 60309 AUC/TAM/MLT/LR2 Derivative



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please
Refer to
File No.

San Diego, California 92123
April 15, 2002

b6
b7C

b7D

(b)(6)



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Letterhead Memorandum (LHM)

(b)(7)(c)

(U) On 10/03/2001, SA [redacted] prepared an EC providing information on [redacted] was the emergency contact listed on [redacted] rental agreement for [redacted] [redacted] moved into [redacted] on approximately 09/01/99, and lived there [redacted] Rental records indicated [redacted] was a student and received financial support from his family.

[redacted] had co-signed for highjackers [redacted] when they rented an apartment at Parkwood and paid their rent occasionally as well. [redacted] and [redacted] lived [redacted] prior to [redacted] renting their own apartment [redacted] did not like [redacted] personally and was unaware he [redacted] was listed as an [redacted] rental agreement. [redacted] revealed to [redacted] he received financial support the Saudi Arabian Government or Saudi Airlines. An individual who requested confidentiality [redacted] reported he believed [redacted] worked for the Saudi Arabian Intelligence Service and reported on dissident Saudis in the United States.

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FBI Name Check

Validity

Definitive response valid indefinitely for application

For other applications, valid for 15 months

See 12/21/2006 Name Check Memorandum



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FBI Name Check - Age limits

Names checks are required for applicants age 14 years and older at the time of adjudication, except Form I-485, which has an upper age limit.

Form I-485: If an applicant is 80 years and a day, a name check will not be performed. For the purpose of the name check, the upper age limit is defined as the date the applicant turns 80 years old.



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FBI Name Check - Age limits cont'd

If an applicant is less than 14 years of age at the time of filing but turns 14 years old while the application is pending, then a name check is required. If a new name check is required, the manual spreadsheet process must be used.



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Multiple Name Checks for the Same Application

At the time of final adjudication, or at time of oath for naturalization applicants, the system shall be checked again to determine if any "pending" responses have subsequently resulted in a "PR." In instances where a "PR" is returned, adjudication shall cease and offices are to await the result of the positive responses.

A definitive response may be used with another application



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FBI Name Check – Response with Incorrect DOB

The FBI searches the entire year of the submitted date of birth.

For example, if a date of birth is March 1, 1980, the FBI searches all dates in the year 1980.

If only the month and/or the day of the date of birth are incorrect, a new name check is not required.

If the year of the date of birth is incorrect, you should resubmit the name via the manual spreadsheet using the correct year of the date of birth.



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FBI Name Check - No Data Found

Checked by A# (s)

Search by the name/DOB.

Change the "F" to a "P" in the NAME SEARCH field in the lower part of the FBI Query screen when querying by name/DOB.

If, after 90 days from the data entry date of the case, or if 90 days after the name data was provided on a manual spreadsheet, the database still shows 'no data', then the case information should be submitted (or resubmitted) using the manual spreadsheet process.



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Manual Spreadsheets

- A manual spreadsheet is available to domestic offices to be used when a name check cannot be performed or was not initiated by one of the automated systems. The local offices send their spreadsheets to their respective regional offices on a weekly basis as needed. Regional offices and Service Centers forward the spreadsheets to designated points of contact in Headquarters Office of Field Operations to initiate the name checks with the FBI.



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Request Has Been Pending for Months, Should a New Request be Submitted?

No. Although some cases seem to take an inordinate amount of time to move from a PENDING response to a final response, submitting a second check will actually delay clearance.

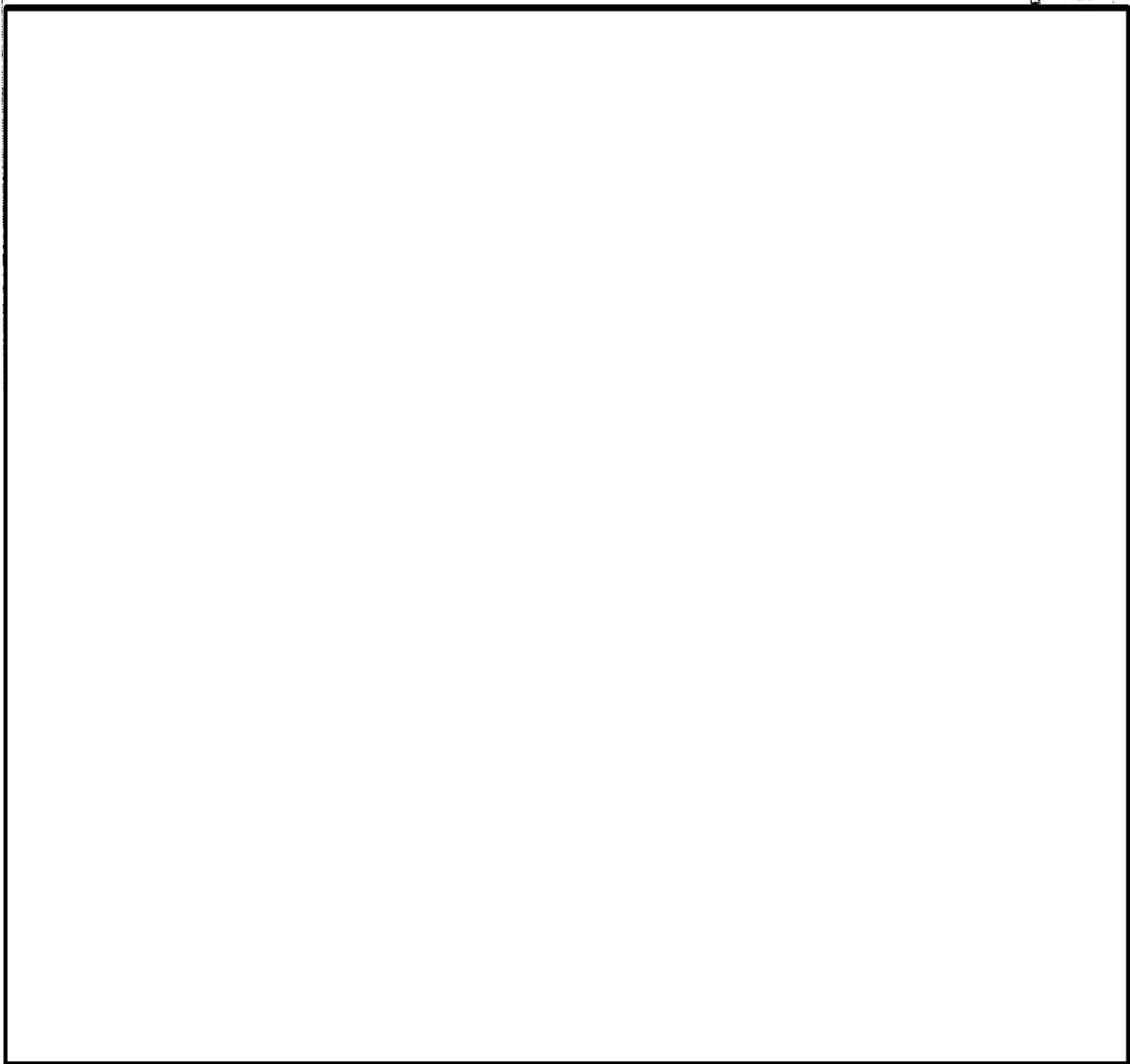


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Fingerprint Check NS Indicators

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FBI Fingerprint Check

Separate and distinct from the FBI name check.

Biometric security check.

Provides criminal history information, primarily within the U.S.

Applicant appears in person at a USCIS Application Support Center (ASC) to be fingerprinted.

Results are transmitted electronically to the FBI's Criminal Justice Information Services (CJIS) and returned electronically: Non-IDENT, IDENT, Unclassifiable.



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FBI Fingerprint Check

Generally, applicants age 14 and over must be fingerprinted:

Asylum/refugee/NACARA

Temporary and permanent residency

Removal of Conditions

Temporary Protected Status/Family Unity



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FBI Fingerprint Check

Application for Replacement Permanent Resident Card

Certain Waivers

Naturalization

Adoption (US citizen petitioners/household members age 18+)

*****The fingerprint check must be less than fifteen (15) months old at the time USCIS adjudicates benefit applications.**



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Fingerprint Check - Non-IDENT

No administrative or criminal record on file with the FBI matches the applicant's fingerprints as of the date of FBI processing.

Non-IDENT does not mean that the applicant was never arrested in the U.S.

If arresting agency does not provide FBI with the fingerprints, an IDENT response will not be returned

Foreign government arrest records are not searched.



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Fingerprint Check - IDENT

There is an administrative (e.g. immigration violations) or criminal record.

FBI forwards a copy of the administrative and/or criminal record (RAP sheet) to USCIS.

USCIS Officer reviews the RAP sheet to determine the effect it may have on eligibility for the benefit as well as admissibility/removability.

Arrests of individuals by U.S. military overseas are included.



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Fingerprint Check - Unclassifiable

If the first fingerprint results are returned as “Unclassifiable”, the applicant must be sent to be fingerprinted again.

If the second fingerprint results are also returned as “Unclassifiable”, the applicant must provide police clearances and a signed sworn statement disclosing any and all criminal history (arrests, charges, etc), to include overseas.



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TECS

Previously known as Treasury Enforcement Communications System

An automated enforcement and inspection lookout system

System that USCIS personnel use to conduct manual IBIS queries

Maintained by U.S. Customs and Border Protection

USCIS personnel use the terms TECS and IBIS interchangeably



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The data herein is derived from TECS and is loaned to USCIS for official use only. This document or the information contained herein should be directed to the agency from which the document/information originated or Customs and Border Protection - Freedom of Information Act (FOIA) Office. Disclosure provisions have been established by the document, Memorandum of Understanding between Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS) for use of the Treasury Enforcement Communications System (TECS).

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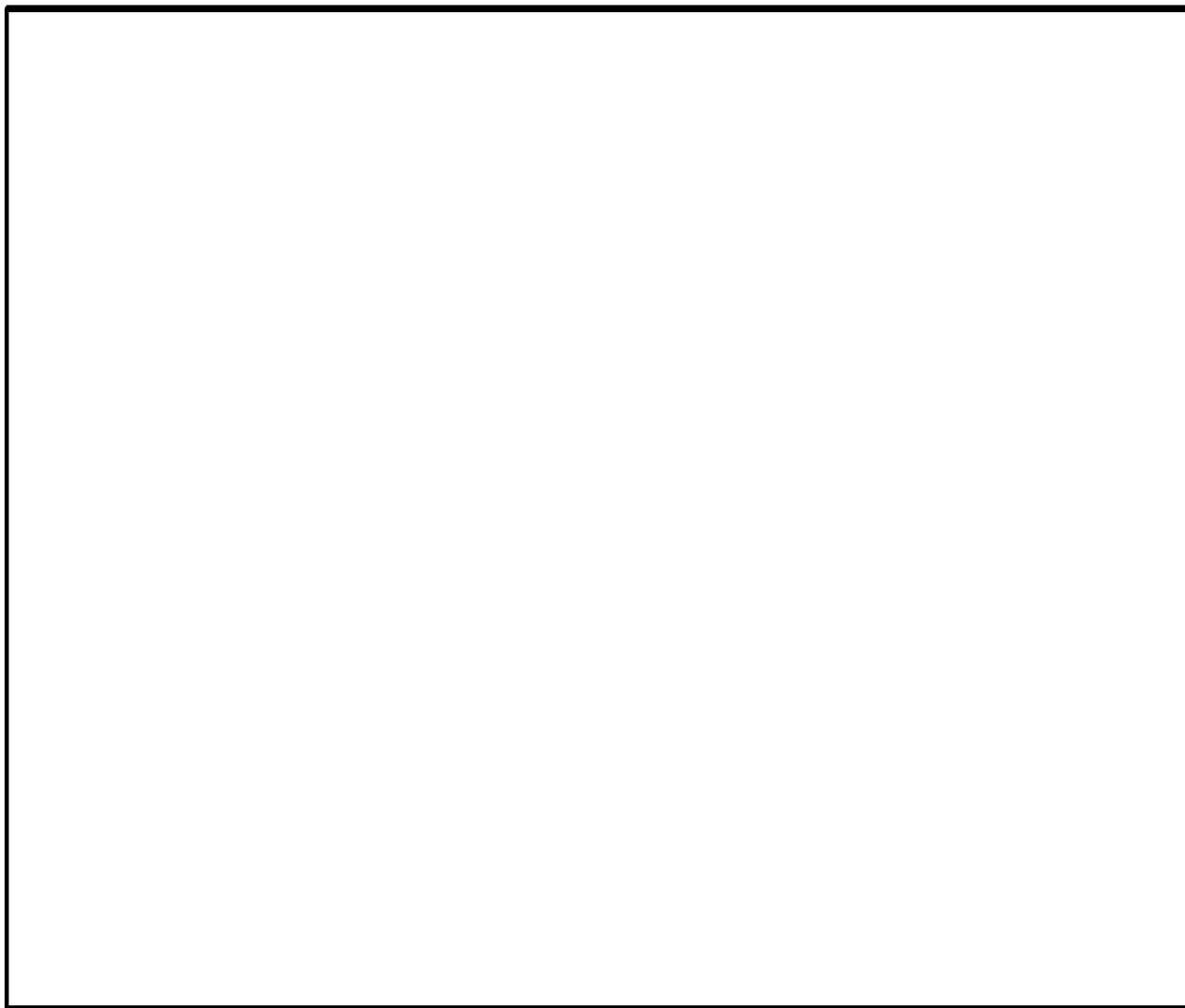
Example for Training Purposes Only



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Example for Training Purposes Only



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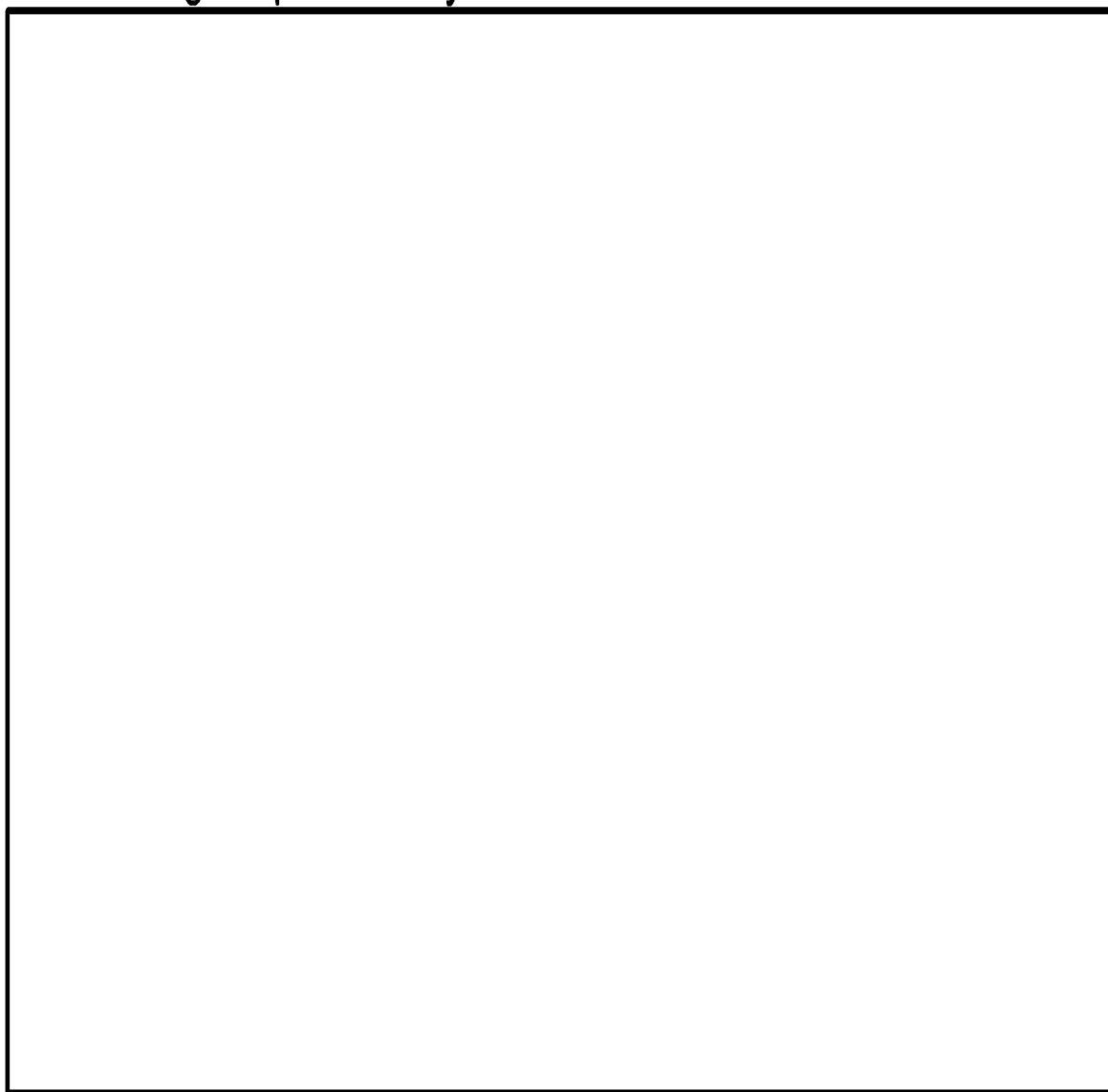


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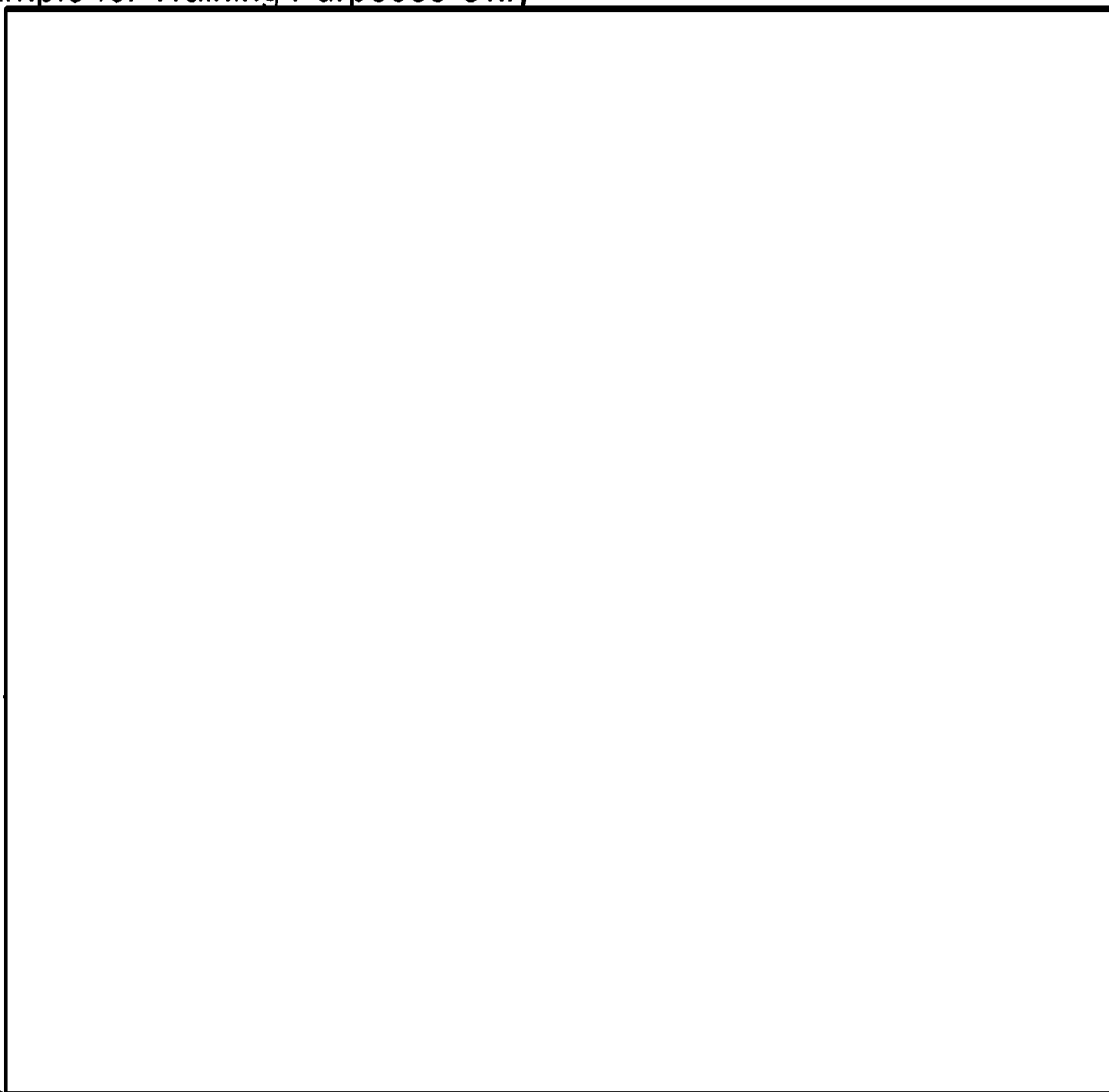


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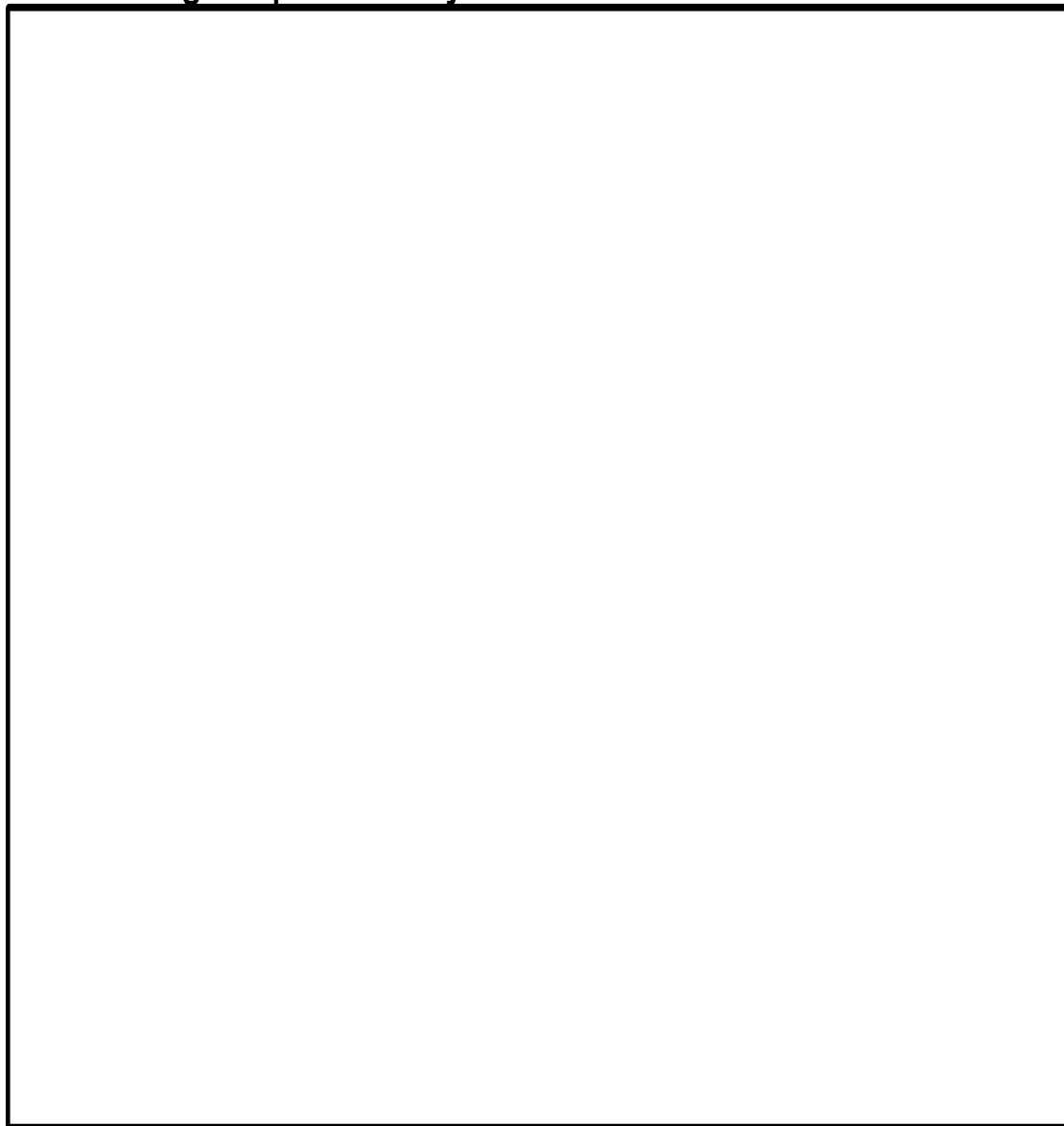


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National Crime Information Center (NCIC)

Database maintained by the Federal Bureau of Investigation (FBI)

Screens applicant's names and DOB against "hot files" which includes terrorist watch lists, wants, warrants, and other law enforcement postings for investigations.

Includes the Interstate Identification Index (NCIC III)

Authorized USCIS personnel are permitted only to query NCIC III when fraud is articulated, a national security concern has been identified, or there is an indication of a criminal record or criminal activity

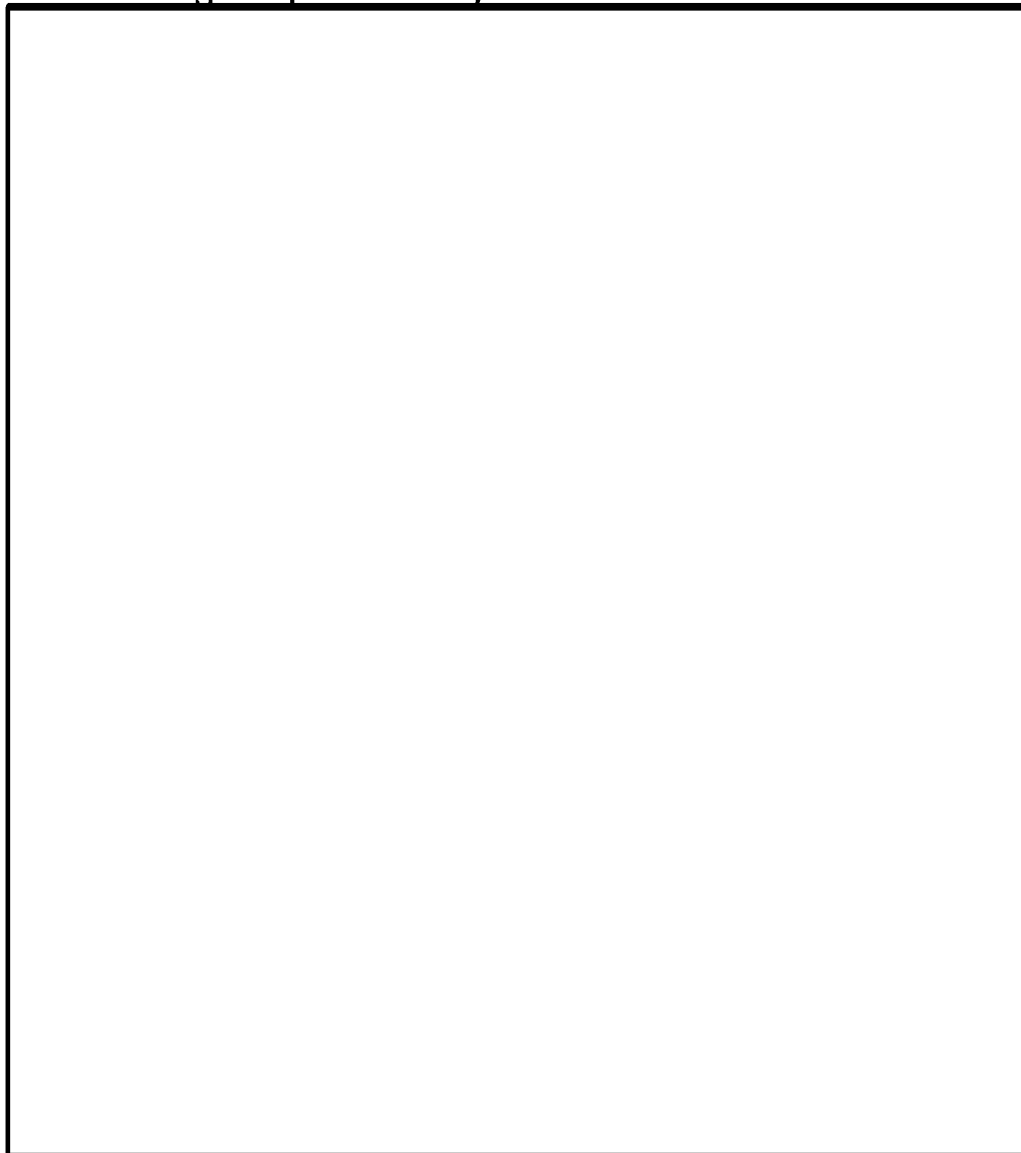


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Example for Training Purposes Only

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U.S. Citizenship
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Interagency Border Inspection System (IBIS)

USCIS conducts IBIS checks on every applicant, petitioner and beneficiary and in certain cases on businesses.

USCIS conducts 33-35 million IBIS name checks per year & receives approximately 10,000 hits of a national security nature.

Approximately 1,500 are Known or Suspected Terrorists (KSTs).



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TECS/IBIS Usage

Data in TECS is “For Official Use Only (FOUO)” and should be marked accordingly. Access is granted on a need-to-know basis for official use only

All TECS users must be certified through an on-line security certification test and must be re-certified every two years.

*****Abuse or misuse of IBIS could result in loss of access, termination of employment, and/or criminal prosecution.*****



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When to query TECS/IBIS?

TECS/IBIS queries must be run on the following subjects age 14 and over:

Applicants

Petitioners

Beneficiaries

Derivatives

Household Members (for I-600, I-600A, I-800, I-800A, I-290B, and EOIR-29 cases only.)



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TECS/IBIS and the Petitioner

IBIS checks are not only conducted on the applicant and beneficiary but also on the petitioner (individual, business, organization):

Employment based petitions

Religious worker petitions

To deny immigration benefits to ineligible petitioners in accordance with the Adam Walsh Act



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Purpose of Adam Walsh Act

Adam Walsh Act

- The Adam Walsh Act (AWA) prohibits U.S. citizens and LPRs who have been convicted of certain “specified offenses against a minor” from filing a family based immigration petition on behalf of any beneficiary.
- For guidance follow procedures in the February 8, 2007, memorandum entitled “Guidance for Adjudication of Family-Based Petitions and I-129F Petition for Alien Fiancé(e) under the Adam Walsh Child Protection and Safety Act of 2006,” and the SOP for the adjudication of family-based petitions under the Adam Walsh Act signed by Acting Associate Director Donald Neufeld on September 24, 2008.



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Results from TECS/IBIS

Immigration Services Officers primarily use the subject and business query in TECS.

TECS provides information relating to open and closed investigations, intelligence reports, wants and warrants, etc.

Results identify concerns such as: criminal, immigration violations, public safety, and national security

Queries available at discretion of local office, if not required



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Validity of TECS/IBIS Checks

Must be run on all new applications/petitions within 15 calendar days of initial receipt

For applications/petitions filed at a service center or a lockbox, this process is run automatically through a process called Batch Processing

The IBIS query must be valid at the time of final adjudication

The IBIS query is valid for 180 CALENDAR days.

At the time of adjudication if the validity has expired, a manual IBIS query must be completed



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Quiz on IBIS Queries

SQ-11

. Person Subject- to confirm the existence or non-existence of information in IBIS that relates to the individual.

SQ-16

Business Subject - retrieves information that relates to a business, school, organization, etc.

SQ94

I-94 Arrival/Departure Record - verifies a non-immigrant's United States entry and departure records

SQAD

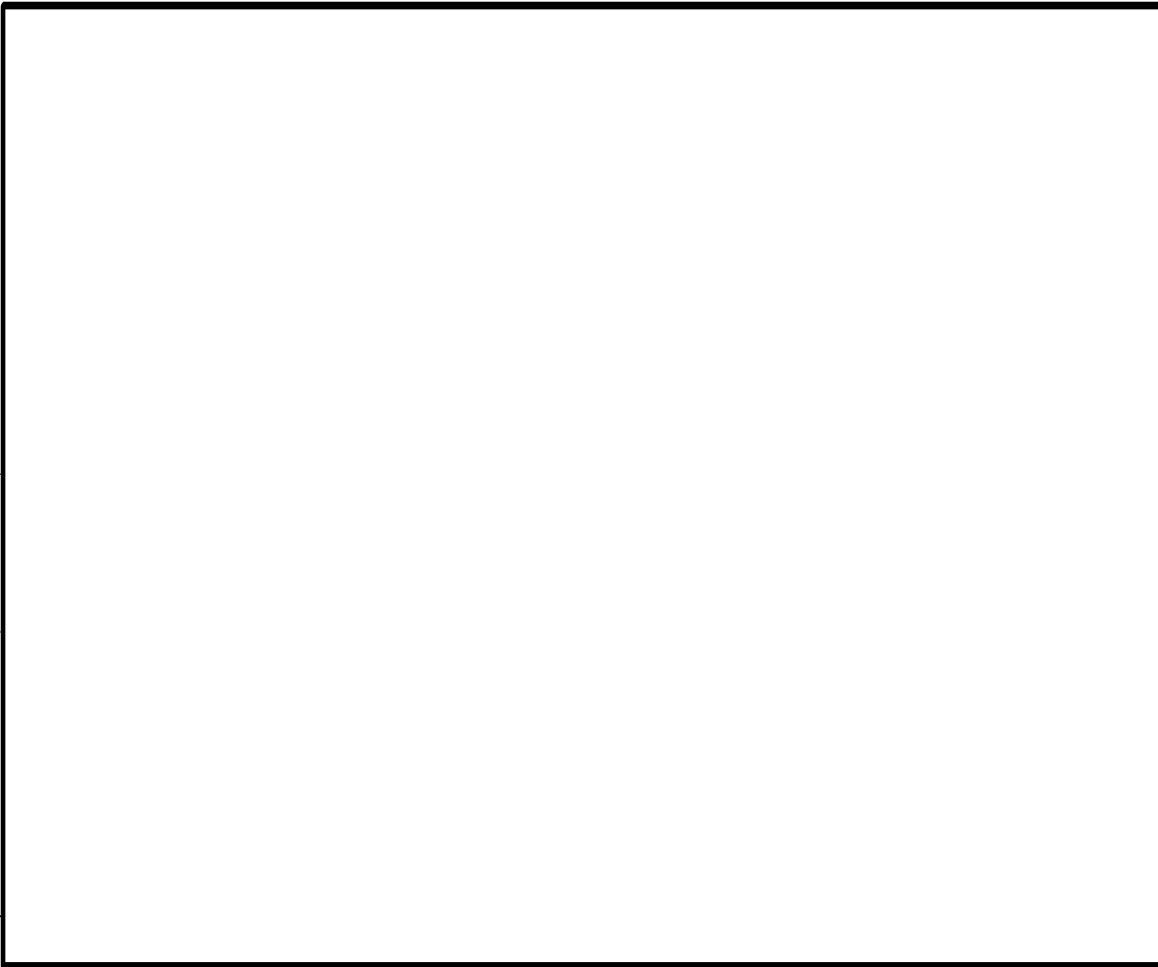
Address - retrieves TECS records with a specified address



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Other Types of TECS/IBIS Queries

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US-VISIT

Used primarily by Asylum Branch

Used by DOS, CBP, ICE

Loads biographical and biometric information

Two Prints vs Ten Prints

US-VISIT watchlist

Not same as Terrorist Watchlist



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Third Agency Rule

Information originated by another agency in the possession of USCIS must be protected from unauthorized disclosure to third agencies.

Information originated by another agency in the possession of USCIS must not be disclosed to a third agency without the prior consent of the originating agency.

Includes information resulting from security checks such as information provided by DOS, USMS, FBI, DEA, ATF

Effective June 29, 2010, Executive order 12958, as amended :Classified National Security Information,” is rescinded and replaced with Executive Order 13526.



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Security Checks - Fact Sheet for the Public

Security checks performed on every applicant regardless of ethnicity, national origin or religion;

To enhance national security and ensure the integrity of the immigration process;



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QUESTIONS?



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