

# EXHIBIT B

~~FILED UNDER SEAL~~

**AMENDED REPORT**

**in the matter of**

**ABDIQAFAR WAGAFE, *et al.***

**v.**

**DONALD TRUMP, President of the United States, *et al.***

**By**

**Bernard R. Siskin, Ph.D.**

**Director**

**BLDS, LLC**

**Philadelphia, PA**

**July 17, 2020**

### **EXECUTIVE SUMMARY**

At Defendants' request, I reviewed seven fiscal years of data (FY 2013 – FY 2019) concerning the adjudication of applications for naturalization (N-400) and adjustment of status (I-485), including those referred to the Controlled Application Review and Resolution Program (CARRP) of the United States Citizenship and Immigration Service (USCIS).

This report details the methodology used to examine the data in the context of Plaintiffs' allegations, discusses the outcomes of that analysis, and presents my conclusions, including the principal ones summarized below.

Plaintiffs allege that there is anti-Muslim bias in CARRP referrals, and that USCIS has employed "extreme vetting" with the issuance of the Executive Orders 13769 and 13780 that adversely impacted adjustment of status and naturalization applications from applicants from countries with a majority Muslim population countries (referred to herein as majority Muslim countries) starting in 2017. Their allegation of anti-Muslim bias, as developed in reports submitted by Plaintiffs' designated "expert" witnesses, is founded on the premise that applications from applicants born in countries with a majority Muslim population have been more likely to be referred to CARRP than applications from applicants born in countries with non-majority Muslim populations. There is no valid statistical evidence to support these allegations.

First, I examined all adjustment of status and naturalization applications filed between FY 2013 and FY 2019, a total of 10,621,174 applications, and found that the volume of applications processed under CARRP during the examined period is very small, only 0.266% or about one of every 375 applications.

Second, the statistical evidence contradicts Plaintiffs' apparent premise that CARRP is intended and designed to deny immigration benefits to Muslim applicants. Indeed, there is no statistically valid basis on which to conclude there is anti-Muslim bias in CARRP. Only a small percentage of applicants from majority Muslim countries had applications processed under CARRP – 1.27% or only 18,403 of 1,444,306 applications.

Third, there is no statistically valid basis on which to conclude that there is an anti-Muslim bias in CARRP referrals by USCIS. While I-485 and N-400 applications for individuals from majority Muslim countries are more likely than those from majority non-Muslim countries to be referred to CARRP, the data shows that the vast majority (over 95%) of referrals to CARRP for applicants who were born in a majority Muslim country are based, at least in part, on Third Agency information. I estimate that USCIS is the first or sole source of the information for CARRP referrals approximately 10% of the time. Moreover, in FY 2017 – FY 2019, USCIS was more likely to be the first or only source of information if the applicant was born in a majority non-Muslim country than if they were born in a majority Muslim country. Therefore, although applications by individuals from Muslim countries are more likely to be referred to CARRP, the statistical evidence contradicts the allegation that the reason that individuals from majority Muslim countries are more likely to be referred to CARRP is based on USCIS developing information for referring them to CARRP or because of an anti-Muslim bias on the part of USCIS.

Furthermore, once an application is referred to CARRP, there is no relationship between being from a majority Muslim country and how long it will take to process the individual's application or whether it will be approved or denied. To the contrary, comparisons of outcomes by Muslim population status overall for the applicant's country of birth or citizenship or by changes over

time demonstrates that the data provides no support for a theory that applicants from majority Muslim countries were targeted because they were Muslim or from majority Muslim countries. Also, most applications adjudicated under CARRP were equally likely to be approved overall, for those for applicants from majority Muslim countries, and for applicants from majority non-Muslim countries, contradicting the notion that CARRP operates as a program intended to deny immigration benefits to otherwise eligible applicants. For CARRP cases, there is no statistical evidence that being from a Muslim country leads to an application taking longer to process or that it is more likely to be denied.

Fourth, the data establishes that the percentage of applications referred for CARRP processing hit its peak in FY 2015 and thereafter declined. Also, the statistical evidence is inconsistent with the allegation that USCIS has employed “extreme vetting” with the issuance of the Executive Orders 13769 and 13780 that adversely impacted adjustment of status or naturalization applications for applicants from majority Muslim countries starting in 2017. There is no statistically valid basis on which to conclude that application referrals to CARRP irrespective of their source have markedly increased since the issuance of the executive orders that are the subject of Plaintiffs’ allegations. Moreover, there is no statistical evidence that for applications processed through CARRP, the likelihood of approval, processing time to adjudication, or processing time to approval changed after the executive orders. The data shows that the outcomes in FY 2017 and FY 2018 are consistent with what one would expect based on the FY 2016 outcomes.<sup>1</sup>

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<sup>1</sup> I did not study FY 2109 data for those specific analyses because I was trying to get data close to FY 2016 so no adjustment for trends independent of the change in Administrations would be needed.

Finally, the Plaintiffs leap from the fact that a disproportionate percentage of applications from applicants born in majority Muslim countries are referred to CARRP to the supposition that the cause of that disparity is bias against Muslim applicants, confounding correlation with causation. Just because two factors are correlated does not mean that one causes the other. There is statistical evidence that there is no causal relationship between a country being majority Muslim and the number of CARRP referrals of applications from applicants born in that country.<sup>2</sup> There is strong statistical evidence that the level of terrorist activity in a country, and other factors, such as the volume of applications from a country and whether that country is a state sponsor of terrorism, explain a significant amount (2/3) of the variance among countries in CARRP referrals. After controlling for these factors, the percentage of a country's population that is Muslim has only a small and statistically non-significant correlation with the number of CARRP referrals from a country.

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<sup>2</sup> Appendix C presents the corresponding analyses based on the applications country of citizenship. The conclusions are the same as with those based on country of birth.

## I. INTRODUCTION, ASSIGNMENT, AND OVERVIEW OF ANALYSIS

### A. Background

I am a Director of BLDS, LLC, a specialty statistical and economic consulting firm. Prior to joining BLDS, I did similar work at the specialty consulting firms, LECG, LLC, the Center for Forensic Economic Studies, Inc., and National Economic Research Associates (NERA). Prior to that, I was a tenured faculty member and Chairman of the Department of Statistics at Temple University in Philadelphia. I received my Ph.D. in Statistics with a minor in Econometrics from the Wharton School of the University of Pennsylvania in 1970. I have authored four books on statistical methodology, three book chapters, four research monographs, and numerous papers, including articles on the role of statistics in the analysis of employment discrimination issues. Since receiving my Ph.D., I have specialized in the application of statistics to the analysis of whether company data provides valid statistical support for a claim of discrimination. In this capacity, I have been retained by numerous governmental and private organizations including the Third Circuit Task Force on Race and Gender, the Equal Employment Opportunity Commission (EEOC), the Civil Rights Division of the United States Justice Department, the Office of Federal Contract Compliance (OFCCP), the Federal Bureau of Investigation, the Central Intelligence Agency, the Federal Housing Financial Administration, and various states and municipalities as well as numerous Fortune Five 500 corporations and other for profit and non-profit corporations. My resume is attached as Appendix A.

### B. Assignment

I have been asked by Counsel for Defendants to review the data supplied to the Plaintiffs concerning the adjudication of naturalization and adjustment of status applications, including those referred to CARRP.

This report replaces the report I submitted on February 28, 2020. Subsequent to my completing that report, USCIS discovered an error in the determination of whether an application was in CARRP. USCIS then corrected that error and the Defendants resupplied the data to both me and the Plaintiffs. Therefore, I have rerun all my prior analyses and updated the tables and discussion of results. As a result of the new data and in response to the new results found in those tables, I ran a few new analyses.<sup>3</sup> I also corrected three designations of the Muslim status of a country which were incorrectly designated. This had a trivial impact on my computations and no impact on my findings and conclusions.<sup>4</sup> In addition, subsequent to finalizing my original report, several individuals whom Plaintiffs thereafter designated as expert witnesses (Plaintiffs' witnesses) asserted that USCIS operates CARRP with an anti-Muslim animus and effect,<sup>5</sup> simply based on the observed correlation between the number of referral to CARRP from a country and whether the country has a majority Muslim population. I address the statistical fallacy of jumping from correlation to causation and study whether there is any valid statistical evidence that the percent of a country's population being Muslim causes more referrals to CARRP because of anti-Muslim bias.

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<sup>3</sup> Specifically, Tables 1.1, 2.1, 10.1, and 12.1 present the results of the new analyses.

<sup>4</sup> I had incorrectly excluded Kosovo, which has at least 90% Muslim population, and incorrectly listed Reunion and South Sudan as majority Muslim countries. These represent a few thousand applications out of the millions of applications being studied.

<sup>5</sup> See reports of Thomas K. Ragland (revised report ¶¶ 17, 21, 87, 120, 125-27, 129, 132, 146), Yliana Johansen-Mendez (revised report ¶¶ 23-25, 83, 86-89, 104), Nermeen Arastu (revised report ¶¶ 17, 19, 66-67, 76, 90, 93-95, 115, 117-18, 121, 123, 126), Sean M. Kruskol (¶¶ 48-57), and Narges Bajoghli (¶ 37). I anticipate that, in my responsive report to be submitted by August 7, 2020, I will respond to various opinions and statements contained within reports of several of Plaintiffs' witnesses, including to the amended report that Mr. Kruskol might provide.



The outcomes studied are (i) the frequency of being referred to CARRP, (ii) the likelihood of an application being approved, denied, or adjudicated,<sup>6</sup> and (iii) the speed with which a decision is made. The tables supplied to us<sup>7</sup> reported the data separately for each fiscal year (FY) from 2013 to 2019 for each of two application types: Application for Naturalization (Form N-400 applications); and Application for Adjustment of Status (Form I-485) applications. The tables reported the following data across all applications (for a given fiscal year and form type) and then again by country of birth and citizenship: (i) the number and percent of applications that were referred to CARRP; (ii) the agency source of the information recorded as supporting the referral to CARRP (USCIS, Third Agency, or indeterminate); (iii) if adjudicated, the number and percentage of applications approved or denied, by CARRP status;<sup>8</sup> (iv) by CARRP status, (a) for adjudicated applications, the mean and median time from application receipt to adjudication, and (b) for non-adjudicated applications (*i.e.*, those still pending a decision), the mean and median time from application receipt to the end of the fiscal year being reported, and (c) for applications active in the fiscal year (*i.e.*, applications that had not been closed prior to the fiscal

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<sup>6</sup> A very small number of applications are closed without being approved or denied (*e.g.*, some applications are recorded as being withdrawn or administratively closed).

<sup>7</sup> And to the Plaintiffs.

<sup>8</sup> “CARRP status” refers to whether the application was processed pursuant to the CARRP policy at any point during the pending adjudication. A case is considered to be processed pursuant to the CARRP policy if there was an open Case Management Entity (CME) in the National Security tab of the Fraud Detection and National Security – Data System (FDNS-DS) at any point while the application was pending.

year), the mean and median time from application receipt until it was either adjudicated or until the end of the fiscal year if it was still pending a decision. I was also supplied with the underlying data producing the tables.<sup>9</sup>

Plaintiffs allege that referral to CARRP for class members results in an increased chance of denial; and applications taking longer to be adjudicated, irrespective of ultimate outcome (denial or approval), each of which has a disparate impact<sup>10</sup> on individuals from majority Muslim countries.<sup>11</sup> Further, Plaintiffs allege that application of the CARRP policy, in both its original form and as purportedly expanded pursuant to Executive Orders 13769 and 13780 (referred to herein as the Executive Order or “EOs), which were issued by President Trump in 2017 and which Plaintiffs claim direct federal agencies to create and implement a policy of “extreme vetting,” have a discriminatory impact upon applicants who are Muslim or whose country of birth or citizenship is a majority Muslim country.<sup>12</sup> It is not clear what the Plaintiffs mean by “extreme vetting.” Plaintiffs have not specified whether they mean that the standard for referral to CARRP was expanded to capture more applicants presenting a potential national security concern at the expense of increasing the number of applicants who are not actually national security concerns being referred to CARRP, and/or making the CARRP review process more stringent in that it would increase the time for processing an application and/or result to

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<sup>9</sup> Initially, based on the underlying data, I was able to replicate all the tables except for the table entitled “Adjudicated Plus Pending Processing Times.” I notified counsel and USCIS, and USCIS corrected that table, which aligns with the underlying data provided.

<sup>10</sup> Disparate impact occurs when a process (*e.g.*, a test) that is facially neutral as applied to all has an unintentional adverse impact on a particular class of applications. It is my understanding that a process which has a disparate impact is not discriminatory if the policy serves a valid purpose which cannot be accomplished by another process that both fulfills the purpose and has less disparate impact.

<sup>11</sup> See Second Amended Complaint for Declaratory and Injunctive Relief, paragraphs 7 and 10.

<sup>12</sup> *Id.*, paragraph 19.

some extent in targeting Muslims. Nevertheless, Plaintiffs allege that discrimination against Muslims increased significantly as a result of the issuance of the Executive Orders.

This report presents the results of my statistical analyses and resulting opinions as to the extent to which the statistical data supports or is inconsistent with the Plaintiffs' allegations.

### **C. Overview of Analytical Framework, Analysis, and Determination of Muslim Status**

#### **1. Analytical Framework**

The Plaintiffs allege that the CARRP policy, as applied to the class members in this litigation, has a disproportionate effect on Muslims, and that the disproportionate effect was exacerbated by an alleged “extreme vetting” process that Plaintiffs claim was put forward by the EOs. The framework for my analysis assumes USCIS has applicants whose applications are processed routinely (*i.e.*, outside CARRP) and applicants whose applications are processed in CARRP. Routine processing is applied to an application when there is no indication that the applicant poses a potential national security concern. When an applicant presents as a potential national security concern, the applicant’s application is processed pursuant to the CARRP policy. CARRP processing involves vetting the national security concern, which includes consultation with Third Agencies that may possess information about the applicant or concern and/or that may be investigating the applicant or concern; and adjudicating the application. However, CARRP processing does not necessarily always involve all of these steps. At any point during CARRP processing, the agency may determine that an applicant is not a national security concern or no longer presents such a concern. In such cases, USCIS will determine the case to be “non-national security” and will remove the case from CARRP processing. However, in the data set that was provided to me, an application that was referred to CARRP is classified as a “CARRP” application, and the adjudication (or continued pending) of the

case is classified as a CARRP outcome, irrespective of whether the case remains subject to the CARRP policy, was adjudicated in accord with the CARRP policy, or has been referred back into routine processing.<sup>13</sup>

Both routine processing and CARRP processing also involve a determination of whether an applicant is ineligible for the immigration benefit sought, based on national security grounds of inadmissibility or otherwise. Accordingly, adjudication in CARRP processing requires determining: (i) whether the national security concern<sup>14</sup> posed by the applicant makes the applicant ineligible for the benefit, so the application should therefore be denied, or (ii) whether the concern fails to warrant denial, or (iii) whether there are confidentiality or intelligence risks if the application is denied for national security reasons.<sup>15</sup> In the two latter scenarios, an applicant posing a national security concern and processed in CARRP may ultimately have his/her application approved, assuming that the applicant is otherwise eligible for the immigration benefit sought. Conversely, an applicant who is actually a national security concern, and may be potentially ineligible for the benefit sought, may not be identified as being a potential national security concern, and thus, may not be referred to CARRP. Such applicants may incorrectly be processed, and even have their applications approved, through routine processing. Furthermore, in such a case, regardless of whether the application is approved or denied through routine processing, a Third Agency that may be investigating the applicant would not generally be alerted that their person-of-interest was

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<sup>13</sup> There is no indication in the data regarding whether an application referred to CARRP was referred back into routine processing.

<sup>14</sup> USCIS defines a national security (“NS”) concern as follows: A NS concern exists when an individual or organization has been determined to have an articulable link to prior, current, or planned involvement in, or association with, an activity, individual, or organization described in sections 212(a)(3)(A), (B), or (F) or 237(a)(4)(A) or (B) of the Immigration and Nationality Act.

<sup>15</sup> Generally, denied applicants must be given the reason(s) for the denial of their application.

having an immigration benefit application adjudicated. Irrespective of whether adjudication results in approval or denial of the benefit, adjudication might have adverse consequences on an ongoing Third Agency investigation since failure to alert the Third Agency that a person-of-interest is requesting an immigration benefit could have adverse consequences to their investigation.

From a statistical perspective, there are two possible “outcome errors” with regard to the decision of whether to refer an applicant to CARRP. By outcome error, I mean classifying the decision based solely on the outcome. Applications referred to CARRP that are ultimately approved would presumably have been approved if not referred to CARRP, but often in less time. Hence, viewed only through the lens of the outcome, one outcome error is that an applicant who is referred to CARRP is approved, but since the application’s approval likely took longer because it was handled under the CARRP policy (rather than possibly disregarding a potential national security concern), it is viewed as an outcome error. The error here reflects the increase in the length of time to approval. By outcome error, I do not mean that the decision is incorrect, nor that the decision to refer the application for review under the CARRP policy was wrong, but only that the applicant could have been approved more quickly if not referred to CARRP. Moreover, since the purpose of the CARRP review is to determine whether someone is actually a national security concern, this outcome error should not be considered an error in the decision to refer the application to CARRP.

The desired outcome from a referral to CARRP is to determine if the applicant is a national security concern and then handle that application accordingly, not to automatically deny the application. If the applicant is actually a national security concern, the goal of CARRP is to coordinate with the agencies investigating the applicant to make the proper adjudication which, as discussed *supra*, could be to approve or deny the application.

The second type of “outcome error” is that an applicant who is actually a national security concern is not identified as such and the application is approved through routine processing, although it would have been denied if it had been sent to CARRP and undergone a more painstaking investigation for national security concerns.

Statistically speaking, the first outcome error is called a Type One error, in which we obtain what is technically called a “false positive” (*e.g.*, someone referred to CARRP is approved); the second type of error is called a Type Two error, in which we obtain what is technically called a “false negative” (*e.g.*, someone who would have been denied if they had been referred to CARRP is not referred to CARRP and is approved).<sup>16</sup> Again, it is important to note that using the statistical term “error” to refer to the outcomes in isolation does not imply any error in either the outcome or in the original decision to refer or not refer an application to CARRP. For example, consider a case that would be considered a false positive, because an application referred to CARRP is approved. An applicant is a partner in a business that is being criminally investigated for financially supporting terrorist activities. That applicant is referred to CARRP based on his association with the business. During the vetting process, USCIS consults with the investigating agency, and one of two outcomes results: (i) the investigating agency informs USCIS that the applicant is not a national security concern, USCIS declares the applicant non-national security, and adjudicates his case to an approval in routine processing (although the data will indicate this as a CARRP approval); or (ii) the investigating agency confirms that the individual poses a national security

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<sup>16</sup> Note that while we can determine the false positives, we have no way of determining the false negatives, because we would need to put all the regular process approvals through CARRP in order to determine if they would have been denied as a result of CARRP processing.

concern, but USCIS determines that the remaining national security concern does not make the individual ineligible for the benefit he is seeking, and USCIS adjudicates his case to an approval in CARRP.<sup>17</sup>

The question in the hypothetical scenarios above is whether our applicant should not have been referred to CARRP because the decision resulted in a false positive (*i.e.*, an approval). The answer is that the referral is appropriate, because the cost of delay to the applicant while he is processed in CARRP (the cost of such a false positive) does not outweigh the very serious cost of failing to refer an applicant who is a national security concern. In the case of failure of referral, the lack of vetting with the investigating agency could result in the approval of an individual who is ineligible for the benefit based on national security disqualifications, or it could result in an adjudication (whether to approval or denial) that negatively impacts an ongoing law enforcement investigation. This example illustrates that sufficient information that an applicant *may be* a national security concern (not necessarily that he/she *is* a national security concern) justifies a referral to CARRP, and a high rate of false positives (*i.e.*, approved CARRP cases) is not an indication that the CARRP referral process, or the CARRP process in general, is not working properly. In fact, a high false positive rate would be an indication that identifying which applications are actually national security concerns cannot be achieved with great accuracy under routine vetting. If identifying applicants who are national security concerns is deemed to be very important, and the relative cost of failing to identify them is vastly greater than the cost of delaying applicants' adjudication, referring applicants to CARRP who are determined through the course of vetting to be a non-national security concern is an acceptable cost.

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<sup>17</sup> In both cases, we assume that the applicant is not ineligible for the benefit for any non-national security reason.



To illustrate this logic, consider the common problem of credit card fraud. Banks spend millions of dollars to develop and implement fraud detection models to flag fraudulent credit card applications or fraudulent purchases from a stolen card or card number. Fraud is a relatively rare event and most transactions give no indication of possible fraud. No fraud detection model is good enough to precisely determine whether a charge or application is or is not actually fraudulent, but the models can recognize applications or purchases that are indicative of possible fraudulent conduct. When the bank identifies such potentially fraudulent events, it can follow-up (*e.g.*, initially deny the charge or application and then call, text, or email the customer requesting verification that it was really their charge or application). Since the cost to the customer and the bank is so high if the charge is fraudulent and completed (identity theft for the customer and dollars lost for the bank) compared to the cost of delaying and investigating (inconvenience for the customer or cost of the investigation for the bank), banks are willing to flag potentially fraudulent<sup>18</sup> transactions even though the probability of a given transaction being fraudulent is low.

Given the high cost of failing to refer an actual national security concern to CARRP (*i.e.*, a false negative), one might ask why all applicants should not be more thoroughly vetted through CARRP. There are two reasons: one reason is that the CARRP process generally takes longer than routine processing. Based on the number of CARRP referrals of cases for which there is information that indicates they could potentially be a national security concern, the number of applications that may actually be a national security concern is a very small percentage of the overall number of applicants. Thus, processing all applicants in CARRP would result in an

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<sup>18</sup> The degree to which the indication of fraud must increase in order for a bank to decide that the transaction must be verified depends on the bank's assessment of the costs associated with making a Type One or Type Two error.

extreme number of applicants subject to increased processing times a 375 fold expansion of the CARRP program with little expected gain in identifying applicants who are actual national security concerns. A second reason is that such an effort would be very costly and require a vastly larger amount of resources or result in extremely long processing times for all applications, rather than merely the one in 375 presently processed pursuant to the CARRP policy.

The statistical solution is to focus on the very small set of applications for which there is sufficient information to indicate that the applicant may pose a national security concern. What does that mean? It means that we would expect that, if the screening is based on an increased likelihood<sup>19</sup> that the applicant is a national security concern, then the likelihood of denial for those in CARRP should be higher than the likelihood of denial for those not in CARRP, since applicants processed in CARRP may be ineligible for the immigration benefit sought based on a national security ground, or based on some other ground uncovered during CARRP's vetting and assessment procedures.<sup>20</sup> This implies that we would expect the denial rates of those in CARRP to be higher than the denial rates of those not in CARRP, and we would expect the time to decision to be longer for applications processed under CARRP because of the more extensive vetting process where there are potential or known national security concerns.

The number and percent of cases referred to CARRP over time could increase or decrease significantly for several reasons. One reason would be if the percentage of applicants who are actually potential national security concerns changes markedly. This

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<sup>19</sup> That is, based on the initial information available, the probability of the applicant being a national security concern is sufficiently higher than the probability of a randomly selected applicant being a national security concern. However, that probability may be low, since the probability of a randomly selected applicant being a national security concern is well below 1-in-375.

<sup>20</sup> Many denials in CARRP are for reasons other than national security.

could increase or decrease the referral rate to CARRP. A second reason would be if the criteria or information available to flag potential national security concerns are broadened to capture more potential national security risks, at a cost of referring proportionately more false positives. For example, this could occur if there was an increase in the United States Government's receipt of information from outside the United States which would identify applicants as potential national security concerns. In this case, we would expect the number of applications referred to CARRP to increase, as would the number of referrals that are determined not to be a national security concern (since almost no data source is a perfect indicator that an applicant is actually a national security concern). In our example, if the new data from sources outside the United States is equally reliable as the other sources in predicting that an applicant is actually a national security concern, the percent (not number) of cases that turn out to be false positives would not change. But if the data from the outside source is less reliable,<sup>21</sup> then the false positive rate will increase.

Now, let us turn to the two specific claims in this matter: (i) that the CARRP policy results in Muslim applicants being more likely to be referred to CARRP, and thus Muslims disproportionately suffer delay in having their applications adjudicated, and (ii) that this disadvantage has been significantly aggravated by the purported "extreme vetting" discussed in the Trump Administration's 2017 Executive Orders, which Plaintiffs claim resulted in changes to CARRP and have increased the percent of Muslims among those referred to CARRP. As a result, the Plaintiffs conclude that the CARRP policy has an unjustified disparate impact on Muslims which

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<sup>21</sup> That is, more applicants with a lower probability of being selected than they would experience under more stringent criteria (although still a higher probability of being selected than under a random selection process) are referred as a result of the new source of information.

is caused by anti-Muslim bias and which has been exacerbated by the actions of the Trump administration. These claims taken together imply that these factors should result in increasing the false positive rate in CARRP overall and among applications from applicants born in majority Muslims countries, and extend the time to approval of those approved after referral to CARRP. While the data can never fully support or refute this aspect of the Plaintiffs' claims, because we cannot ever know the true rate of national security concerns in the applicant population by Muslim status, we can nevertheless assess the extent to which the data supports or refutes Plaintiffs' allegations by comparing the outcomes of applicants processed in CARRP with the outcomes of those not processed in CARRP, and comparing the outcomes for applicants from majority Muslim countries with those from majority non-Muslim countries overall and over time. We can also explore whether there are factors that would be expected to increase the likelihood an application would be referred to CARRP and that may also be correlated with the Muslim percentage of the population of the applicant's country of birth. One can then statistically test the extent to which the number of referrals to CARRP correlated with the country's Muslim population percent is caused by these factors, and the extent to which the correlation with the percent of a country that is Muslim remains after controlling for differences between countries in these factors. That is, we assess whether when we compare CARRP referrals from countries which are statistically the same with respect to these factors, does the number of referrals to CARRP increase meaningfully the larger the percent Muslim of the countries' populations, Thus, we can assess the extent to which the observed correlation is valid statistical evidence of an anti-Muslim bias.

## 2. Overview of Analysis of Outcomes by CARRP Status

I first focused on the CARRP policy in general independent of Muslim status. I examined the likelihood of being referred to CARRP overall and over time to see whether the rate of referral to CARRP changed over time. I also considered the fact that, to some extent, one would expect the numbers referred to CARRP to be somewhat reduced compared to earlier years because the time period for possible referral is shortened (since the data is truncated on September 30, 2019, the end of FY 2019). This is referred to as a censored data set since the number of applications received that will be referred to CARRP is censored by the data truncation as of September 30, 2019, and recipients who are or would be referred to CARRP after September 30, 2019 are not counted as CARRP referrals. I thus statistically adjusted the data for censorship to see if that altered the pattern of referrals to CARRP over time. I then explored the source of the information supporting such referrals to ascertain whether there were changes in the source of the information underlying the referral, and whether any changes in the agency sources would correlate with any change in the percent of cases being referred to CARRP. Finally, I examined the extent to which being referred to CARRP impacted one's likelihood of being denied naturalization or adjustment of status, as well as the impact of CARRP referral on how long an applicant would wait for adjudication (*i.e.*, how long the request was kept pending and not adjudicated) or approval. I examined the data over the whole time

period and then focused on changes over time. I focused, to the extent possible, on changes in trends over time and especially those changes that occurred after the issuance of the Executive Orders.<sup>22</sup>

### **3. Determination of Muslim Status**

While the analysis described above investigated the overall frequency of referral to CARRP, processing times for CARRP vs. non-CARRP, and adjudication outcomes for CARRP vs. non-CARRP, it did not address the Plaintiffs' concerns regarding the extent to which the outcomes differed by Muslim status. The data supplied does not identify the religion of any applicant, which I understand is because USCIS does not request or otherwise record an applicant's religion in relation to adjustment of status or naturalization applications. Plaintiffs allege or imply that all the named Plaintiffs (the representatives of all of the class Plaintiffs) identify as Muslim and/or are originally from majority Muslim countries. Since the tables are tabulated separately by the applicants' country of birth and citizenship, I use this data to classify each applicants' Muslim status based on the applicant's country of birth and citizenship. I first classified each country into one of three mutually exclusive categories<sup>23</sup> (majority Muslim, non-Muslim, or

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<sup>22</sup> The tables supplied report the data by fiscal year. The Executive Orders were issued in January and March of 2017, during the second quarter of fiscal year 2017; FY 2017 covers October 2016 through September 2017. Hence, actions in fiscal years before the second quarter of FY 2017 clearly occurred prior to issuance of the Executive Orders and those in fiscal years after the second quarter of FY 2017 clearly occurred after issuance of the Executive Orders. However, I am unable to determine from the table data whether an outcome in FY 2017 actually occurred before or after the Executive Orders of concern. Of course, two quarters of fiscal year 2017 occurred after both Executive Orders, while one quarter of FY 2017 preceded the EOs. Nevertheless, the trend of data over time will be informative of the impact of the implementation of the "extreme vetting" which presumably was in effect for most of FY 2017 and all fiscal years thereafter, presuming that such vetting was in fact undertaken as Plaintiffs allege.

<sup>23</sup> Appendix B delineates the specific classification of each country as to Muslim status. I used these classifications in my analyses.

indeterminate),<sup>24</sup> which allows me to compare results separately for applicants who were born in or are citizens of a majority Muslim country to applicants who were not born in or are not citizens of a majority Muslim country. The classification of majority Muslim countries was derived from three data sources that characterized the percent of a country's population that is Muslim: Pew-Templeton;<sup>25</sup> the CIA World Factbook;<sup>26</sup> and Wikipedia.<sup>27</sup> Among the three sources, there was a discrepancy as to whether a country is Muslim or non-Muslim in only two cases.<sup>28</sup> I further classified the countries as “predominately or  $\geq$  90% Muslim” (rather than majority Muslim) if the population was at least 90% Muslim, and I compared the outcomes of applicants from predominantly Muslim countries with those from non-Muslim countries. Finally, I classified the seven majority Muslim countries referred to in EO 13769 as EO7 countries and compared the outcomes of applicants from those countries with the outcomes of applicants from non-Muslim countries.<sup>29</sup>

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<sup>24</sup> “Indeterminate” refers to the few cases where the country indicated in the data is not specified or is not a known country (*i.e.*, “South America”).

<sup>25</sup> <http://www.globalreligiousfutures.org/religions/muslims>

<sup>26</sup> <https://www.cia.gov/library/publications/the-world-factbook/docs/profileguide.html>

<sup>27</sup> [https://en.wikipedia.org/wiki/Islam\\_by\\_country](https://en.wikipedia.org/wiki/Islam_by_country)

<sup>28</sup> Bosnia-Herzegovina is classified as Muslim by the CIA World Factbook and by Wikipedia, but it is classified as non-Muslim by Pew. Eritrea is classified as non-Muslim by Pew. The CIA World Factbook declines to classify Eritrea, and Wikipedia refers to a study which would indicate that Eritrea is a majority Muslim country (see Brian J. Grim, Todd M. Johnson, Vegard Skirbekk and Gina A. Zurlo (eds.), *Yearbook of International Religious Demography 2017* (Leiden: Brill 2017)). Appendix B delineates how they were classified, but given the relatively trivial number of applications these represent, the decision of how to classify the countries has no impact on my findings.

<sup>29</sup> To test the sensitivity of my finding with respect to the EO regarding Muslim countries of birth and citizenship, I removed Iraq (which was not part of the later EO13780) from the definition of predominantly Muslim countries. This alternative definition did not alter any of my findings concerning the effect of Muslim countries of origin mentioned in the EO on outcomes.

#### **4. Overview of Analysis of Outcomes by Muslim Status**

I redid the above analysis, but focused on difference in outcomes by Muslim status. In the body of this report, I present the analysis defining Muslim status based on the country of birth of the applicant. In Appendix C, I present the tables corresponding to those presented in the body of the report, but base the definition of Muslim status on the citizenship of the applicant. My conclusions are the same, regardless of whether country of citizenship or country of birth is used to define Muslim status.

I then compared the differences in the rate of referral to CARRP, the denial, approval, and pending rates, and the time to adjudication (*i.e.*, how long the application was kept pending and not adjudicated) and to approval by Muslim status, and analyzed whether the pattern of differences by Muslim status changed significantly over time. By comparing the differences in the outcomes detailed above by whether referred to CARRP and Muslim status, I am able to determine the extent to which the Plaintiffs' allegations are supported or contradicted by the data.

#### **5. Overview of Analysis of Whether There Are Factors Causing the Correlation Between the Number of Referrals to CARRP of Applications from Applicants born in a Country and the Muslim Percentage of the Population of the Country**

Plaintiffs' witnesses' assertions that CARRP operates with anti-Muslim animus or effect are flawed because they failed to consider any factors that are correlated with whether a country's population is majority Muslim (such countries are referred to herein as "majority Muslim countries"), which may be the cause of or predictive of the likelihood an application would be referred to CARRP. Such factors could account for the higher rates of referral to CARRP that may appear when data for applicants from majority Muslim countries is considered collectively. One such possible factor, as discussed in detail in Section V below, is the



frequency of terrorist events or incidents in the countries of birth or citizenship for applicants with applications referred to CARRP. Using the available data, I tested the theory that the extent of terrorist events that takes place in a country may affect the likelihood that an application submitted by an applicant from that country will be referred to CARRP. Essentially, the theory is that the more terrorist events that occur in a country, the more likely it is that an applicant from that country will have some association with terrorist actors and/or activities, thereby increasing the likelihood that the applicant would be identified as a potential national security concern and processed in CARRP. To test this hypothesis, I collected data on the number of terrorist events by country, and statistically determined the correlation between the number of terrorist events in countries and the number of CARRP referrals of applications for applicants born in such countries. If I found a statistically significant and meaningful correlation, I made sure the relationship existed both among countries without a majority Muslim population and among countries with a majority Muslim population so as to assure the effect was not simply measuring whether a country's population was majority Muslim. I then examined the extent to which the disparity in referrals to CARRP for applicants from majority Muslim countries could be explained by differences in the amount of reported terrorist events.

More significantly, in addition to studying the correlation between the number of terrorism events in majority Muslim countries and the percentage of all I-485 and N-400<sup>30</sup> CARRP referrals where an applicant is from a majority Muslim country, I analyzed the results separately by country. These analyses were not limited to majority Muslim countries but likewise included

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<sup>30</sup> I also ran the analyses separately by form type. My conclusion concerning all CARRP referrals applies equally to I-485 and N-400 applications.

countries without a Muslim majority. That is, I looked at the relationship between the percent of terrorist events in a country and the percent of referrals to CARRP, independent of the percent of the country's population that is Muslim.

I computed the Pearson correlation between the number of CARRP referrals from each country with the number of terrorism events from that country. The Pearson correlation measures the linear consistency between two variables. The Pearson correlation coefficient takes on values from zero to one. A correlation of 0 means there is no linear predictive relationship between the two variables. A correlation of 1 means there is a perfect predictive relationship between the two variables (*i.e.*, as one variable increases by one unit, the other variable always increases by a fixed number of units). Thus, one variable is a perfect predictor of the other variable. Values between 0 and 1 measure how consistent the linear relationship is. The square of the correlation equals the percent of the variation in one variable which can be predicted or statistically explained by the difference in the other variable. For example, a correlation of 0.50 means 25% of the variance<sup>31</sup> between countries in the number of CARRP referrals can be statistically “explained” (*i.e.*, predicted) by the difference in the number of terrorism events in the countries. The Pearson correlation measures the linear relationship between two variables. To confirm that this correlation is not significantly inflated by bias against majority Muslim countries (that is, inflated by an impact which simply reflects the country's majority Muslim status), I ran the correlations separately, restricting the data to only non-majority Muslim countries and then to only majority Muslim countries. Studying only non-majority

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<sup>31</sup> The variance is a summary statistical measure which represents the extent to which the outcomes vary between observations (here the number of CARRP referrals between the various countries). The larger the variance, the greater the dispersion of the number of CARRP referrals is among the countries.

Muslim countries or only majority Muslim countries eliminates any confounding of the correlation between number of terrorist events and whether a country has a majority Muslim population or not the correlation were computed among countries which were majority Muslim or only non-Majority Muslim. Thus, if the correlation of the number of terrorist events and CARRP referrals is primarily casual and is not reflecting that terrorist events on average occur more in majority Muslim countries, then the correlation between terrorist events should exist in each subset of the data and be statistically similar. If so terrorist events in a country not the countries Muslim status are driving CARRP referrals.

To determine the extent to which the correlation between the percent Muslim of a country's population<sup>32</sup> and the number of CARRP referrals of applications from applicants born in that country is caused by factors correlated with the percent of a country that is Muslim rather than anti-Muslim bias, I expanded the analysis to include consideration of other factors that might impact the number of CARRP referrals from a country. I computed the correlation between the percent of CARRP referrals represented by each country and (i) the country's percent Muslim population, (ii) the number of applications from the country, (iii) whether the country is a state sponsor of terrorism, and (iv) the number of terrorist events reported in the country during the time period 2013 through 2018.<sup>33</sup> To the extent that there is some degree of correlation between the factors, the simple correlation will pick up some of the effect of the other factors, so the simple correlations may be misleading as to the actual impact of the individual factors. To study the interaction among all the factors and isolate and estimate the specific effect of the factors on the number of referrals to CARRP by country, I ran a

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<sup>32</sup> I used the PEW-Templeton definition as the source for the percentage of a country's population that is Muslim.

<sup>33</sup> My analysis stops in 2018, because the data on terrorist events is not yet available for 2019.

regression analysis. The regression analysis predicts the number of applications from applicants born in a country that will be referred to CARRP as a function of the four variables: (i) the number of terrorist events associated with that country, (ii) the number of applications (N-400 and I-485) from persons born in that country, (iii) the percent of the country's population that is Muslim, and (iv) an indicator of whether that country was deemed a state sponsor of terrorism. This analysis allows one to statistically determine the extent to which the number of referrals to CARRP of applications from applicants born in a country is correlated with the country's percent Muslim population (*i.e.*, variable iii) after removing the effects on referrals of the other three variables (i, ii, and iv). Thus, the effect of the factor of the number of terrorist events is statistically significant and predictive of CARRP referral is measuring the impact of that factor on countries which are statistically similar with respect to the other factors. That is, it is comparing its effect on countries which are statistically adjusted so they have the same number of applications, the population of the countries are the same percent Muslim, and the countries are either all designated as state sponsors of terrorism or not. Similarly, when the regression is comparing the effect of the percent Muslim of the country's population on the number of CARRP referrals, it is comparing its effect on countries which are statistically adjusted so they have the same number of application, the number of terrorist events, and whether the countries are either all designated as state sponsors of terrorism or not. This means that the effect of terrorist events on CARRP referrals is the same regardless of whether the country is majority Muslim, and regardless of the percent Muslim of its population. That means the regression's estimate of the impact of the number of terrorist events on referral to CARRP is not in any way related to the percent Muslim of the population. It also means that the regression analysis isolates the effect of the percent of a country's population which is Muslim on CARRP referral among countries which have the same level of terrorist events. Thus the regression's

estimated impact of the percent of a country's population which is Muslim on the number of referrals to CARRP measures the extent to which the Muslim population percentage of the country effects the referrals to CARRP among countries which have the same number of terrorist incidents. If a meaningful effect is found, it could be indicative of potential anti-Muslim bias in referrals to CARRP,<sup>34</sup> while if no such meaningful effect is found the results would be inconsistent with and refute an allegation of anti-Muslim bias.

## II. CONCLUSIONS

1. Only a very small portion of I-485 and N-400 applications are referred to CARRP: about 0.27% (roughly 1-in-375) for all applications during the 7-year period studied (FY 2013 - FY 2019); and no more than about 2% for applicants from EO7 countries; and less than that for all majority Muslim countries combined.
2. Contrary to Plaintiffs' suggestion that Muslim applicants tend to be pushed into CARRP where their applications are generally denied or not adjudicated, most applications adjudicated under CARRP are approved, not denied. The approval rates for CARRP-adjudicated applications are not lower for persons from EO7 countries or from majority Muslim countries than for other applicants, indicating that there is no tendency for denial of applications for persons from majority Muslim countries whose applications are adjudicated under CARRP.

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<sup>34</sup> Evidence that other factors that were not controlled for and would be expected to influence the number of referrals to CARRP could explain the observed disparity, but absent such evidence it would be statistically appropriate to infer anti-Muslim bias.

3. There is no significant difference in time for adjudication under CARRP for applications from applicants from non-Muslim countries and applications from applicants from EO7 countries or all Muslim countries or all countries combined.

4. There is no significant trend toward increasing disproportionate referral to CARRP, or toward the denial of applications adjudicated under CARRP for applicants from EO7 countries or applicants from majority Muslim countries as compared to applicants from non-Muslim countries or all countries combined when examined over time, and comparing the period prior to the issuance of EO13769 and the period following the EOs.

5. Almost all applications referred to CARRP are either solely or partially based on information from Third Agencies. While about one-third of CARRP referrals are to some extent based on USCIS information, in approximately 90% of the cases the first (or sometimes only) source of information is a Third Agency. Moreover, among applications referred to CARRP from applicants born in a majority Muslim country (or a predominantly Muslim country, *i.e.*, one with a 90% or greater Muslim country, or an EO7 country), the first or sole source of the data supporting the referral was from a Third Agency over 90% of the time. In addition, during the fiscal years under the Trump administration the first or sole source of the data supporting the CARRP referral was more likely to be USCIS if the application was from an applicant born in a non-majority Muslim country than if it was from an applicant born in a majority Muslim country (or a predominantly Muslim country or one of the EO7 countries).

6. From the beginning of the data (FY 2013), applications from applicants from majority Muslim countries are more likely than applications from applicants from majority non-Muslim countries to be processed through CARRP. While applications from applicants from majority Muslim and majority non-Muslim countries are treated essentially the same with respect to time to adjudication and approval rates, those in CARRP have a higher denial rate and a longer time to adjudication. Thus, the facially neutral application of the CARRP polices resulting from referral to CARRP has an unintended disparate impact upon applications from applicants from Muslim countries. However, contrary to Plaintiffs' claims, this disparate impact was not exacerbated by the alleged "extreme vetting" suggested by EO13769 and EO13780. From a statistical standpoint, the reason(s) for this disparity cannot be explained by the data alone.

7. There is strong statistical evidence that the level of terrorist events in a country and other factors, such as the magnitude of applications from a country and whether that country is a state sponsor of terrorism, explain a significant amount (two-thirds) of the variance in CARRP referrals (the summary statistic which measures the extent of the differences in the number of such referrals among countries). The percent of a country's population that is Muslim has only a small and statistically non-significant impact on the number of CARRP referrals from a country. After controlling for the level of terrorist events and the number of applications from the countries, and whether the country is a state sponsor of terrorism, the Muslim percentage of a country's population explains only 0.8% of the variance among countries in the number referrals to CARRP. These results mean that the disproportionate share of referrals to CARRP of applications from applicants born in countries whose population is majority Muslim is not caused by anti-Muslim bias, but is a result of a high level of terrorist events in those countries.

Moreover, the effect of the number of terrorist events is the same regardless of the Muslim population of a country. Thus, the disproportionate number of referrals from majority Muslim countries is not valid evidence of anti-Muslim bias in referring applicants to CARRP.

The bases for these conclusions are presented *infra*. I explain each analysis and present the statistical results in tables. After each table, I summarize the findings the tables support. At the end of the report, I summarize the findings from the analyses.



### III. ANALYSIS OF THE DATA PROVIDED

#### A. ANALYSIS OF THE IMPACT OF CARRP STATUS ON OUTCOME

##### 1. Processing Under CARRP

Table 1 presents the data concerning the number and percent of I-485 applicants who are processed under CARRP. Table 2 presents the same data concerning N-400 applicants.

<b>TABLE 1</b>						
<b>THE NUMBER AND PERCENT OF FORM I-485 APPLICATIONS THAT ARE PROCESSED UNDER CARRP BY FISCAL YEAR APPLIED 2013 - 2019</b>						
<b>Counts of I-485s by Fiscal Year</b>						
<b>Fiscal Year</b>	<b>Not CARRP Processed</b>	<b>Processed Under CARRP</b>	<b>Percent Not CARRP Processed</b>	<b>Percent Processed Under CARRP</b>	<b>Change from prior Fiscal Year</b>	<b>Percent Change from prior Fiscal Year</b>
2013	601,668	1,401	99.77%	0.23%		
2014	635,871	1,262	99.80%	0.20%	-0.034%	-14.737%
2015	635,991	1,719	99.73%	0.27%	0.071%	36.089%
2016	709,064	1,790	99.75%	0.25%	-0.018%	-6.584%
2017	759,142	1,540	99.80%	0.20%	-0.049%	-19.602%
2018	698,555	1,211	99.83%	0.17%	-0.029%	-14.518%
2019	596,303	545	99.91%	0.09%	-0.082%	-47.236%
2013-2019	4,636,594	9,468	99.80%	0.20%		

<b>TABLE 2</b>						
<b>THE NUMBER AND PERCENT OF FORM N-400 APPLICATIONS THAT ARE PROCESSED UNDER CARRP BY FISCAL YEAR APPLIED 2013 - 2019</b>						
<b>Counts of N-400 by Fiscal Year</b>						
<b>Fiscal Year</b>	<b>Not CARRP Processed</b>	<b>Processed Under CARRP</b>	<b>Percent Not CARRP Processed</b>	<b>Percent Processed Under CARRP</b>	<b>Change from prior Fiscal Year</b>	<b>Percent Change from prior Fiscal Year</b>
2013	771,046	2,024	99.74%	0.26%		
2014	783,399	2,977	99.62%	0.38%	0.117%	44.596%
2015	782,095	3,871	99.51%	0.49%	0.114%	30.098%
2016	982,803	3,546	99.64%	0.36%	-0.133%	-27.006%
2017	977,862	2,937	99.70%	0.30%	-0.060%	-16.706%
2018	837,625	2,219	99.74%	0.26%	-0.035%	-11.766%
2019	821,536	1,172	99.86%	0.14%	-0.122%	-46.083%
<b>2013-2019</b>	<b>5,956,366</b>	<b>18,746</b>	<b>99.69%</b>	<b>0.31%</b>		

With respect to the referral of applicants to CARRP, the data clearly shows that:

- i) The relative number of I-485 and N-400 applications processed pursuant to the CARRP policy from FY 2013 through FY 2019 is very small, well below 1%. Only 0.20% or 9,468 of the 4,640,062 I-485 applications were processed under CARRP, and only 0.31% or 18,746 out of 5,975,112 N-400 applications were processed under CARRP. Combining both groups, there were 10,621,174 applications, of which only 0.27% or 28,214 were processed under CARRP.

- ii) The percent of I-485 applicants who applied in a given year and whose applications were processed under CARRP reached the maximum in FY 2015 at 0.27% and decreased each year thereafter, falling to 0.09% in FY 2019. A similar pattern existed for N-400 applications. The maximum percent of applications processed under CARRP also occurred in FY 2015 (0.49%) and declined in each fiscal year thereafter, falling to 0.014% in FY 2019. Applications received in a fiscal year can be referred to CARRP in the fiscal year in which applicants apply or in any subsequent fiscal year.
- iii) While the present statistical analysis cannot tie a specific reason to the increase or decrease in referral of applications to CARRP or the pattern of change over time, it is notable that the rise in the number of I-485 and N-400 applications peaked in FY 2015 and then decreased consistently, starting in FY 2016. This rise in the number of CARRP referrals may be linked to any number of unexamined factors not addressed here, and may include trends in the applications USCIS receives, changes in global patterns of terrorist events or other events raising national security concerns, such as espionage, and reactions and responses to security incidents in the United States and worldwide. Similarly, the decrease in referrals could result from any number of unexamined factors.

To some extent, one would expect the numbers referred to CARRP to be somewhat reduced compared to earlier years because the time period for possible referral is shortened (since the data is truncated on September 30, 2019, the end of FY 2019). This is referred to as a censored data set since the number of applications received that will be referred to CARRP is censored by the data truncation as of September 30, 2019 and recipients who are or would be referred to CARRP after September 30, 2019 are not counted as CARRP referrals. This will obviously have a smaller impact the earlier the application was received before September 30, 2019.

However, this could not cause the referral rate to increase over time.<sup>35</sup> To account for this, I have estimated how many additional recipients who applied in a fiscal year would be referred to CARRP after September 30, 2019. This is done by looking at the percent of recipients who applied in a fiscal year who are referred to CARRP in the year they applied and in each fiscal year thereafter.<sup>36</sup> Then, if recipients were reviewed for fewer than six fiscal years because of the truncation of the data, I assume that the referral rate to CARRP in those fiscal years that are truncated would mirror the average number of new CARRP referrals for those subsequent fiscal years in which the data is not truncated. That is, for example, the applications that were referred to CARRP in FY 2014 only had five subsequent fiscal years before the data was censored. Looking at the data, we see that when we have data for the full six fiscal years after application, the sixth fiscal year since application accounts for 0.25% of the referrals to CARRP. Thus, we estimate that the referral of recipients who applied in FY 2014 would increase by 0.25% if the data were extended for another year so the FY 2014 recipients would be evaluated for CARRP referral for the full six years after application.

Tables 1.1 and 2.1 show the estimate of the referrals for CARRP adjusting for the censorship of the data. Here, the differences over time are comparable, since the impact of the censorship is removed.

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<sup>35</sup> But, for fiscal years ending closer to September 30, 2019, it is possible that the reduction it causes may mask a true increasing pattern.

<sup>36</sup> I looked at up to six fiscal years because that is the maximum time span for which we have data on the likelihood of referral to CARRP in subsequent years.

<b>TABLE 1.1</b>						
<b>TABLE 1 ADJUSTED FOR CENSORSHIP</b>						
<b>THE NUMBER AND PERCENT OF FORM I-485 APPLICATIONS THAT ARE PROCESSED UNDER CARRP BY FISCAL YEAR APPLIED 2013 - 2019</b>						
<b>Counts of I-485s by Fiscal Year</b>						
<b>Fiscal Year</b>	<b>Not CARRP Processed</b>	<b>Processed Under CARRP</b>	<b>Percent Not CARRP Processed</b>	<b>Percent Processed Under CARRP</b>	<b>Change from prior Fiscal Year</b>	<b>Percent Change from prior Fiscal Year</b>
2013	601,668	1,401	99.77%	0.23%		
2014	635,871	1,270	99.80%	0.20%	-0.033%	-14.198%
2015	635,991	1,747	99.73%	0.27%	0.075%	37.430%
2016	709,064	1,834	99.74%	0.26%	-0.016%	-5.824%
2017	759,142	1,604	99.79%	0.21%	-0.047%	-18.272%
2018	698,555	1,407	99.80%	0.20%	-0.010%	-4.664%
2019	596,303	1,334	99.78%	0.22%	0.022%	11.045%
2013-2019	4,636,594	10,597	99.77%	0.23%		

<b>TABLE 2.1</b>						
<b>TABLE 2 ADJUSTED FOR CENSORSHIP</b>						
<b>THE NUMBER AND PERCENT OF FORM N-400 APPLICATIONS THAT ARE PROCESSED UNDER CARRP BY FISCAL YEAR APPLIED 2013 - 2019</b>						
<b>Counts of N-400 by Fiscal Year</b>						
<b>Fiscal Year</b>	<b>Not Processed Under CARRP</b>	<b>Processed Under CARRP</b>	<b>Percent Not Processed</b>	<b>Percent Processed Under CARRP</b>	<b>Change from prior Fiscal Year</b>	<b>Percent Change from prior Fiscal Year</b>
2013	771,046	2,024	99.74%	0.26%		
2014	783,399	2,987	99.62%	0.38%	0.118%	45.080%
2015	782,095	3,990	99.49%	0.51%	0.128%	33.630%
2016	982,803	3,571	99.64%	0.36%	-0.146%	-28.674%
2017	977,862	2,976	99.70%	0.30%	-0.059%	-16.192%
2018	837,625	2,410	99.71%	0.29%	-0.017%	-5.445%
2019	821,536	2,605	99.68%	0.32%	0.029%	10.176%
<b>2013-2019</b>	<b>5,956,366</b>	<b>20,563</b>	<b>99.66%</b>	<b>0.34%</b>		

Examining Tables 1.1 and 2.2, which adjust tables 1 and 2 for the data censorship, shows that:

- i) The referral rate to CARRP for I-485 recipients increased to 0.27% in FY 2015, and then declined consistently (except for a 0.02 uptick in FY 2019) to 0.22% in the last fiscal year.
- ii) The referral rate to CARRP for N-400 recipients increased each year by 0.12 percentage points until it reached its maximum level of 0.51% in FY 2015, and then declined consistently (except for a 0.03 percentage point uptick in FY

2019) to 0.32% in the last fiscal year. Plaintiffs allege that “extreme vetting” took place as a result of the Executive orders early in 2017 (during FY 2017), which implies that more applications would be referred to CARRP (and it would take longer to adjudicate cases referred to CARRP). The referral data does not support any allegation that in 2017 or thereafter there was any meaningful increase (or decrease) in the referral to CARRP. The drop in referrals in FY 2017 was consistent with the pattern shown in FY 2015 and FY 2016, and after FY 2017 remains fairly constant. Clearly, there is no statistical data showing that the alleged “extreme vetting” resulted in more referrals to CARRP. While this finding would statistically support an inference that the Plaintiffs’ allegation is incorrect, it cannot conclusively refute the allegation. It is possible that the alleged “extreme vetting” increased referrals to CARRP but other unspecified or measurable factors are simultaneously masking this impact.

## **2. Agency Source of Information Supporting Referral to CARRP**

Data regarding the source of the information supporting the referral of an application to CARRP is available, but is limited. It is my understanding that when a referral is made, only a single source of information can be chosen to be recorded electronically from a pull-down option in FDNS-DS. The source of the reported information noted as supporting the referral to CARRP was grouped by USCIS into one of three possible categories: USCIS Information; Third Agency Information (which represents information from an agency other than USCIS); or Indeterminate (when the reported agency source of the data could not be classified into a specific agency source). The result of that coding tabulated for CARRP referrals by type of applicant (I-485 and N-400) and fiscal year of application is presented in Tables 3 and 4.



<b>TABLE 3</b>						
<b>REPORTED SOURCE OF NATIONAL SECURITY CONCERNS RESULTING IN CARRP REFERRAL BY FISCAL YEAR 2013 - 2019 I-485 APPLICANTS</b>						
<b>Fiscal Year</b>	<b>USCIS Information</b>	<b>Percent USCIS</b>	<b>Third Agency Information</b>	<b>Percent Third Agency</b>	<b>Indeterminate</b>	<b>Percent Indeterminate</b>
<b>2013</b>	<b>18</b>	<b>1.28%</b>	<b>1,313</b>	<b>93.72%</b>	<b>70</b>	<b>5.00%</b>
<b>2014</b>	<b>12</b>	<b>0.95%</b>	<b>1,182</b>	<b>93.66%</b>	<b>68</b>	<b>5.39%</b>
<b>2015</b>	<b>15</b>	<b>0.87%</b>	<b>1,640</b>	<b>95.40%</b>	<b>64</b>	<b>3.72%</b>
<b>2016</b>	<b>22</b>	<b>1.23%</b>	<b>1,667</b>	<b>93.13%</b>	<b>101</b>	<b>5.64%</b>
<b>2017</b>	<b>34</b>	<b>2.21%</b>	<b>1,387</b>	<b>90.06%</b>	<b>119</b>	<b>7.73%</b>
<b>2018</b>	<b>18</b>	<b>1.49%</b>	<b>1,112</b>	<b>91.82%</b>	<b>81</b>	<b>6.69%</b>
<b>2019</b>	<b>10</b>	<b>1.83%</b>	<b>450</b>	<b>82.57%</b>	<b>85</b>	<b>15.60%</b>
<b>2013-2019</b>	<b>129</b>	<b>1.36%</b>	<b>8,751</b>	<b>92.43%</b>	<b>588</b>	<b>6.21%</b>

<b>TABLE 4</b>						
<b>REPORTED SOURCE OF NATIONAL SECURITY CONCERNS RESULTING IN CARRP REFERRAL BY FISCAL YEAR 2013 - 2019</b>						
<b>N-400 APPLICANTS</b>						
<b>Fiscal Year</b>	<b>USCIS Information</b>	<b>Percent USCIS</b>	<b>Third Agency Information</b>	<b>Percent Third Agency</b>	<b>Indeterminate</b>	<b>Percent Indeterminate</b>
<b>2013</b>	<b>6</b>	<b>0.30%</b>	<b>1,857</b>	<b>91.75%</b>	<b>161</b>	<b>7.95%</b>
<b>2014</b>	<b>5</b>	<b>0.17%</b>	<b>2,839</b>	<b>95.36%</b>	<b>133</b>	<b>4.47%</b>
<b>2015</b>	<b>7</b>	<b>0.18%</b>	<b>3,789</b>	<b>97.88%</b>	<b>75</b>	<b>1.94%</b>
<b>2016</b>	<b>4</b>	<b>0.11%</b>	<b>3,377</b>	<b>95.23%</b>	<b>165</b>	<b>4.65%</b>
<b>2017</b>	<b>14</b>	<b>0.48%</b>	<b>2,512</b>	<b>85.53%</b>	<b>411</b>	<b>13.99%</b>
<b>2018</b>	<b>5</b>	<b>0.23%</b>	<b>1,915</b>	<b>86.30%</b>	<b>299</b>	<b>13.47%</b>
<b>2019</b>	<b>7</b>	<b>0.60%</b>	<b>1,022</b>	<b>87.20%</b>	<b>143</b>	<b>12.20%</b>
<b>2013-2019</b>	<b>48</b>	<b>0.26%</b>	<b>17,311</b>	<b>92.35%</b>	<b>1,387</b>	<b>7.40%</b>

The data shows that:

- i) The agency source recorded for most of the referrals to CARRP was Third Agency. Overall, in over 90% of the cases, the source of information recorded as supporting the referral is a Third Agency.
- ii) The number and percent of referrals to CARRP reported as being based on information sourced from USCIS is very small. Only 1.36% of I-485 applicants (129 out 9,468) and only 0.26% of the N-400 applicants (48 out of 18,746) are recorded as being supported by information sourced by USCIS.

- iii) With respect to the pattern of the agency source reported for referrals, the data shows a clear increase in the number and percent of cases coded as Indeterminate in FY 2017 and thereafter. While the increasing pattern is clear, the amount of increase is very small. Adjusting the percentages by eliminating the Indeterminate cases and comparing the percent of pre-FY 2017 and post-FY 2017 (including FY 2017) applications for which the source of the referral to CARRP was USICS, the increase in the post-FY 2017 percent was 0.9 percentage points among I-485 applications and only 0.29 percentage points for N-400 applications.

It is my understanding<sup>37</sup> that the actual reason for referral could come from more than one source despite the inability of the FDNS-DS to record that. To determine the extent to which that occurs, and to validate the single agency source being indicated in the data, I selected a random sample<sup>38</sup> of 249 I-485 and N-400 applications that were identified as “Third Agency” sourced and a random sample of 102 of those identified as USCIS or Indeterminate sourced,<sup>39</sup> and instructed USCIS to have a knowledgeable employee(s) review the relevant information to determine what information sources from what agencies supported the basis for the applicant’s referral to CARRP. The employee(s) selected was not to be shown what agency source was reported in the computer data. If both

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<sup>37</sup> Based on discussions with USCIS personnel.

<sup>38</sup> I originally drew a random sample of 135 applications where the source was defined as Third Agency, and 70 applications where the source was USCIS or Indeterminate. Given that there are more CARRP cases in the amended database, I augmented the sample retaining the same overall selection rate used in the original sample selection, and only chose from the newly added CARRP cases with the same sample selection rate, so the final sample would be self-weighting.

<sup>39</sup> The 102 randomly selected USCIS or Indeterminate sourced applications consisted of 95 applications from the Indeterminate category and 7 from the USCIS category.

USCIS and a Third Agency were found to be a source of the information supporting the referral to CARRP, then it was determined to the extent possible which source first supplied the information raising a potential national security concern with the applicant.

The results of the validation study are presented in Table 5.

**TABLE 5****RESULTS OF VERIFICATION OF "IDENTIFIED" PRIMARY BASED  
FOR THE INDIVIDUAL'S NATIONAL SECURITY CONCERN**

<u>Identified Sources</u>	<u>Verified Sources</u>	<u>Counts</u>	<u>Percent</u>
Third Agency Information	Both	79	30.5%
	Third Agency First	68	86.1%
	USCIS First	8	10.1%
	Indeterminate First	3	3.8%
	Third Agency Only	179	69.1%
	USCIS Only	1	0.4%
Indeterminate	Both	18	18.9%
	Third Agency First	16	88.9%
	USCIS First	2	11.1%
	Indeterminate First	0	0.0%
	Third Agency Only	40	42.1%
	USCIS Only	37	38.9%
USCIS Information	Both	3	42.9%
	Third Agency First	2	66.7%
	USCIS First	1	33.3%
	Indeterminate First	0	0.0%
	Third Agency Only	0	0.0%
	USCIS Only	4	57.1%

The study shows that:

- i) In all cases but one in which the agency source of the information is reported as Third Agency or USCIS, the validation study confirms that the reported source did provide relevant information supporting the referral to CARRP. Hence, the study validates the determination that specifying a Third Agency or USCIS as a source of information is a highly accurate indicator that the Third Agency or USCIS was a source of information that was relevant to the referral to CARRP.
- ii) However, a significant portion (an estimated 31% of Third Agency reported and 43% of USCIS reported) of the referrals were supported by information from both USCIS and Third Agencies, not only the single agency source of information recorded in the data system. Moreover, when the single source of the information recorded in the data system could not be specified as to the agency (USCIS or Third Agencies), the validity study of the classification found that for about 40% of those cases the relevant data was supplied by USCIS only, for about 40% of the cases there was relevant data supplied by a Third Agency only, and for the remaining 20% of the cases there was relevant data supplied by both USCIS and a Third Agency.
- iii) When both USCIS and a Third Agency are sources for referral to CARRP, in most of the cases (*i.e.*, 86% of the time) the Third Agency was the first source of information supporting the referral.

Although I have no information as to how the single source was selected when multiple sources of information exist,<sup>40</sup> it is clear that the single reported source significantly underestimates the frequency of USCIS being a source, and to a much lesser extent underestimates the amount of input from Third Agencies. However, it does appear that a Third Agency is the predominate first source supporting referral of an application to CARRP.

While I cannot precisely determine the frequency of USCIS and a Third Agency being a source of data or the first source supporting the referral, I can estimate those frequencies based on the data in Tables 3, 4, and 5. Specifically, I estimate the percent of USCIS referrals that were a source as equal to the number of cases where it was reported as the single agency source of relevant information plus 31% of the cases where the Third Agency was reported as the single source of relevant information plus 58% of the cases where the reported agency source was Indeterminate. Similarly, I estimate the number of cases where a Third Agency was reported as an agency source of the reported information as the number of cases where it was reported as the single agency source plus 43% of the cases where the USCIS was reported as the single agency source plus 61% of the cases where the agency source was reported as Indeterminate. I can also estimate the percent of cases in which the first source was a Third Agency or USCIS by estimating the number of cases where the first source of the referral was a Third Agency as 95% of the cases where the Third Agency

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<sup>40</sup> I was informed by USCIS that there was not a specific rule for determining which information source to record in FDNS-DS if there were multiple sources for referring an application for processing pursuant to the CARRP policy.

was the reported source plus 53.3% of the cases where Indeterminate was the reported source plus 28.53% of the cases where USCIS was the reported source. To be conservative, I assume that USCIS was the first source of the remaining cases.

The results are presented in Tables 6 and 7:

<b>TABLE 6</b>								
<b>ESTIMATED SOURCES OF NATIONAL SECURITY CONCERNS RESULTING IN CARRP REFERRAL BY FISCAL YEAR 2013-2019 I-485 APPLICANTS</b>								
<b>Fiscal Year</b>	<b>USCIS Information is a Source</b>	<b>Percent USCIS is a Source</b>	<b>Third Agency Information is a Source</b>	<b>Percent Third Agency is a Source</b>	<b>USCIS Information is First Source</b>	<b>Percent USCIS is First Source</b>	<b>Third Agency Information is First Source</b>	<b>Percent Third Agency is First Source</b>
2013	466	33.26%	1,354	96.65%	102	7.28%	1,299	92.72%
2014	418	33.12%	1,219	96.59%	91	7.21%	1,171	92.79%
2015	561	32.64%	1,677	97.56%	113	6.57%	1,606	93.43%
2016	597	33.35%	1,724	96.31%	134	7.49%	1,656	92.51%
2017	533	34.61%	1,459	94.74%	137	8.90%	1,403	91.10%
2018	410	33.86%	1,158	95.62%	98	8.09%	1,113	91.91%
2019	199	36.51%	493	90.46%	63	11.56%	482	88.44%
2013-2019	3,184	33.63%	9,084	95.94%	738	7.79%	8,730	92.21%



<b>TABLE 7</b>								
<b>ESTIMATED SOURCES OF NATIONAL SECURITY CONCERNS RESULTING IN CARRP REFERRAL</b>								
<b>BY FISCAL YEAR 2013-2019</b>								
<b>N-400 APPLICANTS</b>								
<b>Fiscal Year</b>	<b>USCIS Information is a Source</b>	<b>Percent USCIS is a Source</b>	<b>Third Agency Information is a Source</b>	<b>Percent Third Agency is a Source</b>	<b>USCIS Information is First Source</b>	<b>Percent USCIS is First Source</b>	<b>Third Agency Information is First Source</b>	<b>Percent Third Agency is First Source</b>
2013	675	33.35%	1930	95.36%	156	7.71%	1868	92.29%
2014	962	32.31%	2899	97.38%	190	6.38%	2787	93.62%
2015	1225	31.65%	3826	98.84%	211	5.45%	3660	94.55%
2016	1147	32.35%	3450	97.29%	227	6.40%	3319	93.60%
2017	1031	35.10%	2697	91.83%	295	10.04%	2642	89.96%
2018	772	34.79%	2047	92.25%	215	9.69%	2004	90.31%
2019	407	34.73%	1088	92.83%	111	9.47%	1061	90.53%
<b>2013-2019</b>	<b>6,219</b>	<b>33.18%</b>	<b>17,937</b>	<b>95.68%</b>	<b>1,405</b>	<b>7.49%</b>	<b>17,341</b>	<b>92.51%</b>

This analysis shows that

- i) A Third Agency is a source for almost all referrals to CARRP. I estimate that a Third Agency supplied relevant information for approximately 95% of all referrals. USCIS also supplied relevant information in about 33% of all referrals.

- ii) In over 90% of the cases the first (or only) source was a Third Agency, and in less than 10% of the cases USCIS was the first or only source of information leading to referral of the application to CARRP.
- iii) Starting with applications supplied in FY 2017, there was a slight consistent increase in USCIS supplying information, and USCIS being the first or only source of information relevant to the decision of referring the application to CARRP. However, these changes are small and impact only a small percentage of the applications received (almost always less than 5%).

### **3. Comparison of CARRP and Non-CARRP Applications with Regard to Approval, Denial, and Time to Adjudication**

Table 8 compares the approval rates for I-485 and N-400 applicants by CARRP status among those whose application was either approved or denied.

<b>TABLE 8</b>								
<b>APPROVAL AND DENIAL RATES OF I-485 AND N-400 APPLICANTS BY CARRP STATUS</b>								
<b>Fiscal Year of Decision</b>	<b>Not CARRP Processed</b>				<b>Processed Under CARRP</b>			
	<b>Approved</b>	<b>Denied</b>	<b>Approval Percent</b>	<b>Denial Percent</b>	<b>Approve</b>	<b>Denied</b>	<b>Approval Percent</b>	<b>Denial Percent</b>
<b>Approval and Denial Rates of I-485 Applicants by CARRP Status</b>								
<b>2013-2019</b>	<b>3,559,984</b>	<b>257,529</b>	<b>93.25%</b>	<b>6.75%</b>	<b>5,844</b>	<b>1,472</b>	<b>79.88%</b>	<b>20.12%</b>
<b>Approval and Denial Rates of N-400 Applicants by CARRP Status</b>								
<b>2013-2019</b>	<b>4,835,184</b>	<b>434,154</b>	<b>91.76%</b>	<b>8.24%</b>	<b>12,317</b>	<b>2,761</b>	<b>81.69%</b>	<b>18.31%</b>

Table 8 shows that overall

- i) While almost all applications processed through the normal vetting process are approved (93.25% of I-485 and 91.76% of N-400 applications) and most of those processed through CARRP are also approved (over 75% of the applications), the denial rate for those processed under CARRP is significantly higher than the denial rate for those not processed under CARRP. That is, those in the population referred to CARRP are more likely to be ineligible for an immigration benefit and be denied than the non-CARRP processed applications.<sup>41</sup>

<sup>41</sup> Or, although unlikely, it could be that the non-CARRP screening simply misses more people who should be denied.

It is not surprising that the screening process for identifying who is and who is not a national security concern is far from perfect. Of course, if it were perfect, there would be no need for CARRP. The CARRP policy is based on the premise that a higher degree of scrutiny will permit deconfliction with other agencies, resolve whether the applicant is actually a national security concern, and resolve whether an applicant who is a national security concern is eligible for the benefit sought, so that appropriate action can be taken. Further, if the applicant turns out to not be a national security concern and is acceptable for an immigration benefit, the cost of the increased scrutiny will be an increase in the average<sup>42</sup> time to approval; on the other hand, if the applicant turns out to be a national security concern, the benefit will be identifying a national security concern and taking appropriate action.

Table 9 compares the time to adjudication for I-485 and N-400 applicants by CARRP status given the applicant is adjudicated.<sup>43</sup>

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<sup>42</sup> I say “on average” since some applications will be quickly determined not to be national security concerns and will therefore be more quickly approved if the applicant is not otherwise ineligible (perhaps almost as quickly as if not processed through CARRP).

<sup>43</sup> Almost all adjudications are denials or approvals, but there are a few cases which are closed without a denial or approval determination for administrative or other reasons. These cases are included in the time to adjudication calculation.

<b>TABLE 9</b>				
<b>U.S. CITIZENSHIP &amp; IMMIGRATION SERVICES FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS FORM N-400, APPLICATION FOR NATURALIZATION AVERAGE AND MEDIAN PROCESSING TIMES FOR ADJUDICATED APPLICATIONS BY CARRP vs NON-CARRP IN DAYS APPLICATIONS RECEIVED FISCAL YEAR 2013 - 2019</b>				
<b>Form</b>	<b>CARRP</b>	<b>Completions</b>	<b>Mean</b>	<b>Median</b>
I485	NO	3,838,407	262	206
	YES	7,414	635	585
N400	NO	5,307,244	233	197
	YES	15,370	613	570
<b>Grand Total</b>	<b>NO</b>	<b>9,145,651</b>	<b>245</b>	<b>201</b>
	<b>YES</b>	<b>22,784</b>	<b>620</b>	<b>575</b>

Table 9 shows that:

- i) The time to adjudication for applications adjudicated is significantly longer for those processed under CARRP, as expected since the CARRP policy requires a higher degree of scrutiny of the applicants because of the national security concern or potential concern.

However, one must be cautious in interpreting the data presented in Tables 8 and 9 due to the limitation of such analyses in assessing the change in denial and approval rates, comparisons over time because of the impact of pending decisions on the final outcome and time to such outcomes. When looking at time to adjudication, the data is restricted to those who have been adjudicated. This ignores the effect on applicants whose applications have not yet been adjudicated. Hence, the time to adjudication for applicants who apply at the same time is understated since, by definition, the time a case is pending is shorter than the time it will take from filing through adjudication. This will likely not change the conclusion that the time to adjudication is longer for those in CARRP. However, if one wants to compare differences by CARRP status over time, one should compare applicants who apply in the same fiscal year, not those whose applications are adjudicated in the same fiscal year. Moreover, when comparing approval rate differences, one must not only focus on applicants who applied in the same fiscal year, but also adjust for the differences in pending cases. To illustrate this issue, consider the following hypothetical.

<u>Number applied in 2017</u>	<u>Denied</u>	<u>Approved</u>	<u>Pending</u>
Non-CARRP	2,000	7,000	1,000
CARRP	10	35	45

The rates of denial are the same by CARRP status if one focuses only on the number denied and approved.<sup>44</sup> However, if one also assumes that the average time to adjudication is the same by CARRP status, the results could be misleading if the numbers pending are significant. When the pending cases are adjudicated, the average length of time to completion will increase significantly, and the increase would be even greater for those in CARRP.<sup>45</sup> More significantly, if the likelihood of a decision being favorable is higher (or lower) the longer a case is pending, then the denial and approval rates will change, since the percent of pending cases is likely larger among CARRP applications. Another issue is that the percentage of cases pending would be expected to be larger the closer the fiscal year in which the applicant applied is to the when the data collection is truncated (here, September 30, 2019). Hence, if one wants to compare denial rates and time to decision for applicants in the early years to denial rates and time to decision for applicants in the later years, one must account for the date of the application and the length of the possible period until a decision. That is, one must examine the decision process considering both when the application was made and when the decisions are made.

The change in the rates of approvals, denials, and pending decisions of applicants who apply in the same fiscal year by CARRP status will yield insight into whether there is any support for the Plaintiffs' allegations that (i) the alleged "extreme vetting"

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<sup>44</sup> The approval rate for non-CARRP =  $2000 / (2000 + 7000)$ , which equals the CARRP rate of 10/45.

<sup>45</sup> The median will generally be impacted less than the mean, but if the percentage of cases pending is large, then the effect on the median could still be large. However, the mean can be significantly impacted by a few extreme values.

resulting from the EOs increased the time to adjudication, especially for those approved, and that (ii) the alleged “extreme vetting” increased the number and percent of applicants who were not actually a national security concern but were referred to CARRP.<sup>46</sup>

Thus, to analyze the changes in approval and denial rates over fiscal years, and the length of time to adjudications, I grouped applicants by the fiscal year in which they applied and by CARRP status, and computed the following for each group of applicants: approval rates; denial rates; and still pending rates by fiscal year of application and at the end of each subsequent fiscal year until FY 2019 (the last date for which information was collected). Tables 10 and 11 present the pending rates for I-485 and N-400 applications, respectively, while Tables 12 and 13 present the approval rates, and Tables 14 and 15 present the denial rates. All the tables show the rates over time. Hence, for each application fiscal year cohort, I present the rate of outcomes at the end of the fiscal year in which they applied and at the end of each fiscal year after they applied. The maximum number of fiscal years after they applied is six years for the FY 2013 cohort and is lower by one year for each subsequent fiscal year applicant cohort. For example, for the FY 2017 cohort there are values only for the fiscal year in which they applied and for the end of FY 2018 (one year after) and FY 2019 (two years after).

When comparing the results, one must compare results for which the exposure time is the same. The difference between outcomes for the CARRP and non-CARRP same fiscal year cohorts (with the same time to adjudication exposure) allows us to

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<sup>46</sup> Since the data does not allow me to determine who was referred to CARRP but determined to not be of national security concern after review, I use the false positives as a proxy, assuming the percent of cases in which an applicant was found to be a national security concern but was nevertheless approved is a small percent of the approvals.



determine the difference in that outcome by CARRP status. The actual fiscal year after they applied will vary by fiscal year. I have identified the fiscal years which correspond with the Trump Administration. Focusing on the pending rates with the same time (number of subsequent fiscal years) since application, differences between those decisions that are highlighted (*i.e.*, those corresponding to the Trump Administration) and the unhighlighted decisions would indicate the extent to which the data supports or is inconsistent with Plaintiffs' claims that the Executive Orders' alleged call for "extreme vetting" increased the number of applications referred to CARRP and the number of those referred who were not actually a national security concern (and also had a disproportionate impact on Muslims).

Table 10 examines the extent to which I-485 applications remain pending beyond the fiscal year in which the application is submitted, and Table 11 examines the results for N-400 applications.

<b>TABLE 10</b>								
<b>COMPARISON OF PERCENT OF I-485 APPLICANTS STILL PENDING BY THE END OF SUBSEQUENT FISCAL YEARS AFTER THE FISCAL YEAR THEY APPLIED BY CARRP STATUS</b>								
<b>Fiscal Year Applied</b>	<b>CARRP Status</b>	<b>Fiscal Years After Fiscal Year Applied</b>						
		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
		<b>Percent Pending</b>						
2013	NON-CARRP	51.18%	10.90%	7.79%	6.65%	5.96%	5.56%	5.25%
2014	NON-CARRP	55.84%	10.73%	6.81%	5.62%	4.83%	4.35%	.
2015	NON-CARRP	59.47%	12.10%	6.48%	4.63%	3.82%	.	.
2016	NON-CARRP	61.62%	15.12%	6.99%	4.39%	.	.	.
2017	NON-CARRP	71.23%	21.12%	6.84%	.	.	.	.
2018	NON-CARRP	76.12%	20.04%	.	.	.	.	.
2019	NON-CARRP	78.27%	.	.	.	.	.	.
2013	CARRP	83.79%	36.32%	17.66%	11.29%	7.81%	5.28%	3.62%
2014	CARRP	89.78%	51.56%	26.74%	17.08%	11.81%	6.54%	.
2015	CARRP	96.02%	72.23%	36.32%	18.28%	7.21%	.	.
2016	CARRP	97.20%	77.86%	37.95%	14.07%	.	.	.
2017	CARRP	98.36%	72.83%	25.92%	.	.	.	.
2018	CARRP	95.60%	49.07%	.	.	.	.	.
2019	CARRP	88.02%	.	.	.	.	.	.
2013	Diff CRP - NCRP	32.61%	25.42%	9.87%	4.64%	1.85%	-0.28%	-1.63%
2014	Diff CRP - NCRP	33.94%	40.83%	19.93%	11.46%	6.98%	2.19%	.
2015	Diff CRP - NCRP	36.55%	60.13%	29.84%	13.65%	3.39%	.	.
2016	Diff CRP - NCRP	35.58%	62.74%	30.96%	9.68%	.	.	.
2017	Diff CRP - NCRP	27.13%	51.71%	19.08%	.	.	.	.
2018	Diff CRP - NCRP	19.48%	29.03%	.	.	.	.	.
2019	Diff CRP - NCRP	9.75%	.	.	.	.	.	.

Note: All applications that were approved, denied, or pending are considered.  
Yellow represents fiscal years which are in the period FY 2017 - FY 2019.

<b>TABLE 11</b>								
<b>COMPARISON OF PERCENT OF N-400 APPLICANTS STILL PENDING BY THE END OF SUBSEQUENT FISCAL YEARS AFTER THE FISCAL YEAR THEY APPLIED BY CARRP STATUS</b>								
<b>Fiscal Year Applied</b>	<b>CARRP Status</b>	<b>Fiscal Years After Fiscal Year Applied</b>						
		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
		<b>Percent Pending</b>						
2013	NON-CARRP	40.93%	1.64%	0.71%	0.49%	0.39%	0.31%	0.06%
2014	NON-CARRP	49.47%	1.88%	0.66%	0.44%	0.31%	0.09%	.
2015	NON-CARRP	47.31%	2.29%	0.73%	0.42%	0.14%	.	.
2016	NON-CARRP	52.97%	5.34%	1.29%	0.42%	.	.	.
2017	NON-CARRP	70.22%	10.60%	0.67%	.	.	.	.
2018	NON-CARRP	74.52%	6.24%	.	.	.	.	.
2019	NON-CARRP	69.70%	.	.	.	.	.	.
2013	CARRP	84.83%	27.32%	12.25%	7.07%	4.55%	3.16%	1.14%
2014	CARRP	85.38%	34.95%	15.99%	9.14%	5.17%	1.75%	.
2015	CARRP	95.73%	60.65%	24.07%	10.78%	3.36%	.	.
2016	CARRP	98.19%	76.30%	29.60%	7.99%	.	.	.
2017	CARRP	99.56%	76.69%	25.05%	.	.	.	.
2018	CARRP	98.01%	48.73%	.	.	.	.	.
2019	CARRP	89.90%	.	.	.	.	.	.
2013	Diff CRP - NCRP	43.90%	25.68%	11.54%	6.58%	4.16%	2.85%	1.08%
2014	Diff CRP - NCRP	35.91%	33.07%	15.33%	8.70%	4.86%	1.66%	.
2015	Diff CRP - NCRP	48.42%	58.36%	23.34%	10.36%	3.22%	.	.
2016	Diff CRP - NCRP	45.22%	70.96%	28.31%	7.57%	.	.	.
2017	Diff CRP - NCRP	29.34%	66.09%	24.38%	.	.	.	.
2018	Diff CRP - NCRP	23.49%	42.49%	.	.	.	.	.
2019	Diff CRP - NCRP	20.20%	.	.	.	.	.	.

Note: All applications that were approved, denied, or pending are considered.  
Yellow represents fiscal years which are in the period FY 2017 - FY 2019.

Tables 10 and 11 show that:

- (i) Clearly, in each FY, both I-485 and N-400 applications placed in CARRP take longer to be decided.

Plaintiffs claim that the alleged “extreme vetting” as a result of the EOs resulted in increasing the processing times in CARRP. To determine if there is any valid statistical evidence that the processing times meaningfully changed when the EOs were issued, I focused on the differences if any between the processing which took place in FY 2018 (the first full fiscal year which was entirely under the Trump administration) and what took place in FY 2016 (the last full fiscal year entirely which was entirely under the Obama administration). Three quarters of FY 2017 was under the Trump administration. Therefore, to test the sensitivity of the analysis, I also compared the results of FY 2016 to the combined results for FY 2017 and FY 2018, to answer the question of the extent to which what actually occurred differed from what would have occurred if the decisions made in FY 2017 and FY 2018 mirrored the decisions made in FY 2016. This would enable me to measure the impact of any change in outcomes caused by any change (if it existed) in the decision process and the random changes that would occur even if the process was the same. To measure the random change, I conducted the analysis for the non-CARRP population, since there is no allegation that the non-CARRP process would be affected by the “extreme vetting” or any issues associated specifically with the CARRP process. To make sure the comparison between what occurred and what would have been expected if the decisions were identical to the FY 2016 decision process was an “apples to apples” analysis, I controlled for how long the application was pending, measured in how many fiscal years it was pending at the start of the fiscal year decision being studied, since the data shows that how long an application had been pending impacts the likelihood it

still would be pending at the end of the fiscal year review process. I then assumed that if the FY 2017 and FY2018 results mirrored the result in FY 2016, the percent still pending at the end for each cohort<sup>47</sup> of applications in the initial Trump years would be identical to that which occurred in the last pre-Trump FY 2016. That is, for example, if 46% of the applications received in FY 2014 were still pending at the end of FY 2016, we should expect that 46% of the applications received in FY 2016, two fiscal years before FY 2018, should still be pending at the end of the FY 2018. Table 10.1 shows the results of this analysis.

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<sup>47</sup> By cohort, I mean each group of applications that had applied the same number of fiscal years prior to the fiscal year being studied.

**TABLE 10.1**

**SHORTFALL OR SURPLUS OF ADJUDICATIONS AS OF END OF GIVEN FISCAL YEAR IF  
THE RATE OF ADJUDICATIONS WAS THE SAME AS THAT AT THE END OF FY 2016  
CONTROLLING FOR TIME SINCE RECEIPT OF APPLICATIONS**

	<b>I-485</b>				
	<b>FY 2018</b>		<b>FY 2017 &amp; FY 2018</b>		
	<b>ADJUDICATIONS</b>		<b>ADJUDICATIONS</b>		
	<b>Shortfall/Surplus</b>		<b>Shortfall/Surplus</b>		
	<b>(negative) in Adjudications</b>		<b>(negative) in Adjudications</b>		
	<b>Percent of</b>		<b>Percent of</b>		
	<b>Number</b>	<b>Adjudications</b>	<b>Number</b>	<b>Adjudications</b>	
CARRP Applications	-310	4.99%	-664	5.32%	
Non-CARRP Applications	-156,963	5.63%	-242,317	4.39%	
Difference in Percent of Applications		-0.64%		0.93%	
	<b>N-400</b>				
	<b>FY 2018</b>		<b>FY 2017 &amp; FY 2018</b>		
	<b>ADJUDICATIONS</b>		<b>ADJUDICATIONS</b>		
	<b>Shortfall/Surplus</b>		<b>Shortfall/Surplus</b>		
	<b>(negative) in Adjudications</b>		<b>(negative) in Adjudications</b>		
	<b>(negative) in Adjudications</b>		<b>(negative) in Adjudications</b>		
	<b>Percent of</b>		<b>Percent of</b>		
	<b>Number</b>	<b>Adjudications</b>	<b>Number</b>	<b>Adjudications</b>	
CARRP Applications	-534	4.26%	-673	2.60%	
Non-CARRP Applications	-135,774	3.80%	-155,880	2.20%	
Difference in Percent of Applications		0.46%		0.40%	

**NOTE**

Shortfall/Surplus is calculated by setting the approval rates as of the end of the post period (FY 2018 and FY 2018) for applications received the same number of fiscal years before equal to what the approval rates were at the end of FY 2016 and then subtracting from this expected value the number of actual approvals that occurred.

Table 10.1 shows that the rate of adjudications of CARRP decisions as of the end of either post period studied is not meaningfully different from what one would expect if the post period results were identical to the pre FY 2016 results. Table 10.1 indicates that slightly more adjudications than expected occurred in either post period, FY 2018, or FY 2017 combined with FY 2018. However, the differences between the actual and expected rates in CARRP decisions were not only small, they were similar to the differences between actual and expected decisions for non-CARRP applications. This implies that the small difference between expected and actual outcomes among CARRP applications is due to normal variation, and is not related to any changes specific to the CARRP process. Hence, the differences in the CARRP population are clearly not indicative of any impact due to the alleged “extreme vetting”. Instead, the statistical results indicate that the decision process to adjudication did not meaningfully change in either post period FY 2018 or FY 2017 combined with FY 2018. Thus, the data is inconsistent with a claim that the alleged “extreme vetting” initiated by the EOs resulted in increasing the time it takes to adjudicate an application processed in CARRP.

Table 12 examines the approval rate and Table 13 examines the denial rate for I-485 applicants as a function of the number of fiscal years from application. Tables 14 and 15 present the approval rates and denial rates as a function of the number of fiscal years from applications for N-400 applications.

**TABLE 12**

**COMPARISON OF PERCENT OF I-485 APPLICANTS APPROVED BY THE END  
OF SUBSEQUENT FISCAL YEARS AFTER THE FISCAL YEAR THEY APPLIED  
BY CARRP STATUS**

Fiscal Year Applied	CARRP Status	Fiscal Years After Fiscal Year Applied						
		0	1	2	3	4	5	6
		<b>Percent Approved</b>						
2013	NON-CARRP	47.03%	84.35%	86.65%	87.42%	87.88%	88.15%	88.32%
2014	NON-CARRP	42.44%	84.56%	87.65%	88.46%	89.03%	89.34%	.
2015	NON-CARRP	38.97%	83.32%	87.88%	89.18%	89.59%	.	.
2016	NON-CARRP	36.81%	79.99%	86.65%	88.38%	.	.	.
2017	NON-CARRP	27.39%	73.92%	85.85%	.	.	.	.
2018	NON-CARRP	22.76%	74.08%	.	.	.	.	.
2019	NON-CARRP	19.77%	.	.	.	.	.	.
2013	CARRP	14.69%	54.70%	68.45%	72.50%	74.67%	75.76%	76.56%
2014	CARRP	8.62%	41.10%	60.81%	67.20%	70.63%	73.58%	.
2015	CARRP	3.46%	23.43%	53.72%	67.19%	74.34%	.	.
2016	CARRP	1.85%	18.61%	51.63%	67.77%	.	.	.
2017	CARRP	0.85%	21.85%	56.63%	.	.	.	.
2018	CARRP	3.91%	40.95%	.	.	.	.	.
2019	CARRP	7.41%	.	.	.	.	.	.
2013	Diff CRP - NCRP	-32.34%	-29.65%	-18.20%	-14.92%	-13.21%	-12.39%	-11.76%
2014	Diff CRP - NCRP	-33.82%	-43.46%	-26.84%	-21.26%	-18.40%	-15.76%	.
2015	Diff CRP - NCRP	-35.51%	-59.89%	-34.16%	-21.99%	-15.25%	.	.
2016	Diff CRP - NCRP	-34.96%	-61.38%	-35.02%	-20.61%	.	.	.
2017	Diff CRP - NCRP	-26.54%	-52.07%	-29.22%	.	.	.	.
2018	Diff CRP - NCRP	-18.85%	-33.13%	.	.	.	.	.
2019	Diff CRP - NCRP	-12.36%	.	.	.	.	.	.

Note: All applications that were approved, denied, or pending are considered.  
Yellow represents fiscal years which are in the period FY 2017- FY 2019.



<b>TABLE 13</b>								
<b>COMPARISON OF PERCENT OF I-485 APPLICANTS DENIED BY THE END OF SUBSEQUENT FISCAL YEARS AFTER THE FISCAL YEAR THEY APPLIED BY CARRP STATUS</b>								
<b>Fiscal Year Applied</b>	<b>CARRP Status</b>	<b>Fiscal Years After Fiscal Year Applied</b>						
		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
		<b>Percent Denied</b>						
2013	NON-CARRP	1.65%	4.45%	5.18%	5.48%	5.65%	5.76%	5.86%
2014	NON-CARRP	1.59%	4.45%	5.21%	5.55%	5.74%	5.88%	.
2015	NON-CARRP	1.43%	4.30%	5.30%	5.82%	6.18%	.	.
2016	NON-CARRP	1.41%	4.51%	5.90%	6.72%	.	.	.
2017	NON-CARRP	1.14%	4.41%	6.63%	.	.	.	.
2018	NON-CARRP	0.92%	5.41%	.	.	.	.	.
2019	NON-CARRP	1.86%	.	.	.	.	.	.
2013	CARRP	1.37%	8.25%	13.02%	15.12%	16.28%	17.51%	18.31%
2014	CARRP	1.52%	6.86%	11.57%	14.76%	16.44%	18.60%	.
2015	CARRP	0.47%	3.81%	8.90%	13.24%	17.05%	.	.
2016	CARRP	0.73%	3.08%	9.81%	17.38%	.	.	.
2017	CARRP	0.72%	4.92%	16.54%	.	.	.	.
2018	CARRP	0.51%	9.48%	.	.	.	.	.
2019	CARRP	3.99%	.	.	.	.	.	.
2013	Diff CRP - NCRP	-0.28%	3.80%	7.84%	9.64%	10.63%	11.75%	12.45%
2014	Diff CRP - NCRP	-0.07%	2.41%	6.36%	9.21%	10.70%	12.72%	.
2015	Diff CRP - NCRP	-0.96%	-0.49%	3.60%	7.42%	10.87%	.	.
2016	Diff CRP - NCRP	-0.68%	-1.43%	3.91%	10.66%	.	.	.
2017	Diff CRP - NCRP	-0.42%	0.51%	9.91%	.	.	.	.
2018	Diff CRP - NCRP	-0.41%	4.07%	.	.	.	.	.
2019	Diff CRP - NCRP	2.13%	.	.	.	.	.	.

Note: All applications that were approved, denied, or pending are considered.  
Yellow represents fiscal years which are in the period FY 2017 - FY 2019.

<b>TABLE 14</b>								
<b>COMPARISON OF PERCENT OF N-400 APPLICANTS APPROVED BY THE END OF SUBSEQUENT FISCAL YEARS AFTER THE FISCAL YEAR THEY APPLIED BY CARRP STATUS</b>								
<b>Fiscal Year Applied</b>	<b>CARRP Status</b>	<b>Fiscal Years After Fiscal Year Applied</b>						
		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
		<b>Percent Approved</b>						
2013	NON-CARRP	55.77%	90.83%	91.39%	91.49%	91.53%	91.54%	91.56%
2014	NON-CARRP	47.77%	93.36%	91.13%	91.25%	91.28%	91.30%	.
2015	NON-CARRP	49.70%	89.35%	90.60%	90.76%	91.84%	.	.
2016	NON-CARRP	43.94%	86.64%	89.37%	89.75%	.	.	.
2017	NON-CARRP	28.09%	81.89%	89.71%	.	.	.	.
2018	NON-CARRP	24.03%	86.02%	.	.	.	.	.
2019	NON-CARRP	28.51%	.	.	.	.	.	.
2013	CARRP	12.94%	62.20%	73.57%	77.08%	78.46%	79.05%	79.55%
2014	CARRP	13.27%	55.65%	69.76%	74.60%	76.61%	77.69%	.
2015	CARRP	3.96%	34.20%	64.19%	73.55%	78.02%	.	.
2016	CARRP	1.55%	20.09%	58.49%	72.77%	.	.	.
2017	CARRP	0.31%	19.28%	59.66%	.	.	.	.
2018	CARRP	1.77%	42.84%	.	.	.	.	.
2019	CARRP	8.90%	.	.	.	.	.	.
2013	Diff CRP - NCRP	-42.83%	-28.63%	-17.82%	-14.41%	-13.07%	-12.49%	-12.01%
2014	Diff CRP - NCRP	-34.50%	-37.71%	-21.37%	-16.65%	-14.67%	-13.61%	.
2015	Diff CRP - NCRP	-45.74%	-55.15%	-26.41%	-17.21%	-13.82%	.	.
2016	Diff CRP - NCRP	-42.39%	-66.55%	-30.88%	-16.98%	.	.	.
2017	Diff CRP - NCRP	-27.78%	-62.61%	-30.05%	.	.	.	.
2018	Diff CRP - NCRP	-22.26%	-43.18%	.	.	.	.	.
2019	Diff CRP - NCRP	-19.61%	.	.	.	.	.	.

Note: All applications that were approved, denied, or pending are considered.  
Yellow represents fiscal years which are in the period FY 2017- FY 2019.

<b>TABLE 15</b>								
<b>COMPARISON OF PERCENT OF N-400 APPLICANTS DENIED BY THE END OF SUBSEQUENT FISCAL YEARS AFTER THE FISCAL YEAR THEY APPLIED BY CARRP STATUS</b>								
<b>Fiscal Year Applied</b>	<b>CARRP Status</b>	<b>Fiscal Years After Fiscal Year Applied</b>						
		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
		<b>Percent Denied</b>						
2013	NON-CARRP	3.05%	7.03%	7.37%	7.46%	7.51%	7.57%	7.72%
2014	NON-CARRP	2.55%	7.23%	7.64%	7.73%	7.81%	7.94%	.
2015	NON-CARRP	2.76%	7.66%	8.13%	8.26%	8.41%	.	.
2016	NON-CARRP	2.91%	7.45%	8.60%	8.99%	.	.	.
2017	NON-CARRP	1.49%	6.85%	8.67%	.	.	.	.
2018	NON-CARRP	1.18%	6.41%	.	.	.	.	.
2019	NON-CARRP	1.42%	.	.	.	.	.	.
2013	CARRP	2.17%	10.03%	13.39%	14.72%	15.76%	16.50%	17.34%
2014	CARRP	1.24%	8.84%	13.31%	15.15%	17.07%	18.99%	.
2015	CARRP	0.31%	4.86%	10.73%	14.19%	16.68%	.	.
2016	CARRP	0.25%	3.27%	10.69%	17.16%	.	.	.
2017	CARRP	1.40%	3.72%	13.72%	.	.	.	.
2018	CARRP	0.09%	6.61%	.	.	.	.	.
2019	CARRP	0.94%	.	.	.	.	.	.
2013	Diff CRP - NCRP	-0.88%	3.00%	6.02%	7.26%	8.25%	8.93%	9.62%
2014	Diff CRP - NCRP	-1.31%	1.61%	5.67%	7.42%	9.26%	11.05%	.
2015	Diff CRP - NCRP	-2.45%	-2.80%	2.60%	5.93%	8.27%	.	.
2016	Diff CRP - NCRP	-2.66%	-4.18%	2.09%	8.17%	.	.	.
2017	Diff CRP - NCRP	-0.09%	-3.13%	5.05%	.	.	.	.
2018	Diff CRP - NCRP	-1.09%	0.20%	.	.	.	.	.
2019	Diff CRP - NCRP	-0.48%	.	.	.	.	.	.

Note: All applications that were approved, denied, or pending are considered.  
Yellow represents fiscal years which are in the period FY 2017 - FY 2019.

Tables 12 through 15 show that

- (i) Clearly, the percent approved was lower by the end of each subsequent FY for applications processed in CARRP, but the difference in the approval rate tends to narrow over time
- (ii) Almost all applicants not in CARRP and who will be approved are approved within one fiscal year after their application.
- (iii) At the end of the first one or two years, the denial rate of CARRP applications is slightly less than that of non-CARRP applications, but thereafter the denial rate for those in CARRP is markedly higher than that for those not in CARRP.
- (iv) Moreover, the disparity adverse to those in CARPP increases over time.

Plaintiffs' claim that the alleged "extreme vetting" as a result of the EOs would mean that more applicants should be referred to CARRP, and the approval rate should increase as a result of referring persons who should not have been referred and would have been approved faster if not referred to CARRP. As discussed above, the referral rate to CARRP did not increase with the installation of the Trump administration. Nevertheless, I conducted a study methodologically identical to that described above to produce Table 10.1, which analyzed whether the decision process of whether to leave a CARRP case pending changed after the issuance of the EOs in FY 2017. The only difference between the two analyses is that instead of studying whether an application was still pending, I studied whether an application was approved. The results are presented in Table 12.1

**TABLE 12.1**

**SHORTFALL OR SURPLUS OF APPROVALS AS OF END OF GIVEN FISCAL YEAR IF THE RATE OF APPROVALS WAS THE SAME AS THAT AT THE END OF FY 2016 CONTROLLING FOR TIME SINCE RECEIPT OF APPLICATIONS**

	<b>I-485</b>			
	<b>FY 2018 APPROVALS</b>		<b>FY 2017 &amp; FY 2018 APPROVALS</b>	
	<b>Shortfall/Surplus (negative) in Approvals</b>		<b>Shortfall/Surplus (negative) in Approvals</b>	
	<b>Number</b>	<b>Percent of Approvals</b>	<b>Number</b>	<b>Percent of Approvals</b>
CARRP Applications	255	4.12%	544	4.36%
Non-CARRP Applications	164,163	5.89%	250,842	4.55%
Difference in Percent of Applications		-1.77%		-0.19%
	<b>N-400</b>			
	<b>FY 2018 APPROVALS</b>		<b>FY 2017 &amp; FY 2018 APPROVALS</b>	
	<b>Shortfall/Surplus (negative) in Approvals</b>		<b>Shortfall/Surplus (negative) in Approvals</b>	
	<b>Number</b>	<b>Percent of Approvals</b>	<b>Number</b>	<b>Percent of Approvals</b>
CARRP Applications	475	3.78%	588	2.27%
Non-CARRP Applications	133,578	3.74%	151,389	2.13%
Difference in Percent of Applications		0.04%		0.14%

**NOTE**

Shortfall/Surplus is calculated by setting the approval rates as of the end of the post period (FY 2018 and FY 2018) for applications received the same number of fiscal years before equal to what the approval rates were at the end of FY 2016 and then subtracting from this expected value the number of actual approvals that occurred.

Table 12.1 shows that:

- (i) The rate of CARRP approval decisions as of the end of either of the two post time periods FY 2018 or FY 2017 and FY 2018 combined is not meaningfully different from what one would expect if the post periods results were identical to the pre FY 2016 results. Table 12.1 indicates that slightly fewer approvals than expected occurred in the post period. However, the differences between the actual and expected approval rates in CARRP were not only small, they were similar to the differences between actual and expected approval decisions for non-CARRP applications. This implies that the small difference between expected and actual outcomes among CARRP applications is due to normal variation and is not related to any changes specific to the CARRP process. Hence, the differences in the CARRP actual and expected approvals pre and post issuance of the EOs are not indicative of the any impact due to the alleged “extreme vetting”. The statistical results instead indicate that the rate of approvals did not change meaningfully in the either of the two time post periods FY 2018 or FY 2017 and FY 2018 combined. Thus, the data is inconsistent with any suggestion that the alleged “extreme vetting” initiated by the EOs resulted in proportionately more CARRP referrals being approved.

#### **IV. ANALYSIS OF THE IMPACT OF MUSLIM STATUS ON OUTCOMES**

##### **1. Referral for processing under CARRP**

There are three issues which the data may help address. One issue is whether there is any statistical data to support an inference that applicants from majority Muslim countries were treated differently than applicants from majority non-Muslim countries. That is, is there statistical data to affirm whether the CARRP policies were neutrally applied without regard to Muslim status? The second issue is whether there is any data to support the allegation that the disparate impact of the CARRP policy was exacerbated by the alleged “extreme vetting” resulting from the EOs. The third issue is whether the processes changed to the disadvantage of Muslims as a result of the EOs.

Plaintiffs claim that applicants from Muslim countries are more likely to be referred to CARRP for processing, and that this disparity was exacerbated by the Trump Administration’s EOs requiring “extreme vetting,” and that under the Trump Administration the processes were changed to the disadvantage of Muslims. Table 16 presents the overall percentage referred to CARRP by their status as born in a majority Muslim country or not and for fiscal year for I-485 applicants. Table 17 presents the same information for N-400 applicants.

TABLE 16

COUNTS OF I-485 APPLICANTS, REFERRAL RATE TO CARRP  
MUSLIM STATUS DEFINED BY BIRTH COUNTRY

NON- MUSLIM (<50%)						MUSLIM (>50%)					
Fiscal Year	Total	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CARRP	Fiscal Year	Total	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CARRP
13	535,030	712	0.133%	N/A	50.9%	13	66,976	686	1.02%	N/A	49.1%
14	553,934	521	0.094%	-29.32%	41.3%	14	82,214	740	0.90%	-12.12%	58.7%
15	552,235	729	0.13%	40.35%	42.6%	15	84,385	982	1.16%	29.29%	57.4%
16	622,931	608	0.10%	-26.06%	34.0%	16	86,599	1,179	1.36%	16.99%	66.0%
17	662,514	587	0.09%	-9.22%	38.2%	17	96,864	950	0.98%	-27.96%	61.8%
18	603,243	397	0.07%	-25.72%	32.9%	18	95,557	811	0.85%	-13.46%	67.1%
19	527,980	211	0.04%	-39.28%	38.7%	19	67,347	334	0.50%	-41.57%	61.3%
<b>TOTAL</b>	<b>4,057,867</b>	<b>3,765</b>	<b>0.09%</b>		<b>39.9%</b>	<b>TOTAL</b>	<b>579,942</b>	<b>5,682</b>	<b>0.98%</b>		<b>60.1%</b>

MUSLIM (>90%)						7 MUSLIM COUNTRIES IDENTIFIED IN EO7					
Fiscal Year	Total	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CARRP	Fiscal Year	Total	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CARRP
13	47,719	580	1.22%	N/A	41.5%	13	23,304	270	1.16%	N/A	19.3%
14	61,619	622	1.01%	-16.95%	49.3%	14	35,024	342	0.98%	-15.72%	27.1%
15	63,005	884	1.40%	39.00%	51.7%	15	37,098	558	1.50%	54.04%	32.6%
16	60,842	1,071	1.76%	25.46%	59.9%	16	33,328	720	2.16%	43.63%	40.3%
17	66,576	836	1.26%	-28.67%	54.4%	17	38,065	585	1.54%	-28.86%	38.1%
18	64,169	705	1.10%	-12.51%	58.4%	18	36,758	483	1.31%	-14.50%	40.0%
19	36,137	282	0.78%	-28.97%	51.7%	19	11,317	153	1.35%	2.89%	28.1%
<b>TOTAL</b>	<b>400,067</b>	<b>4,980</b>	<b>1.24%</b>		<b>52.7%</b>	<b>TOTAL</b>	<b>214,894</b>	<b>3,111</b>	<b>1.45%</b>		<b>32.9%</b>



TABLE 17

**COUNTS OF N-400 APPLICANTS, REFERRAL RATE TO CARRP  
MUSLIM STATUS DEFINED BY BIRTH COUNTRY**

NON- MUSLIM (<50%)						MUSLIM (>50%)					
Fiscal Year	Total	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CARRP	Fiscal Year	Total	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CARRP
13	654,672	475	0.07%	N/A	23.5%	13	117,814	1,548	1.31%	N/A	76.5%
14	669,260	745	0.11%	53.42%	25.1%	14	116,468	2,225	1.91%	45.39%	74.9%
15	662,153	1,151	0.17%	56.15%	29.8%	15	123,096	2,717	2.21%	15.54%	70.2%
16	859,305	1,219	0.14%	-18.39%	34.7%	16	125,401	2,295	1.83%	-17.08%	65.3%
17	856,071	1,275	0.15%	4.99%	43.5%	17	123,743	1,657	1.34%	-26.83%	56.5%
18	712,783	791	0.11%	-25.49%	36.2%	18	122,937	1,392	1.13%	-15.44%	63.8%
19	686,356	280	0.04%	-63.24%	24.0%	19	134,904	887	0.66%	-41.93%	76.0%
<b>TOTAL</b>	<b>5,100,600</b>	<b>5,936</b>	<b>0.12%</b>		<b>31.8%</b>	<b>TOTAL</b>	<b>864,363</b>	<b>12,721</b>	<b>1.47%</b>		<b>68.2%</b>

MUSLIM (>90%)						7 MUSLIM COUNTRIES IDENTIFIED IN EO7					
Fiscal Year	Total	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CARRP	Fiscal Year	Total	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CARRP
13	78,014	1,332	1.71%	N/A	65.8%	13	36,471	669	1.83%	N/A	33.1%
14	77,792	1,973	2.54%	48.55%	66.4%	14	38,061	1,123	2.95%	60.85%	37.8%
15	81,608	2,409	2.95%	16.39%	62.3%	15	40,531	1,438	3.55%	20.25%	37.2%
16	81,270	1,962	2.41%	-18.22%	55.8%	16	36,456	1,052	2.89%	-18.67%	29.9%
17	82,043	1,388	1.69%	-29.92%	47.3%	17	38,339	752	1.96%	-32.03%	25.6%
18	84,752	1,203	1.42%	-16.10%	55.1%	18	42,802	755	1.76%	-10.07%	34.6%
19	94,755	784	0.83%	-41.71%	67.2%	19	46,271	511	1.10%	-37.39%	43.8%
<b>TOTAL</b>	<b>580,234</b>	<b>11,051</b>	<b>1.90%</b>		<b>59.2%</b>	<b>TOTAL</b>	<b>278,931</b>	<b>6,300</b>	<b>2.26%</b>		<b>33.8%</b>

Examining the results presented in Tables 16 and 17 in aggregate and over the seven fiscal years, focusing on the results pre- and post- the Trump Administration inauguration in F2017, I find:

- (i) The I-485 data does not support the allegation that the disparity in the likelihood of referral to CARRP between an application from an applicant born in a majority Muslim country and an application from an applicant not born in a majority Muslim country was exacerbated by the Trump Administration's EOs requiring "extreme vetting. In FY 2016, the fiscal year prior to the Trump Administration, 1.36% of the applications from majority Muslim countries were referred to CARRP and 0.10% of applications from non-majority Muslim countries were referred to CARRP. The number and percent of referrals to CARRP declined under the Trump Administration for both applications from applicants born in majority Muslim countries and from non-majority Muslim countries, which is not consistent with an allegation of "extreme vetting" under the Trump Administration. Moreover, the percentage decrease in applications referred to CARRP between FY 2016 and FY 2019 was essentially the same for applications from applicants born in majority Muslim countries (63%) and those from non-majority Muslim countries (59%).
- (ii) Unlike the I-485 data, the N-400 data is not totally inconsistent with the allegation of "extreme vetting", but the pattern provides scant support to that allegation as referrals to CARRP decreased, but the rate of the decrease in referrals is larger for those born in non-majority Muslim countries than for those born in majority Muslim countries. In FY 2016, the fiscal year prior to the Trump Administration, 1.83% of the applications from majority Muslim countries were referred to CARRP and 0.14% of applications from non-majority Muslim countries were referred to CARRP. The number and percent of referrals to CARRP declined under the Trump Administration for both for applications from applicants born in majority Muslim countries and from non-majority Muslim countries, which is not consistent with an

allegation of “extreme” vetting under the Trump Administration. Moreover, the percentage decrease in applications referred to CARRP between FY 2016 and FY 2019 was similar for applications from applicants born in majority Muslim countries (66%) and those from non-majority Muslim countries (96%). In aggregate and over all the years, the CARRP policy has a disproportionate impact on Muslim applicants<sup>48</sup>. This impact existed from the beginning of the period and continued throughout the period. That is, while there is no statistical evidence that the CARRP policies are not uniformly applied independent of Muslim status, the effect is that the policies have a disparate impact on Muslims. There are limitations to the significance of such a statistical disparity, especially as regards inferring Muslim bias, given that disparate impact alone does not suggest or prove the reason(s) for it.<sup>49</sup>

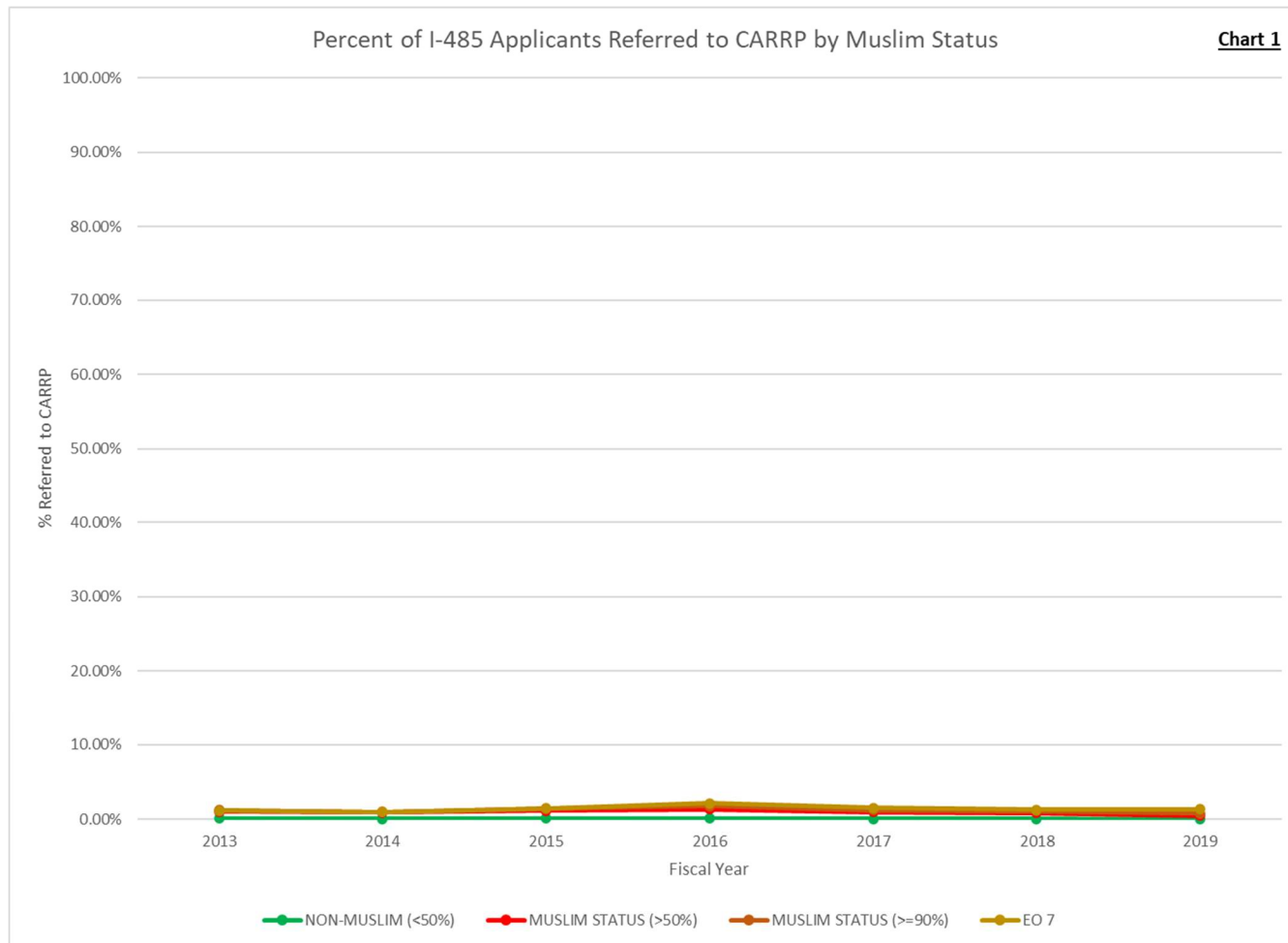
Examining the pattern of application by fiscal year and Muslim status of the applicants’ country of birth:

- (i) The percent of I-485 applicants referred to CARRP remains small overall and over time, regardless of Muslim status (overall, the maximum percentage of any Muslim status group referred to CARRP is always less than 1.45%, and over time, the maximum is 2.16% from the seven EO countries in FY 2016; but, in only three out of 21 year/status combinations is it greater than 1.5%). (See Chart 1 using a scale of 100%).

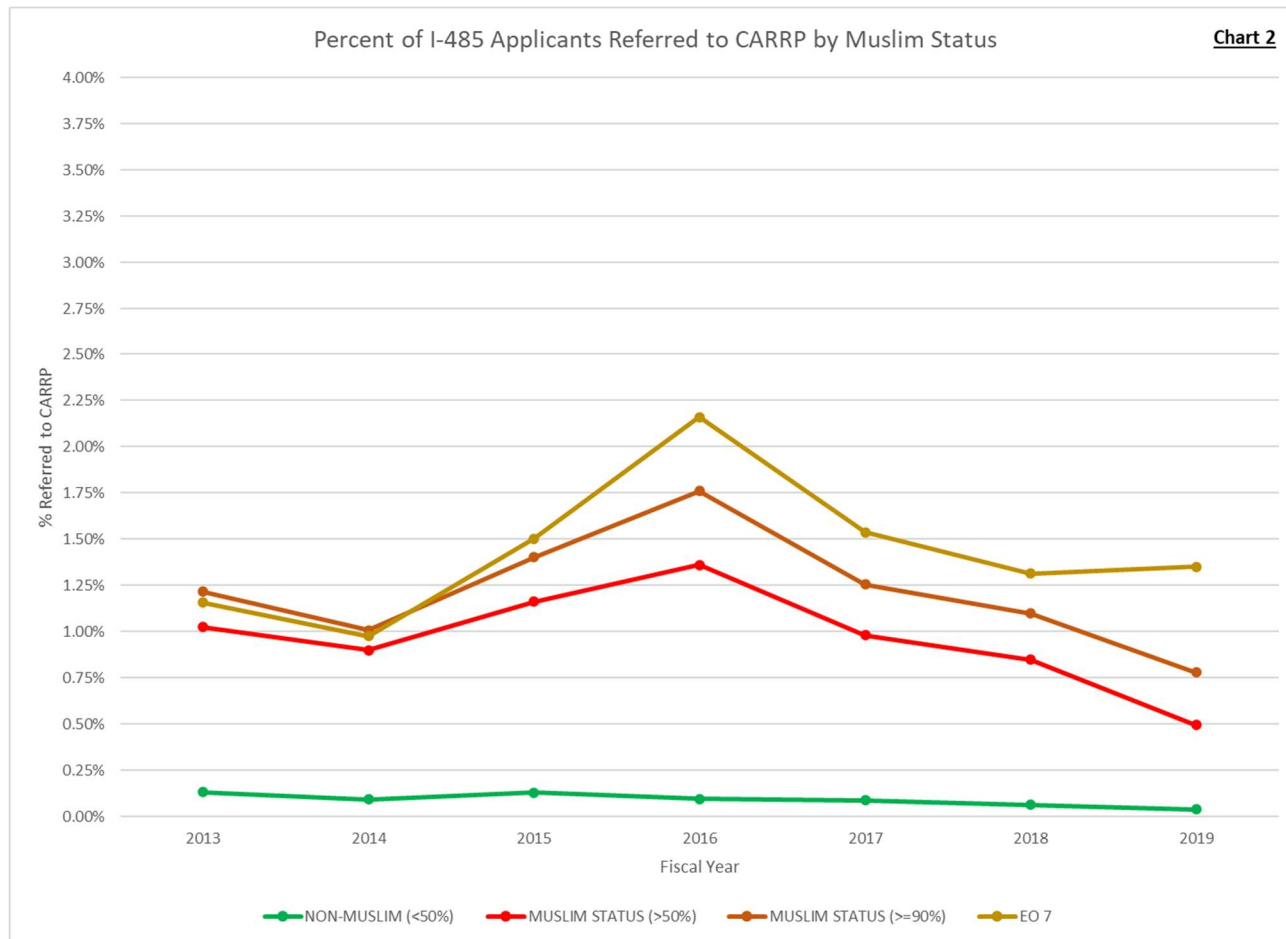
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<sup>48</sup> Being referred to CARRP is an adverse action for an application since on average it will increase the likelihood that an application will be denied and likely increase the processing time for those ultimately approved, regardless of whether the application is from an applicant born in a non-majority Muslim country or a country with a majority Muslim population.

<sup>49</sup> Plaintiffs allege that the CARRP process has a disparate impact, but do not specify any particular policies causing the disparate impact. Nor do they show that similarly situated applications are treated differently because of where the applicant was born.

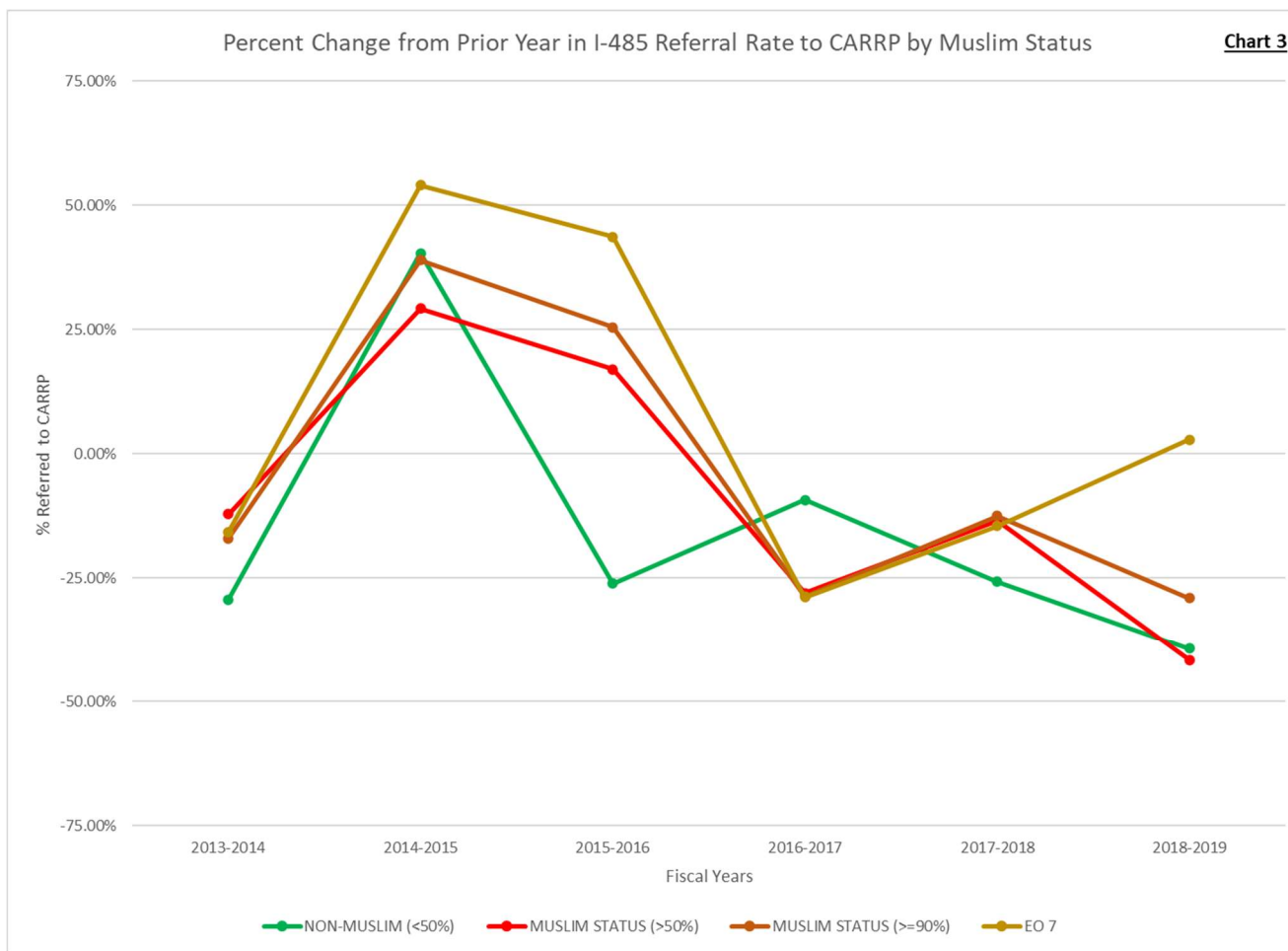


- (ii) Looking at the change in referral rates over time by Muslim status, we see that the pattern is very similar regardless of Muslim status. The fiscal year cohort rates start increasing for the FY 2015 cohort, with the biggest increase occurring for FY 2016 cohort. (See Chart 2 with a scale of 2.0%).

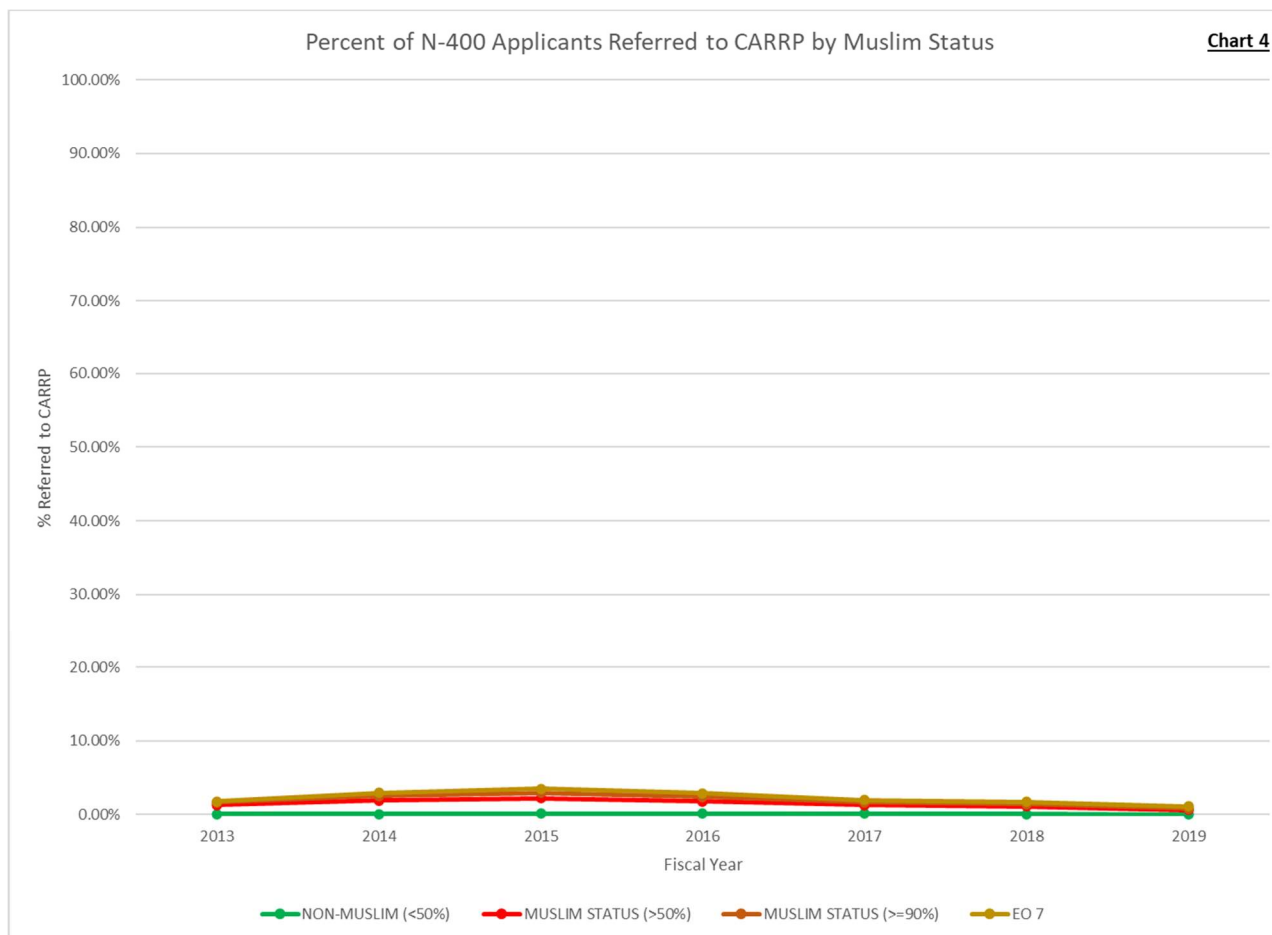


- (iii) While the pattern is the same without regard to Muslim status, the magnitude of the increases and number of referrals is greatest for applicants from majority Muslim countries. However, when we look at the relative percentage changes (that is, the percentage change from fiscal year to fiscal year), we find that not only is the pattern the same, but the

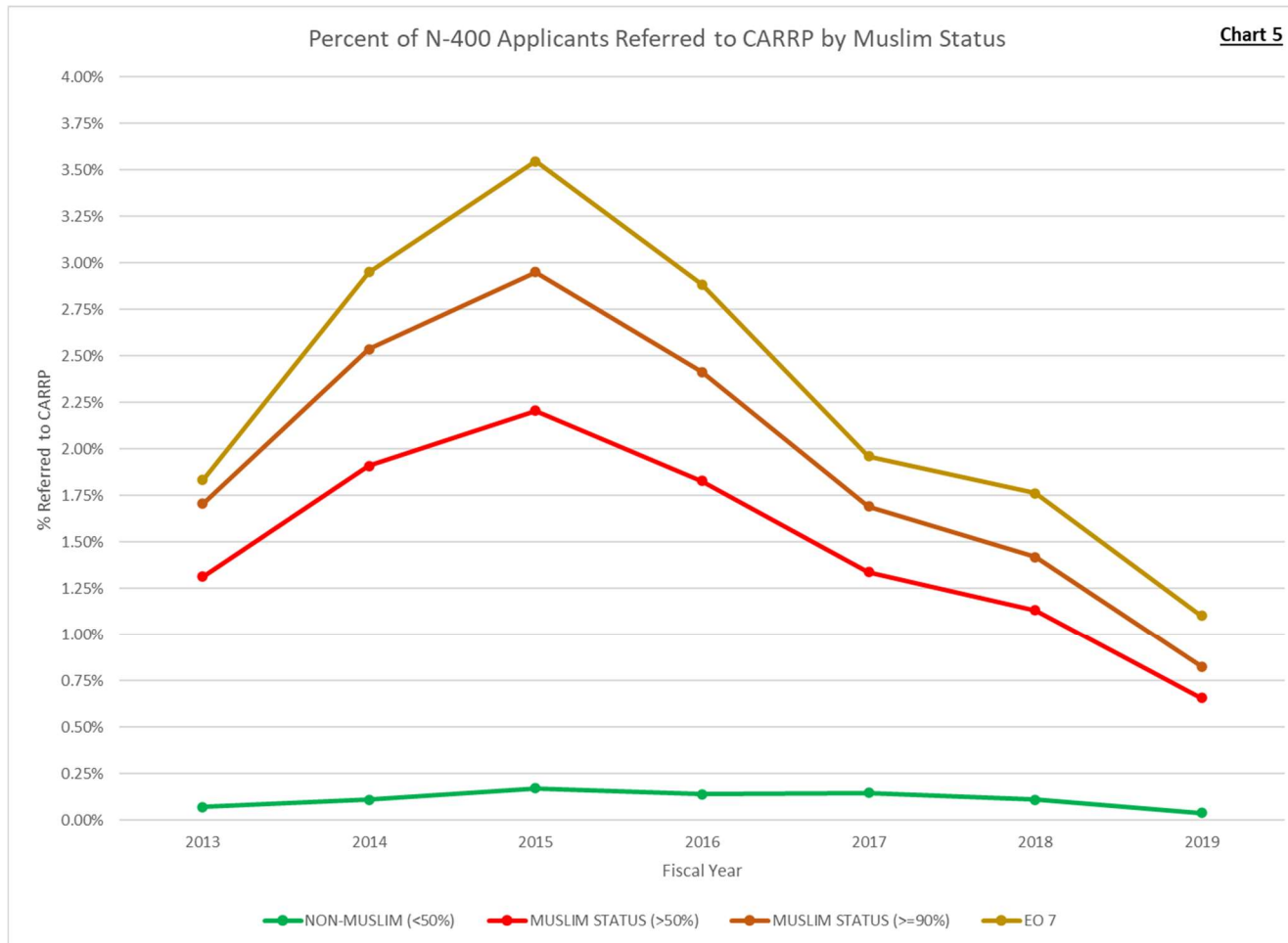
magnitude of change is also the same by Muslim status. Thus, we see no discernable effect based on Muslim status. (See Chart 3).



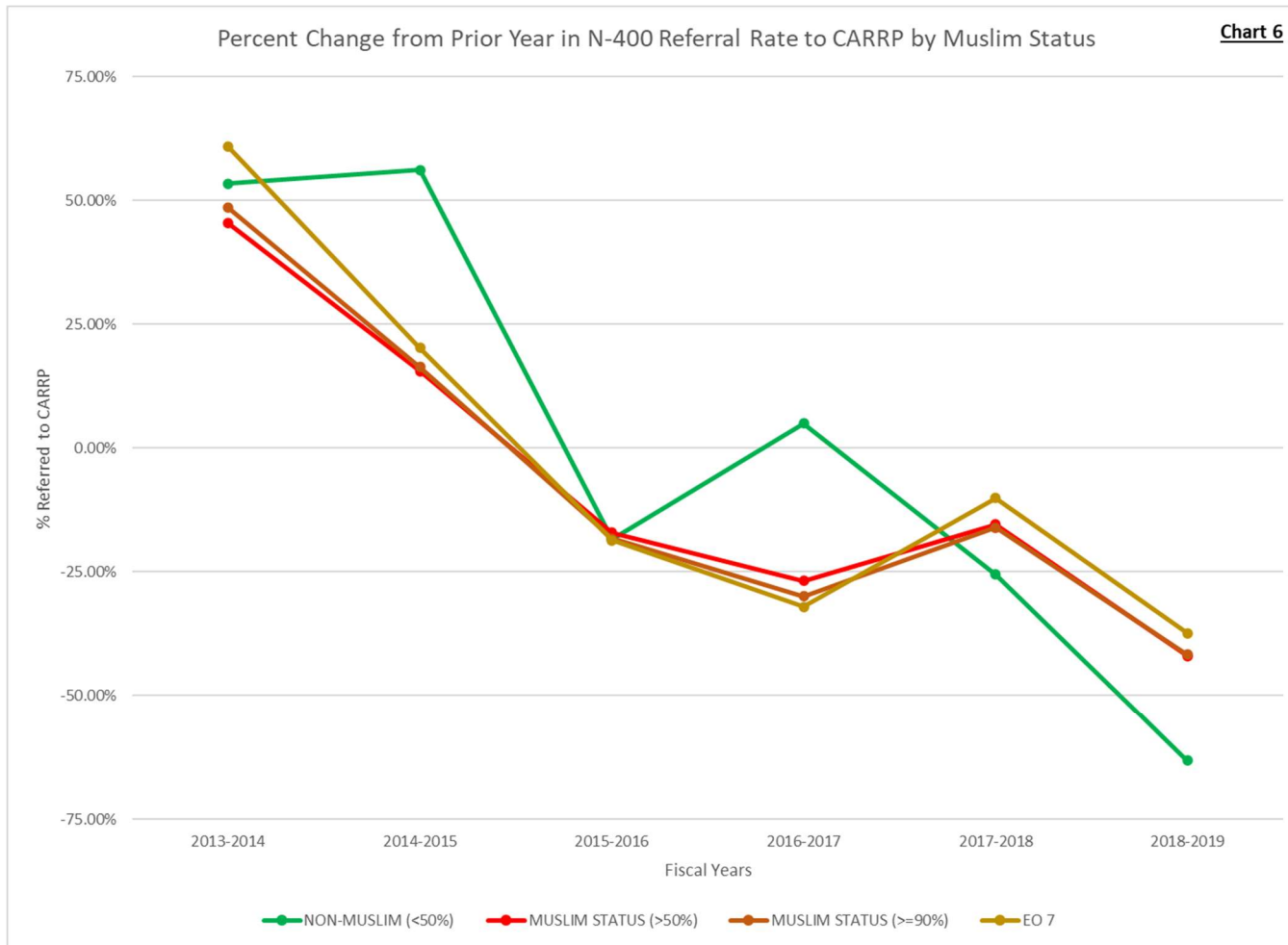
(iv) There is a similar pattern<sup>50</sup> for the N-400 applicants as for I-485 applicants. (See Charts 4, 5, and 6 below).



<sup>50</sup> Except the referral rate of all N-400 FY 2014 cohorts is higher than the FY 2013 referral rate, while the FY 2015 rate is lower. Thereafter, the patterns are the same.







Disparate impact is commonly measured by computing the ratio of the selection rate of the control group (non-Muslim) to that of the protected class (those with a given Muslim status). This ratio is referred to as the 80% rule<sup>51</sup> and, as a rule of thumb, values less than 80% are considered to have a meaningful disparate impact. Normally, the outcome being measured is a positive outcome, such as passing a test or being hired. However, in this case, the outcome of referral to CARRP is considered to be adverse to the applicant (from the applicants' perspective). Therefore, in this case one can either switch the measure to look at not being referred to CARRP, or one can compute the inverse of the normal ratio (*i.e.*, compare the ratio of the selection of the control group to the that of the Muslim status group so a lower value represents a worse outcome for the protected class). To be conservative, rather than changing the outcome, I compute the 80% ratio as the inverse of the ratio.<sup>52</sup> Changes in this ratio are determined by the changes in the relative percent of the protected and control groups. Table 18 computes the 80% rule by Muslim status for I-485 and N-400 applications by each FY.

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<sup>51</sup> The 80% rule put forth in the Uniform Guidelines for Employee Selection Procedures (See 43 FR 38290, et seq. (Aug. 25, 1978) and 43 FR 40223 (Sept. 11, 1978)) is a commonly used measure to assist the Court in determining if a difference is meaningful and valid statistical evidence of disparate impact. The decision of whether a disparity is large enough to be meaningful (of practical significance) is a judgment call which is ultimately up to the Court. Statistics such as the 80% rule or the gap between approvals and denials are offered only as an aid to the Court in making such a decision, which is normally based on the totality of the information available to the Court.

<sup>52</sup> Since referral to CARRP is rare, studying the positive outcome of not being referred will always pass the 80% rule, while the inverse ratio may markedly fail the 80% rule. For example, if 0.5% of the control group fails the test, but 1.5% of the protected class passes the test, then the 80% rule using the inverse of the failure rates is 33% (0.5/1.5), which clearly fails the 80% rule (falling outside the 80% to 120% range). But, if we use the passing rate, then the 80% rule is satisfied with a 99% value (98.5%/99.5% or 0.985/0.995), which clearly passes the rule. However, since I am focusing on the change over time, which measure I use is not important since only the pattern over time is relevant.

**TABLE 18**

**80% RULE COMPARISONS OF CARRP REFERRALS  
(OR NON-CARRP REFERRALS) BY MUSLIM STATUS  
MUSLIM STATUS DEFINED BY BIRTH COUNTRY**

FISCAL YEAR	N-400 APPLICATIONS			I-485 APPLICANTS		
	80% Rule based on CARRP Referrals			80% Rule based on CARRP Referrals		
	90%			90%		
	Muslim Rate/non- Muslim Rate	Muslim Rate/non- Muslim Rate	EO7 Rate/non- Muslim Rate	Muslim Rate/non- Muslim Rate	Muslim Rate/non- Muslim Rate	EO7 Rate/non- Muslim Rate
13	5.5%	4.2%	4.0%	13.0%	10.9%	11.5%
14	5.8%	4.4%	3.8%	10.4%	9.3%	9.6%
15	7.9%	5.9%	4.9%	11.3%	9.4%	8.8%
16	7.8%	5.9%	4.9%	7.2%	5.5%	4.5%
17	11.1%	8.8%	7.6%	9.0%	7.1%	5.8%
18	9.8%	7.8%	6.3%	7.8%	6.0%	5.0%
19	6.2%	4.9%	3.7%	8.1%	5.1%	3.0%
TOTAL	7.9%	6.1%	5.2%	9.5%	7.5%	6.4%

Table 18 shows that the alleged “extreme vetting” did not result in a pattern of increased disparate impact on applications from applicants born in Muslim countries starting in FY 2017, as Plaintiffs allege.

## 2. Agency Source of Referrals to CARRP by Muslim Status

I also looked at the reported agency referrals to see if the agency sources reported in FDNS-DS supporting the referrals to CARRP are different by Muslim status and changed with the start of the Trump Administration. Table 19 compares the agency source of the single reported information source supporting the referral to CARRP by Muslim status for I-485 applicants, and Table 20 compares the agency source of the single reported information source supporting the referral to CARRP by Muslim status for N-400 applicants.

**TABLE 19**

**COMPARISON OF AGENCY SOURCE OF SINGLE REPORTED DATA SUPPORTING REFERRAL OF I-485 APPLICANTS  
BY FISCAL YEAR AND MUSLIM STATUS**

Fiscal Year	Muslim Status Based on Birth Country											
	Percent of Reported Sources Assigned to USCIS				Percent of Reported Sources Assigned to Third Agency				Percent of Reported Sources Assigned to Indeterminate Agency			
	non Muslim	>=50% Muslim	>=90% Muslim	EO7 Countries	non Muslim	>=50% Muslim	>=90% Muslim	EO7 Countries	non Muslim	>=50% Muslim	>=90% Muslim	EO7 Countries
2013	1.7	0.9	0.9	1.1	94.8	92.7	92.6	91.1	3.5	6.4	6.6	7.8
2014	1.3	0.7	0.8	0.6	93.3	93.9	93.3	93.6	5.4	5.4	6.0	5.9
2015	0.7	1.0	0.9	0.9	95.5	95.3	95.3	94.3	3.8	3.7	3.9	4.8
2016	1.6	1.0	0.9	0.8	93.3	93.0	93.1	92.9	5.1	5.9	6.0	6.3
2017	2.4	2.1	1.9	1.9	91.1	89.4	89.5	89.4	6.5	8.5	8.6	8.7
2018	2.3	1.1	1.0	1.2	89.9	92.7	93.1	93.6	7.8	6.2	6.0	5.2
2019	1.9	1.8	1.4	1.3	78.2	85.3	88.7	92.2	19.9	12.9	9.9	6.5
2013-2019	1.6	1.2	1.1	1.1	92.5	92.4	92.6	92.5	5.9	6.4	6.3	6.4

**TABLE 20****COMPARISON OF AGENCY SOURCE OF SINGLE REPORTED DATA SUPPORTING REFERRAL OF N-400 APPLICANTS  
BY FISCAL YEAR AND MUSLIM STATUS**

Fiscal Year	Muslim Status Based on Birth Country											
	Percent of Reported Sources Assigned to USCIS				Percent of Reported Sources Assigned to Third Agency				Percent of Reported Sources Assigned to Indeterminate Agency			
	non Muslim	>=50% Muslim	>=90% Muslim	EO7 Countries	non Muslim	>=50% Muslim	>=90% Muslim	EO7 Countries	non Muslim	>=50% Muslim	>=90% Muslim	EO7 Countries
2013	0.6	0.2	0.2	0.2	93.1	91.3	90.7	85.7	6.3	8.5	9.1	14.2
2014	0.3	0.1	0.1	0.1	97.2	94.7	94.7	92.8	2.6	5.1	5.2	7.1
2015	0.2	0.2	0.2	0.1	97.7	97.9	97.8	97.5	2.1	1.9	2.0	2.4
2016	0.1	0.1	0.2	0.1	96.2	94.6	95.0	95.7	3.7	5.2	4.8	4.2
2017	0.5	0.5	0.4	0.3	74.7	93.9	95.6	95.5	24.9	5.6	4.0	4.3
2018	0.1	0.3	0.3	0.3	76.6	91.7	92.2	92.2	23.3	8.1	7.5	7.6
2019	0.7	0.6	0.6	0.8	84.3	88.2	87.1	87.5	15.0	11.3	12.2	11.7
2013-2019	0.3	0.2	0.2	0.2	88.6	94.1	94.2	93.4	11.1	5.7	5.5	6.4

Tables 19.1 and 20.1 below present the percent by fiscal year of applications for which UCSIS was recorded as supplying relevant data to support the referral to CARRP, adjusted for the source being noted as Indeterminate by dividing the percentage reported for USCIS in Tables 19 and 20 by the percentage of cases where the source of the information was either USCIS or a Third Agency.

**TABLE 19.1**

**COMPARISON OF AGENCY SOURCE OF SINGLE  
REPORTED DATA SUPPORTING REFERRAL OF I-485  
APPLICANTS BY FISCAL YEAR AND MUSLIM STATUS**

**Muslim Status Based on Birth Country  
Adjusted for Indeterminate Cases**

<u>Fiscal Year</u>	<u>Percent of Reported Sources Assigned to USCIS</u>			
	<u>non Muslim</u>	<u>&gt;=50% Muslim</u>	<u>&gt;=90% Muslim</u>	<u>EO7 Countries</u>
2013	1.75	0.93	0.92	1.20
2014	1.42	0.72	0.85	0.62
2015	0.72	1.06	0.94	0.95
2016	1.73	1.08	0.99	0.89
2017	2.56	2.31	2.09	2.06
2018	2.46	1.18	1.05	1.31
2019	2.37	2.07	1.58	1.40
2013-2019	1.72	1.28	1.17	1.21

Note: Indeterminate cases not considered in percent calculation.

**TABLE 20.1**

**COMPARISON OF AGENCY SOURCE OF OF SINGLE  
REPORTED DATA SUPPORTING REFERRAL OF N-400  
APPLICANTS BY FISCAL YEAR AND MUSLIM STATUS**

**Muslim Status Based on Birth Country  
Adjusted for Indeterminate Cases**

<u>Fiscal Year</u>	<u>Percent of Reported Sources Assigned to USCIS</u>			
	<u>non Muslim</u>	<u>&gt;=50% Muslim</u>	<u>&gt;=90% Muslim</u>	<u>EO7 Countries</u>
2013	0.67	0.21	0.25	0.17
2014	0.28	0.14	0.11	0.10
2015	0.17	0.18	0.21	0.07
2016	0.08	0.14	0.16	0.10
2017	0.63	0.51	0.38	0.28
2018	0.17	0.32	0.36	0.28
2019	0.84	0.63	0.73	0.88
2013-2019	0.33	0.25	0.25	0.20

Note: Indeterminate cases not considered in percent calculation.

Tables 19, 19.1, 20, and 20.1 show that

- (i) The agency sources reported in FDNS-DS as supporting the referral of I-485 applications to CARRP are similar by the Muslim status of the applicant. Irrespective of whether the application was from an applicant born in a Muslim or non-

Muslim country, approximately 90% of the time the source was a Third Agency. More significantly, examining Table 19.1 it is clear that under the Trump administration, although it was still rare and the difference was small in terms of percentage points, USCIS was more likely to be the reported source for applications from applicants born in a non-majority Muslim country than a majority Muslim country (or a 90% or greater Muslim country or an EO7 country). This finding is inconsistent with the plaintiffs' "extreme vetting" or Muslim bias allegations. However, the data does show that starting in FY 2017 and concurrent with the inauguration of the Trump administration the percent of sources which could not be assigned to either USCIS or a Third Agency increases.

- (ii) With respect to N-400 applications, the agency source of the data reported in FDNS-DS data bases was rarely USCIS. USCIS was the source reported in less than 1 percent of the cases. Moreover, while reporting USCIS as the source was rare, and there was no significant difference by Muslim status (*i.e.*, for non-majority Muslim and majority Muslim countries, or predominantly (90% or greater) Muslim countries, EO7 countries), generally the rate was higher (unadjusted or adjusted) for applications from applicants born in non-Muslim countries. This finding is inconsistent with the plaintiffs' "extreme vetting" or Muslim bias allegations. However, the data does show that starting in FY 2017, concurrent with the inauguration of the Trump administration, the percent of sources which could not be assigned to either USCIS or Third Agency markedly increases.

Based on the validity data presented in Table 5, as discussed above in reference to Tables 6 and 7, I estimated the extent to which USCIS and Third Agencies were a source supporting the referral (not necessarily the single source of



information recorded) and also estimated the extent to which either agency was the first (or only) source supporting the referral. The data concerning whether the agency was a source or the first source appears to be independent of whether the applicant was born in a majority Muslim country. There is no statistically significant difference in the likelihood of USCIS being a source or the first source irrespective of Muslim status.

The results with respect to USCIS and a Third Agency being a source are presented in Tables 21 and 22, and the results with respect to USCIS or the Third Agency being the first or only source are presented in Tables 21.1 and 22.1.

**TABLE 21**

**ESTIMATED FIRST OR ONLY SOURCE OF NATIONAL SECURITY CONCERN  
INFORMATION RESULTING IN CARRP REFERRAL BY FISCAL YEAR BY MUSLIM  
STATUS FOR I-485 APPLICANTS**

**Muslim Status Based on Birth Country**

<b>Fiscal Year</b>	<b>Estimated Percent of Applications were First Source was Third Agency</b>				<b>Estimated Percent of Applications were First Source was USCIS</b>			
	<b>non- Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>	<b>non- Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>
<b>2013</b>	<b>97.4%</b>	<b>96.4%</b>	<b>96.3%</b>	<b>95.6%</b>	<b>51.7%</b>	<b>52.0%</b>	<b>52.1%</b>	<b>52.5%</b>
<b>2014</b>	<b>96.6%</b>	<b>97.0%</b>	<b>96.6%</b>	<b>96.8%</b>	<b>52.0%</b>	<b>51.7%</b>	<b>51.9%</b>	<b>51.8%</b>
<b>2015</b>	<b>97.7%</b>	<b>97.7%</b>	<b>97.6%</b>	<b>97.1%</b>	<b>51.3%</b>	<b>51.4%</b>	<b>51.4%</b>	<b>51.7%</b>
<b>2016</b>	<b>96.6%</b>	<b>96.5%</b>	<b>96.5%</b>	<b>96.5%</b>	<b>52.1%</b>	<b>52.0%</b>	<b>52.0%</b>	<b>52.0%</b>
<b>2017</b>	<b>95.6%</b>	<b>94.7%</b>	<b>94.7%</b>	<b>94.7%</b>	<b>52.8%</b>	<b>53.2%</b>	<b>53.1%</b>	<b>53.1%</b>
<b>2018</b>	<b>95.0%</b>	<b>96.4%</b>	<b>96.5%</b>	<b>96.8%</b>	<b>53.1%</b>	<b>52.1%</b>	<b>52.0%</b>	<b>51.9%</b>
<b>2019</b>	<b>89.1%</b>	<b>92.7%</b>	<b>94.3%</b>	<b>96.1%</b>	<b>55.9%</b>	<b>54.1%</b>	<b>53.2%</b>	<b>52.3%</b>
<b>TOTAL</b>	<b>96.2%</b>	<b>96.2%</b>	<b>96.3%</b>	<b>96.2%</b>	<b>52.3%</b>	<b>52.2%</b>	<b>52.1%</b>	<b>52.2%</b>

**TABLE 22**

**ESTIMATED FIRST OR ONLY SOURCE OF NATIONAL SECURITY CONCERN  
INFORMATION RESULTING IN CARRP REFERRAL BY FISCAL YEAR BY MUSLIM  
STATUS FOR N-400 APPLICANTS**

**Muslim Status Based on Birth Country**

<b>Fiscal Year</b>	<b>Estimated Percent of Applications were First Source was Third Agency</b>				<b>Estimated Percent of Applications were First Source was USCIS</b>			
	<b>non- Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>	<b>non- Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>
<b>2013</b>	<b>96.5%</b>	<b>95.7%</b>	<b>95.3%</b>	<b>92.8%</b>	<b>51.9%</b>	<b>52.2%</b>	<b>52.4%</b>	<b>53.6%</b>
<b>2014</b>	<b>98.6%</b>	<b>97.4%</b>	<b>97.3%</b>	<b>96.4%</b>	<b>50.8%</b>	<b>51.3%</b>	<b>51.4%</b>	<b>51.8%</b>
<b>2015</b>	<b>98.9%</b>	<b>99.0%</b>	<b>98.9%</b>	<b>98.8%</b>	<b>50.6%</b>	<b>50.6%</b>	<b>50.6%</b>	<b>50.6%</b>
<b>2016</b>	<b>98.1%</b>	<b>97.3%</b>	<b>97.5%</b>	<b>97.9%</b>	<b>51.0%</b>	<b>51.4%</b>	<b>51.3%</b>	<b>51.1%</b>
<b>2017</b>	<b>87.3%</b>	<b>96.9%</b>	<b>97.8%</b>	<b>97.7%</b>	<b>56.5%</b>	<b>51.6%</b>	<b>51.2%</b>	<b>51.2%</b>
<b>2018</b>	<b>88.3%</b>	<b>95.8%</b>	<b>96.1%</b>	<b>96.1%</b>	<b>55.9%</b>	<b>52.2%</b>	<b>52.0%</b>	<b>52.0%</b>
<b>2019</b>	<b>92.1%</b>	<b>94.1%</b>	<b>93.6%</b>	<b>93.7%</b>	<b>54.1%</b>	<b>53.1%</b>	<b>53.4%</b>	<b>53.3%</b>
<b>TOTAL</b>	<b>94.3%</b>	<b>97.0%</b>	<b>97.1%</b>	<b>96.7%</b>	<b>52.9%</b>	<b>51.5%</b>	<b>51.5%</b>	<b>51.7%</b>

Tables 21 and 22 show that

- (i) A Third Agency source is almost always (more than 95% of the time) a source supporting the application referral to CARRP for applicants born in a majority Muslim country. A Third Agency is similarly (slightly but not meaningfully less frequently) a dominant source for referral of applicants born in a majority non-Muslim country. USCIS is also a

referral source slightly more than one-third of the time and slightly, although not meaningfully, more frequently for applications from applicants born in non-Muslim countries.

- (ii) However, starting in FY 2017, concurrent with the issuance of the EOs, the USCIS becomes a slightly more frequent source for information relevant for referral of applications from applicants born in a non-Muslim country, and a Third Agency becomes a slightly less frequent source of such information. The changes are much less pronounced for I-485 applications than for N-400 applications, but the pattern is the same. Thus, to the extent that the source of agency information supporting the referral to CARRP changed at all as a result of the Executive Orders, there is no statistical evidence to support an allegation of Muslim bias on the part of USCIS in referring applications to or operating CARRP. The fact that a Third Agency is almost always a source for referral to CARRP, and USCIS is a source about a third of the time for applications from applicants born in a majority Muslim country (or predominantly Muslim country, *i.e.*, with a 90% or greater Muslim population, or an EO7 country) did not change after the EOs were issued.

**TABLE 21.1****ESTIMATED FIRST OR ONLY SOURCE OF NATIONAL SECURITY CONCERN INFORMATION RESULTING  
IN CARRP REFERRAL BY FISCAL YEAR BY MUSLIM STATUS FOR I-485 APPLICANTS****Muslim Status Based on Birth Country**

<b>Fiscal Year</b>	<b>Estimated Percent of Applications were First Source was Third Agency</b>				<b>Estimated Percent of Applications were First Source was USCIS</b>			
	<b>non- Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>	<b>non- Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>
2013	91.2%	90.2%	90.2%	89.4%	8.8%	9.8%	9.8%	10.6%
2014	90.5%	90.9%	90.5%	90.7%	9.5%	9.1%	9.5%	9.3%
2015	91.7%	91.5%	91.5%	91.0%	8.3%	8.5%	8.5%	9.0%
2016	90.4%	90.4%	90.4%	90.4%	9.6%	9.6%	9.6%	9.6%
2017	89.3%	88.4%	88.5%	88.5%	10.7%	11.6%	11.5%	11.5%
2018	88.7%	90.2%	90.4%	90.6%	11.3%	9.8%	9.6%	9.4%
2019	82.9%	86.4%	88.2%	89.9%	17.1%	13.6%	11.8%	10.1%
<b>TOTAL</b>	<b>90.0%</b>	<b>90.1%</b>	<b>90.2%</b>	<b>90.1%</b>	<b>10.0%</b>	<b>9.9%</b>	<b>9.8%</b>	<b>9.9%</b>

**TABLE 22.1****ESTIMATED FIRST OR ONLY SOURCE OF NATIONAL SECURITY CONCERN INFORMATION RESULTING  
IN CARRP REFERRAL BY FISCAL YEAR BY MUSLIM STATUS FOR N-400 APPLICANTS****Muslim Status Based on Birth Country**

<b>Fiscal Year</b>	<b>Estimated Percent of Applications were First Source was Third Agency</b>				<b>Estimated Percent of Applications were First Source was USCIS</b>			
	<b>non- Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>	<b>non- Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>
2013	90.4%	89.6%	89.3%	86.8%	9.6%	10.4%	10.7%	13.2%
2014	92.6%	91.3%	91.3%	90.4%	7.4%	8.7%	8.7%	9.6%
2015	92.8%	92.9%	92.9%	92.7%	7.2%	7.1%	7.1%	7.3%
2016	92.1%	91.3%	91.5%	91.8%	7.9%	8.7%	8.5%	8.2%
2017	81.2%	90.9%	91.8%	91.7%	18.8%	9.1%	8.2%	8.3%
2018	82.2%	89.8%	90.0%	90.1%	17.8%	10.2%	10.0%	9.9%
2019	86.0%	88.0%	87.5%	87.6%	14.0%	12.0%	12.5%	12.4%
<b>TOTAL</b>	<b>88.2%</b>	<b>91.0%</b>	<b>91.1%</b>	<b>90.7%</b>	<b>11.8%</b>	<b>9.0%</b>	<b>8.9%</b>	<b>9.3%</b>

Tables 21.1 and 22.1 show that

- (i) With respect to I-485 or N-400 applications referred to CARRP, irrespective of whether the applicant was born in a majority Muslim country (or predominantly Muslim country, *i.e.*, with a 90% or greater Muslim population, or an EO7 country), a Third Agency (not USCIS) was the first or only agency source supplying information that the applicant may be a national security concern in 9 out of 10 cases. Moreover, to the extent that the role of USCIS as the first or only source increased after FY 2016, it generally increased more among applications from applicants born in non-majority Muslim countries than among majority Muslim or predominantly Muslim countries or from an EO7 country. This

stands in direct contradiction of Plaintiffs' allegation that the Executive Orders under the current administration resulted in "extreme vetting" aimed at Muslim applicants and any anti-Muslim bias on the part of USCIS.

**3. Comparison of CARRP and Non-CARRP applicants with regard to approval and denial by Muslim status and comparison of time to adjudication and time to approval among CARRP applicants by Muslim status**

I have examined the outcomes to determine if there are any differences by Muslim status, and I have compared the results by fiscal year cohorts over time to see if the data indicates any changes in the pattern of outcomes consistent with Plaintiffs' allegation regarding the impact of "extreme vetting". I first looked at the difference in approval rates among those adjudicated over the complete time period from FY 2013 - FY 2019. Table 23 presents the results for I-485 applicants and Table 24 presents the results for N-400 applicants. I computed the approval rate among those adjudicated by Muslim status, using two common measures of disparate impact. One is the difference in the approval rate of the control group (non-Muslim) and the Muslim groups. A positive number means the approval rate is higher for non-Muslims. I also computed the relative difference in the approval rate of applications of applicants born in Muslim countries, divided by the approval rate of non-Muslims. This is referred to as the 80% rule,<sup>53</sup> and a ratio less than 100% means the rate for approval is higher for non-Muslims. As a rule of thumb, ratios below 80% (or above 120%) are considered meaningful and represent statistical evidence of disparate impact; differences that pass the 80% rule (*i.e.*, within the 80% to 120% range) are not valid evidence of disparate impact.

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<sup>53</sup> See The 80% rule put forth in the Uniform Guidelines for Employee Selection Procedures (See 43 FR 38290, et seq. (Aug. 25, 1978) and 43 FR 40223 (Sept. 11, 1978)) is a commonly used measure to assist the Court in determining if a difference is meaningful and valid statistical evidence of disparate impact. The decision of whether a disparity is large enough to be meaningful (of practical significance) is a judgment call which is ultimately up to the Court. Statistics such as the 80% rule or the gap between approvals and denials are offered only as an aid to the Court in making such a decision, normally based on the totality of the information available to the Court.



**TABLE 23**

**COMPARISON OF ACCEPTANCE RATES BY MUSLIM STATUS FYs 2013-2019  
MUSLIM STATUS BASED ON BIRTH COUNTRY**

**FORM I-485 APPLICANTS**

<b>CARRP Status</b>	<b>NUMBER OF APPLICATIONS</b>				<b>ACCEPTANCE RATE</b>			
	<b>NON- MUSLIM (&lt;50%)</b>	<b>Muslim Status (≥50%)</b>	<b>Muslim Status (≥90%)</b>	<b>EO7 Counties</b>	<b>NON- MUSLIM (&lt;50%)</b>	<b>Muslim Status (≥50%)</b>	<b>Muslim Status (≥90%)</b>	<b>EO7 Counties</b>
<b>CARRP</b>	2,973	4,330	3,838	2,418	81.8%	78.6%	79.5%	82.8%
<b>Not CARRP</b>	3,324,569	488,758	352,980	199,851	93.3%	92.9%	95.0%	97.4%
<b>ALL</b>	3,327,542	493,088	356,818	202,269	93.3%	92.8%	94.8%	97.2%

<b>CARRP Status</b>	<b>ACCEPTANCE GAP</b>			<b>RELATIVE DIFFERENCE (80% RULE)</b>		
	<b>Muslim Status (≥50%)</b>	<b>Muslim Status (≥90%)</b>	<b>EO7 Counties</b>	<b>Muslim Status (≥50%)</b>	<b>Muslim Status (≥90%)</b>	<b>EO7 Counties</b>
<b>CARRP</b>	3.2%	2.4%	-1.0%	96.1%	97.1%	101.2%
<b>Not CARRP</b>	0.4%	-1.7%	-4.1%	99.6%	101.8%	104.4%
<b>ALL</b>	0.5%	-1.5%	-3.9%	99.4%	101.6%	104.2%

**TABLE 24**

**COMPARISON OF ACCEPTANCE RATES BY MUSLIM STATUS FYs 2013-2019  
MUSLIM STATUS BASED ON BIRTH COUNTRY**

**FORM N-400 APPLICANTS**

<b>CARRP Status</b>	<b>NUMBER OF APPLICATIONS</b>				<b>ACCEPTANCE RATE</b>			
	<b>NON- MUSLIM (&lt;50%)</b>	<b>Muslim Status (≥50%)</b>	<b>Muslim Status (≥90%)</b>	<b>EO7 Counties</b>	<b>NON- MUSLIM (&lt;50%)</b>	<b>Muslim Status (≥50%)</b>	<b>Muslim Status (≥90%)</b>	<b>EO7 Counties</b>
<b>CARRP</b>	4,631	10,371	9,043	5,156	85.5%	80.4%	80.6%	80.2%
<b>Not CARRP</b>	4,520,974	739,507	491,389	235,438	92.1%	90.3%	90.3%	89.2%
<b>ALL</b>	4,525,605	749,878	500,432	240,594	92.1%	90.1%	90.1%	89.0%

<b>CARRP Status</b>	<b>ACCEPTANCE GAP</b>			<b>RELATIVE DIFFERENCE (80% RULE)</b>		
	<b>Muslim Status (≥50%)</b>	<b>Muslim Status (≥90%)</b>	<b>EO7 Counties</b>	<b>Muslim Status (≥50%)</b>	<b>Muslim Status (≥90%)</b>	<b>EO7 Counties</b>
<b>CARRP</b>	5.1%	4.9%	5.3%	94.0%	94.3%	93.8%
<b>Not CARRP</b>	1.8%	1.8%	2.9%	98.0%	98.0%	96.9%
<b>ALL</b>	2.0%	2.0%	3.1%	97.9%	97.9%	96.7%

Tables 23 and 24 show that

- (i) With respect to the I-485 applicants, there is essentially no difference in outcomes for applications from applicants born in majority non-Muslim countries and majority Muslim countries (either majority Muslim, predominantly Muslim, or EO7 countries).

- (ii) With respect to N-400 applicants, the difference in rates of approval for applications of applicants born in majority non-Muslims and majority Muslim countries processed through CARRP is slightly more pronounced, with the approval rates of all the majority Muslim groups in CARRP being approximately 5% different than the approval rates of majority non-Muslim groups. However, the differences in approval rates between non-Muslims and the various Muslim groups processed through CARRP are still small, and the relative differences would easily pass the 80% rule test. Moreover, this data is inconsistent with Plaintiffs' allegation that applications from applicants born in Muslim countries are more likely than applications from applicants born in non-Muslim countries to be referred to CARRP when they are not actually a national security concern and would be subsequently approved but delayed in the process. Assuming that most applications referred to CARRP that were approved are not a national security concern, Plaintiffs' allegation would imply that the approval rate should be higher for Muslim applications.<sup>54</sup>

I next studied the length of time from application to adjudication separately for I-485 and N-400 applicants by fiscal year for those processed thorough CARRP, comparing the time to adjudication for applicants from non-Muslim countries to the time to adjudication for applicants from (i) countries that are majority Muslim, (ii) predominately Muslim countries (90%), and (iii) the EO7 countries. Table 25 summarizes these results for the I-485 applicants, and Table 26 summarizes these results for the N-400 applicants.

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<sup>54</sup> This assumes that applicants who are actually of national security concern are more likely than applicants who are not of national security concern to have their applications denied. This also assumes that reasons for being ineligible for the benefit other than national security concerns are the same regardless of whether the applicant is actually a national security concern, and that the decision to approve or deny the application for immigration benefits is not impacted by one's country of birth or citizenship.

**TABLE 25**

**TIME TO ADJUDICATION AMONG I-485 APPLICATIONS  
PROCESSED IN CARRP BY FISCAL YEAR AND MUSLIM STATUS  
(NOT MUSLIM OR MUSLIM)**


**Muslim Status Based on Country of Birth**


Fiscal Year	Muslim Status	Months Until Percent of Applications Adjudicated			Muslim Status	Months Until Percent of Applications Adjudicated		
		25%	50%	75%		25%	50%	75%
2013	<50%	6	10	16	>=50%	8	15	26
2014	<50%	9	16	31	>=50%	10	16	29
2015	<50%	17	24	32	>=50%	17	24	36
2016	<50%	19	25	35	>=50%	19	24	35
2017	<50%	17	23	30	>=50%	17	22	30
2018	<50%	13	18	23	>=50%	13	19	23
2019	<50%	11	N/A	N/A	>=50%	11	N/A	N/A

Fiscal Year	Muslim Status	Months Until Percent of Applications Adjudicated			Muslim Status	Months Until Percent of Applications Adjudicated		
		25%	50%	75%		25%	50%	75%
2013	>=90%	8	16	26	E0 7	10	18	26
2014	>=90%	10	16	28	E0 7	11	16	27
2015	>=90%	18	24	36	E0 7	18	24	35
2016	>=90%	19	24	34	E0 7	19	23	33
2017	>=90%	17	22	29	E0 7	17	21	29
2018	>=90%	13	19	23	E0 7	14	19	23
2019	>=90%	11	N/A	N/A	E0 7	N/A	N/A	N/A

**Notes**

Except if noted in red or green. If green, the time to adjudication is statistically significantly shorter than that of non-majority Muslim population; if red, the time to adjudication is statistically significantly longer than that of non-majority Muslim population.

 The time to adjudication is shorter than that of non-Muslim population.

 Adverse to Muslims (longer).

**TABLE 26**

**TIME TO ADJUDICATION AMONG N-400 APPLICATIONS  
PROCESSED IN CARRP BY FISCAL YEAR AND MUSLIM STATUS  
(NOT MUSLIM OR MUSLIM)**

**Muslim Status Based on Country of Birth**


Fiscal Year	Muslim Status	Months Until Percent of Applications Adjudicated			Muslim Status	Months Until Percent of Applications Adjudicated		
		25%	50%	75%		25%	50%	75%
2013	<50%	7	11	18	>=50%	7	10	18
2014	<50%	8	12	19	>=50%	8	12	21
2015	<50%	14	19	28	>=50%	15	20	29
2016	<50%	19	23	30	>=50%	19	23	31
2017	<50%	19	25	31	>=50%	18	23	29
2018	<50%	14	19	N/A	>=50%	13	17	N/A
2019	<50%	10	N/A	N/A	>=50%	11	N/A	N/A


  

Fiscal Year	Muslim Status	Months Until Percent of Applications Adjudicated			Muslim Status	Months Until Percent of Applications Adjudicated		
		25%	50%	75%		25%	50%	75%
2013	>=90%	7	10	18	E0 7	7	10	18
2014	>=90%	8	12	21	E0 7	8	12	20
2015	>=90%	15	20	29	E0 7	15	20	28
2016	>=90%	19	23	31	E0 7	18	23	30
2017	>=90%	18	22	28	E0 7	18	22	28
2018	>=90%	13	17	N/A	E0 7	13	16	N/A
2019	>=90%	11	N/A	N/A	E0 7	11	N/A	N/A

**Notes**

Except if noted in red or green. If green, the time to adjudication is statistically significantly shorter than that of non-majority Muslim population; if red, the time to adjudication is statistically significantly longer than that of non-majority Muslim population.

 The time to adjudication is shorter than that of non-Muslim population.

 Adverse to Muslims (longer).

The tables present for each fiscal year cohort by Muslim status (i) the number of months until 25% of the applicants were adjudicated, (ii) the number of months until 50% of the applicants were adjudicated (*i.e.*, the median time), and (iii) the number of months until 75% of the applicants were adjudicated. The tables show that

- (i) With respect to I-485 and N-400 applications separately for applicants born in majority non-Muslim countries and (a) applicants born in majority Muslims countries, (b) applicants born in predominately Muslim countries, and (c) applicants born in one of the EO7 countries who applied in the same FY, the distribution of the number of months until a percentage of cases are adjudicated is very similar. While the time lag to adjudication changes over time, the differences between the non-Muslims and Muslim groups remained fairly constant and similar. I statistically tested the hypothesis that the distribution of time lags to decision would be the same for each Muslim status group as for the non-Muslim group, using the 5% statistical benchmark to determine statistical significance.<sup>55</sup> Very few difference in time to adjudication were statistically significant. For I-485 applications, only in FY 2013 were those born in non-majority Muslim countries adjudicated statistically significantly more quickly than those from majority Muslim countries, or from predominantly (90% or greater) Muslim countries, or the EO7 countries. However, in FY 2016 and FY 2017,

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<sup>55</sup> This is consistent with the two standard deviations level defined by the Supreme Court as determining when differences are statistically significant. In *Hazelwood School District v. United States*, 433 U.S. 299, 311 n.14 (1977), the Supreme Court relied upon a two to three standard deviations difference: “If the difference between the expected value and observed number is greater than two or three standard deviations, then the hypothesis that teachers were hired without regard to race would be suspect.”

those from the EO7 countries were adjudicated more quickly than those from non-majority Muslim countries. With respect to N-400 applications, only in FY 2015 were those born in non-majority Muslim countries processed statistically significantly more quickly than those from majority Muslim countries, or predominantly (90% or greater) Muslim countries. However, in FY 2017 and FY 2018, those born in majority Muslim countries, or predominantly Muslim countries, or in one of the EO7 countries were adjudicated statistically significantly more quickly than those born in majority non-Muslim countries. These findings are inconsistent with the allegation that Muslims in CARRP were processed differently in terms of time to decisioning, and that alleged “extreme vetting” had a disproportionate effect of delaying time to adjudication for applicants born in Muslim countries.

I did a similar analysis studying time to approval rather than time to adjudication, to determine if applicants from majority Muslim countries who were processed in CARRP and approved had to wait longer for approval than applicants from majority non-Muslim countries. Table 27 present the results for I-485 approved CARRP applicants, and Table 28 presents the results for N-400 approved CARRP applicants.

**TABLE 27**

**TIME TO APPROVAL AMONG I-485 APPLICATIONS  
PROCESSED IN CARRP BY FISCAL YEAR AND MUSLIM STATUS  
(NOT MUSLIM OR MUSLIM)**

**Muslim Status Based on Country of Birth**


Fiscal Year	Muslim Status	Months Until Percent of Applications Approved			Muslim Status	Months Until Percent of Applications Approved		
		25%	50%	75%		25%	50%	75%
2013	<50%	5	9	16	≥50%	8	14	24
2014	<50%	9	15	28	≥50%	10	16	26
2015	<50%	17	23	31	≥50%	17	23	34
2016	<50%	19	24	35	≥50%	19	24	35
2017	<50%	18	23	34	≥50%	17	23	33
2018	<50%	14	19	N/A	≥50%	14	20	N/A
2019	<50%	N/A	N/A	N/A	≥50%	N/A	N/A	N/A


  

Fiscal Year	Muslim Status	Months Until Percent of Applications Approved			Muslim Status	Months Until Percent of Applications Approved		
		25%	50%	75%		25%	50%	75%
2013	≥90%	8	14	24	E0 7	10	15	25
2014	≥90%	10	16	26	E0 7	11	16	25
2015	≥90%	18	24	35	E0 7	18	23	35
2016	≥90%	19	24	35	E0 7	19	23	33
2017	≥90%	17	22	31	E0 7	17	22	31
2018	≥90%	14	20	N/A	E0 7	14	20	N/A
2019	≥90%	N/A	N/A	N/A	E0 7	N/A	N/A	N/A

**Notes**

Except if noted in red or green. If green, the time to adjudication is statistically significantly shorter than that of non-majority Muslim population; if red, the time to adjudication is statistically significantly longer than that of non-majority Muslim population.

 The time to adjudication is shorter than that of non-Muslim population.

 Adverse to Muslims (longer).



**TABLE 28**

**TIME TO APPROVAL AMONG N-400 APPLICATIONS  
PROCESSED IN CARRP BY FISCAL YEAR AND MUSLIM STATUS  
(NOT MUSLIM OR MUSLIM)**


**Muslim Status Based on Country of Birth**


Fiscal Year	Muslim Status	Months Until Percent of Applications Approved			Muslim Status	Months Until Percent of Applications Approved		
		25%	50%	75%		25%	50%	75%
2013	<50%	7	10	17	>=50%	7	10	15
2014	<50%	8	11	18	>=50%	8	11	18
2015	<50%	14	19	26	>=50%	15	20	27
2016	<50%	19	23	30	>=50%	19	23	30
2017	<50%	19	25	31	>=50%	18	23	30
2018	<50%	14	19	N/A	>=50%	13	18	N/A
2019	<50%	10	N/A	N/A	>=50%	11	N/A	N/A

Fiscal Year	Muslim Status	Months Until Percent of Applications Approved			Muslim Status	Months Until Percent of Applications Approved		
		25%	50%	75%		25%	50%	75%
2013	>=90%	7	10	15	E0 7	7	9	16
2014	>=90%	8	11	18	E0 7	8	11	18
2015	>=90%	15	20	27	E0 7	15	19	27
2016	>=90%	19	23	30	E0 7	18	22	29
2017	>=90%	18	23	29	E0 7	18	22	29
2018	>=90%	13	18	N/A	E0 7	13	17	N/A
2019	>=90%	11	N/A	N/A	E0 7	11	N/A	N/A

**Notes**

Except if noted in red or green. If green, the time to adjudication is statistically significantly shorter than that of non-majority Muslim population; if red, the time to adjudication is statistically significantly longer than that of non-majority Muslim population.

 The time to adjudication is shorter than that of non-Muslim population.

 Adverse to Muslims (longer).

Tables 27 and 28 show that

- (i) With respect to I-485 and N-400 applications, the average time that applications that are approved wait for approval is the same, irrespective of whether the applications are from applicants born in non-majority Muslim countries or countries with a majority Muslim population, a predominantly Muslim population, or one of the EO7 countries.
- (ii) There were very few statistically significant differences in time to adjudication. For I-485 applications, only in FY 2013 were those born in non-majority Muslim countries statistically significantly adjudicated more quickly than those from majority Muslim countries or predominantly Muslim countries, or the EO7 countries. However, in FY 2016 and FY 2017 those from the EO7 countries were adjudicated more quickly than those from non-majority Muslim countries. With respect to N-400 applications, those born in majority Muslim countries, predominantly Muslim countries, or the EO7 countries were approved statistically significantly more quickly than the applications from non-majority Muslim countries.

Finally, I computed and compared separately by fiscal year in which the application was received, the approval rate of I-485 and N-400 applicants by Muslim status (*i.e.*, comparing non-Muslims and the various Muslim groups). Table 29 presents the results for I-485 applicants, and Table 30 presents the results for N-400 applicants.

**TABLE 29**

**COMPARISON OF APPROVAL RATES BY FISCAL  
YEAR APPLIED AND MUSLIM STATUS  
I-485 APPLICANTS**

**Muslim Status Based on Country of Birth**

	<b>Approval Rates by Muslim Status</b>			
	<b>&lt;50% Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>
<b>2013</b>	82.23%	70.90%	71.33%	73.86%
<b>2014</b>	74.85%	72.79%	75.53%	80.00%
<b>2015</b>	76.41%	72.92%	73.55%	75.77%
<b>2016</b>	67.38%	68.05%	69.32%	73.47%
<b>2017</b>	56.60%	56.72%	58.98%	62.15%
<b>2018</b>	40.72%	41.09%	41.42%	45.55%
<b>2019</b>	6.86%	7.76%	8.73%	9.46%

**NOTES**

Unless noted in red or green, the difference in approval rates between those born in non-majority Muslim countries and those born in Muslim status countries is not statistically significant.

Green means the approval rate of applications from non-majority Muslim countries is statistically significantly lower than the approval rate of applications from the majority Muslim populations noted (at least 50%, at least 90%, or one of the EO7 countries).

Red means the approval rate of applications from non-majority Muslim countries is statistically significantly greater than the approval rate of applications from the majority Muslim populations noted (at least 50%, at least 90%, or one of the EO7 countries).

**TABLE 30**


**COMPARISON OF APPROVAL RATES BY FISCAL  
YEAR APPLIED AND MUSLIM STATUS  
N-400 APPLICANTS**


**Muslim Status Based on Country of Birth**

	<b>Approval Rates by Muslim Status</b>			
	<b>&lt;50% Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO7 Countries</b>
<b>2013</b>	77.26%	80.23%	81.23%	79.82%
<b>2014</b>	80.13%	76.93%	77.59%	77.74%
<b>2015</b>	81.46%	76.58%	76.75%	77.12%
<b>2016</b>	77.59%	70.84%	71.04%	72.88%
<b>2017</b>	59.64%	59.73%	61.40%	61.65%
<b>2018</b>	41.69%	44.46%	43.46%	45.89%
<b>2019</b>	11.15%	8.25%	8.06%	8.45%

**NOTES**

Unless noted in red or green, the difference in approval rates between those born in non-majority Muslim countries and those born in Muslim status countries is not statistically significant.

 Green means the approval rate of applications from non-majority Muslim countries is statistically significantly lower than the approval rate of applications from the majority Muslim populations noted (at least 50%, at least 90%, or one of the EO7 countries).

 Red means the approval rate of applications from non-majority Muslim countries is statistically significantly greater than the approval rate of applications from the majority Muslim populations noted (at least 50%, at least 90%, or one of the EO7 countries).

Tables 29 and 30 show that

- (i) With respect to I-485 applicants, the approval rate in each fiscal year for application from applicants from non-majority Muslim countries is not statistically significantly higher than the approval rate of any of the Muslim groups, except in FY 2013 while in FY 2017 the approval rate for applications by applicants from EO7 countries is statistically significantly higher than that of applications from applicants born in majority non-Muslim countries.
- (ii) With respect to N-400 applicants, the data indicates that only in FY 2015 and FY 2016 were applications received from applicants born in non-majority Muslim countries statistically significantly more likely than applications from any of the Muslim groups to be approved. Both in the fiscal years before FY 2015, and the fiscal years during the Trump Administration (*i.e.*, those after FY 2016), the rate of approval for applications in the fiscal year received from applicants born in non-Muslim countries was the same as that for applications from applicants born in majority Muslim countries, predominantly Muslim countries, or one of the EO7 countries.

## V. ANALYSIS OF CAUSE OF APPLICATIONS FROM APPLICANTS BORN IN MAJORITY MUSLIM COUNTRIES BEING DISPROPORTIONATELY REFERRED TO CARRP

### 1. Overview of Issue being Analyzed

With no or scant data analyses, several individuals whom Plaintiffs have designated as expert witnesses (“Plaintiffs’ witnesses”) assert that USCIS operates CARRP with an anti-Muslim animus and effect.<sup>56</sup> Plaintiffs’ witnesses focus on USCIS data showing that applications from persons born in majority Muslim countries, when considered collectively and without regard to specific countries, are more likely to be referred to CARRP than applicants born in countries without a Muslim majority. Plaintiffs incorrectly jump to the conclusion that this correlation in the data shows that CARRP operates with anti-Muslim animus. Plaintiffs’ witnesses’ assertions that CARRP operates with anti-Muslim animus are flawed, because they failed to consider any other factors that may underlie the number of referrals to CARRP and also are correlated with the percent of a country’s population that is Muslim.

Confusing correlation with causation is a common statistical error. Two examples of this error can be seen in the following illustrations. One illustration concerns the correlation between the sale of the summer corn crop in the Philadelphia area and the number of Philadelphia Phillies baseball games that are cancelled. Clearly, canceling Phillies games does not cause the corn crop to increase, nor do increases in the corn crop cause Phillies games to be canceled. However, rain is a third factor that causes both

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<sup>56</sup> See reports of Thomas K. Ragland (revised report ¶¶ 17, 21, 87, 120, 125-27, 129, 132, 146), Yliana Johansen-Mendez (revised report ¶¶ 23-25, 83, 86-89, 104), Nermeen Arastu (revised report ¶¶ 17, 19, 66-67, 76, 90, 93-95, 115, 117-18, 121, 123, 126), Sean M. Kruskol (¶¶ 48-57), and Narges Bajoghli (¶ 37). I anticipate that, in my responsive report to be submitted by August 7, 2020, I will respond to various opinions and statements contained within reports of several of Plaintiffs’ witnesses, including to the updated report that Mr. Kruskol might provide.

outcomes. Thus, the two outcomes are correlated, but one does not cause the other. The second example concerns a well-documented positive correlation discovered in England in the 1990s between liquor sales and average academic salaries. While one might argue that higher academic salaries encourage or enable English faculty to consume more liquor, the fact is that academic liquor sales as a percentage of total liquor sales are miniscule, and thus any increase in academic liquor sales would not meaningfully impact liquor sales in England. However, higher academic salaries were a good indicator of increasing prosperity in England, and increased prosperity was a third factor that caused both liquor sales and academic salary to increase.

Daniel Renaud, the USCIS Associate Director in charge of USCIS's Field Operations Directorate, explained in his deposition: The determination of whether a case goes into CARRP is based on information USCIS "receives typically through [its] background check processes." USCIS does not make a determination as to whether to put a case into CARRP based on the applicant's country of birth or citizenship. Applicants' countries of birth or citizenship have no impact on whether they will be referred to CARRP. And once a case is in CARRP, USCIS "do[es] not process cases differently based on the country of ... citizenship or birth."<sup>57</sup> Applications of applicants associated with a potential national security concern are referred to CARRP, and those without such association are not, regardless of their country of birth or citizenship.<sup>58</sup>

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<sup>57</sup> See pages 203-212 of Associate Director Renaud's deposition for his testimony addressing these points.

<sup>58</sup> The data analyses presented in my report are not based upon Mr. Renaud's testimony, but are made independently of that testimony. The USCIS data clearly supports Associate Director Renaud's statement. The data shows that the overwhelming majority of cases referred to CARRP are referred based on information USCIS receives from other governmental agencies (*i.e.*, Third Agency information). A small number of I-485 and N-400 CARRP referrals in the dataset are also based on information identified by USCIS.

However, the USCIS data shows that the number of referrals of applications to CARRP are disproportionately from applicants born in or citizens of a majority Muslim country. If, as Associate Director Renaud states, country of birth or citizenship is not considered in the referral process, then there must be an important factor or factors other than the fact that the country has a large Muslim population which makes the applicant more likely to have been viewed by a Third Agency or USCIS as a potential national security concern. Moreover, such factor(s) must be correlated with the extent to which the country's population is Muslim. That is, the likelihood of Third Agency information or USCIS information raising national security concerns is both caused by, and hence correlated with, certain factors, which are themselves correlated with but *not* caused by the percent Muslim of the country. The example I presented above of national prosperity standing as a third factor that causes and is correlated with both faculty salaries and liquor sales, while faculty salaries and liquor sales are themselves correlated but not causative, illustrates this situation. For a more relevant possible example, we know that if an applicant is a known or suspected terrorist (KST), that application will automatically be referred to CARRP. USCIS defines a KST as “a category of individuals who have been nominated and accepted for placement in the Terrorist Screening Database (TSDB), are on the Terrorist Watch List, and have a specially-coded lookout posted in TECS/IBIS, and/or the Consular Lookout Automated Support System (CLASS), as used by the Department of State.”<sup>59</sup> Individuals who are associated with KSTs, but who do not meet the KST definition, can also be referred to CARRP as a non-KST.<sup>60</sup> The CARRP policy

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<sup>59</sup> CAR000001.

<sup>60</sup> CAR00001 (describing non-KSTs as national security concerns other than those meeting the definition of a KST, such as associates of KSTs).



also requires a referral for any individual who has an articulable link to the terrorist-related inadmissibility grounds (TRIG) described in Immigration and Nationality Act (INA) sections 212(a)(3)(A), (B), which includes individuals who engage in terrorist activity, are engaged or likely to engage in terrorist activity after entry, incited terrorist activity, are representatives or members of a terrorist organization, endorsed or espoused terrorist activity, received military-type training from or on behalf of a terrorist organization; or are spouses or children of anyone who has engaged in terrorist activity within the last five years (with certain exceptions). Engaging in terrorist activity includes being involved in providing material support to terrorists or terrorist organizations.<sup>61</sup> While persons who are KSTs, associates of KSTs, or otherwise have an articulable link to the TRIG may be disproportionately born in a majority Muslim country, this does not show that the majority Muslim population status has a causal effect or is or is basis for referral to CARRP.<sup>62</sup>

Moreover, these characteristics occur in non-majority Muslim countries and majority Muslim countries and, as my regression analysis below shows, there is statistical evidence that when these factors equivalently exist in a majority Muslim and non-majority Muslim country, the numbers of referrals to CARRP are the same. Thus, difference between the countries in the percent Muslim has no impact on the number of referrals to CARRP.

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<sup>61</sup> CAR000001; *see also* Terrorist-Related Inadmissibility Grounds (TRIG), available at <https://www.uscis.gov/legal-resources/terrorism-related-inadmissibility-grounds-trig>.

<sup>62</sup> If that were the case, the disproportionate likelihood of applications from majority Muslim country applicants being referred to CARRP could be due to some extent to the increased likelihood of individuals from majority Muslim countries fitting within the described categories.

## **2. Terrorist Events in a Country**

One factor that may cause the number of referrals to CARRP from a country is the extent of terrorist events that take place in that country. That is, one might hypothesize that the more terrorist events that occur in a country, the more likely it is that an applicant from that country will have some association with terrorist actors and/or events, thereby increasing the likelihood that the applicant would be identified as a national security concern and processed in CARRP. To test this hypothesis, I collected data on terrorist events by country, and statistically determined the correlation between the extent of terrorist events and CARRP referrals. If I found a statistically significant and meaningful correlation, I then examined the extent to which the disproportionate number of referrals to CARRP from applications from applicants born in countries with a majority Muslim population was explained by differences in the amount of reported terrorist events among countries.

### 3. The Global Terrorism Database (“GTD”) and Limitations

In order to determine the extent of terrorist events in a country, I used data from the Global Terrorism Database (“GTD”) which reports the number of terrorist incidents in each country.<sup>63</sup>

The GTD is described as:

... the most comprehensive unclassified database of terrorist attacks in the world. The GTD is produced by a multi-disciplinary team of researchers at the National Consortium for the Study of Terrorism and Responses to Terrorism (START) at the University of Maryland, applying fundamentals of social sciences and computer and information sciences. It documents domestic and international terrorist attacks around the world since 1970, and contains more than 190,000 records. For each event, the database includes available details on more than 100 variables — the date and location of the attack, the weapons used, information about the target, the number of casualties, and the group or individual responsible. START makes the GTD publicly available in order to familiarize analysts, policymakers, scholars, and journalists with patterns of terrorism and increase understanding of terrorist violence.<sup>64</sup>

The GTD is a university-sponsored, publicly accessible, open source database that lists all terrorist attacks identified by the GTD team using criteria detailed in the GTD Codebook by country. Like most databases, especially open source databases which rely on media reporting for their information, the GTD has limitations.<sup>65</sup> There are two principal issues concerning the accuracy of a database that

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<sup>63</sup> Dr. Sageman’s report (¶ 62) draws upon the GTD to illustrate a point concerning the reported incidence of terrorism in the United States. Although characterizing it as a “flawed” database, Dr. Sageman identifies no flaws or basis for this critique of the GTD.

<sup>64</sup> See <https://grevd.org/consortium/partner/gtd>

<sup>65</sup> For a detailed discussion of its limitations, see *The Global Terrorism Database (GTD): Accomplishments and Challenges*, Gary LaFree Volume IV, Issue 1 March 2010, *Journal of the Terrorism Research Institute and Putting Terrorism in Context, Lessons from the Global Terrorism Database*, LaFree, Dugan, and Miller. Pages 22-25 Routledge 2015

relies on media reporting of possible terrorist events. One issue is the completeness of the database; that is, the data may not contain all relevant events because of limitations in the availability of data reporting<sup>66</sup> by countries.<sup>67</sup>

The second issue concerns the possible misclassification of events due to a lack of specificity, as well as possible underreporting. In the case of the latter, it is also reasonable to conclude that media accounts will be more likely to miss unsuccessful attacks that were averted by authorities. And in the case of the former it can be especially challenging to disentangle acts of terrorism from acts of genocide, insurrection, insurgency, or massive civil unrest. Similarly, terrorist attacks sometimes share characteristics with the consequences of organized crime or hate crime. Accordingly, terrorist events may be misclassified as due to organized crime, or *vice versa*. The misclassification problem has led the GTD to flag cases which could not be categorized as terrorism based on the information available, so further research can test the sensitivity of the results to this determination.

Nevertheless, despite these limitations and caveats, the GTD database is frequently used by researchers studying terrorism, and frequently accessed and used by Government agencies. The GTD has been accessed and downloaded hundreds of times by U.S. Department of Defense agencies and their personnel, and also by other Government agencies (*e.g.*, U.S. Department of State, U.S.

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<sup>66</sup> Some prominent factors are press limitations and government censorship.

<sup>67</sup> The GTD also only reports incidents in countries that currently exist and/or countries for which media data is available. The USCIS data I received lists the country of birth and citizenship of all applicants, regardless of whether or not that country still exists and/or whether media data is available. There were 35 countries in the USCIS database which are not in the GTD database. These countries account for 5.72% or 1,505 CARRP referrals. Almost two-thirds of these are applications from applicants from Cuba, a country which is not included in the GTD because of the unavailability of media data. The others are mostly countries which no longer exist.

Department of Homeland Security), the nation's network of national laboratories (*e.g.*, Sandia, Los Alamos) and others, including NATO.<sup>68</sup>

Moreover, a perfectly accurate database is not a prerequisite to study the correlation between the number of referrals to CARRP and the number of terrorism events by applicant country of origin. Almost all databases have an error rate. A perfectly accurate database is not critical when studying whether a difference in outcomes between groups can be statistically explained by differences in some factors,<sup>69</sup> especially if the data shows that there is a correlation between the differences in outcomes and the factors being studied. Random inaccuracies (errors which are not directional in nature but are equally likely to overstate or understate the true value) in the database will only mask any true differences and minimize any correlations.<sup>70</sup>

Thus, any correlation found will actually understate the true correlation between CARRP referrals from a country and the terrorist events in a country, and the extent to which the events explain the correlation between referrals to CARRP and Muslim status. Moreover, to the extent that the inaccuracies are not random, which may be the case with this data, one would expect that since the countries with the largest number of CARRP referrals tend to be more authoritarian and less developed, the data for countries with many referrals to CARRP should show an undercount of the number of attacks, which would likely understate the reporting of

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<sup>68</sup> See GTD Metrics (US Dept. of Defense), updated November 2019, attached to June 19, 2020, email from Erin Elizabeth Miller, Program Director, GTD.

<sup>69</sup> Which is what I am studying here.

<sup>70</sup> See J Johnston, *Econometric Methods*, McGraw Hill Company Inc. 1960 pages 148-150.

terrorist events.<sup>71</sup> Thus, my estimated correlations between the number of CARRP referrals and the number of reported terrorism attacks would be even more understated due to any non-random inaccuracies in the data.

Based on the foregoing and the GTD methodology discussed below, I believe that the GTD provides statistical information on global terrorism events and their geographical distribution that is sufficiently reliable for the correlations and regression analyses presented in this report. Moreover, the GTD is the type of data experts in statistical analyses commonly use and rely upon.

#### **4. Global Terrorist Database Methodology**

The GTD defines a terrorist attack as the threatened or actual use of illegal force and violence by a non-state actor to attain a political, economic, religious, or social goal through fear, coercion, or intimidation. In practice this means in order to consider an incident for inclusion in the GTD, all three of the following attributes must be present:

- The incident must be intentional – the result of a conscious calculation on the part of a perpetrator.
- The incident must entail some level of violence or immediate threat of violence -including property violence, as well as violence against people.
- The perpetrators of the incidents must be sub-national actors. The database does not include acts of state terrorism.

In addition, at least two of the following three criteria must be present for an incident to be included in the GTD:

- Criterion 1: The act must be aimed at attaining a political, economic, religious, or social goal. In terms of economic goals, the exclusive pursuit of profit does not satisfy this criterion. It must involve the pursuit of more profound, systemic economic change.

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<sup>71</sup> Authoritarian countries are more likely to censor the reporting of terrorist events, and less developed countries more likely to have less media coverage of such news.

- Criterion 2: There must be evidence of an intention to coerce, intimidate, or convey some other message to a larger audience (or audiences) than the immediate victims. It is the act taken as a totality that is considered, irrespective if every individual involved in carrying out the act was aware of this intention. As long as any of the planners or decision-makers behind the attack intended to coerce, intimidate or publicize, the intentionality criterion is met.
- Criterion 3: The action must be outside the context of legitimate warfare activities. That is, the act must be outside the parameters permitted by international humanitarian law, insofar as it targets non-combatants.

Each of these latter three criteria filters can be applied to the database. . . .

The inclusion criteria above are evaluated for each case to determine if it should be added to the GTD; however, there is often definitional overlap between terrorism and other forms of crime and political violence, such as insurgency, hate crime, and organized crime. Likewise, for many cases there is insufficient or conflicting information provided in source documents to allow coders to make a clear determination regarding whether or not the inclusion criteria are met. Such uncertainty, however, was not deemed to be sufficient to disqualify the incident from inclusion in the GTD. Users of the GTD can further govern the parameters of their search results by employing an additional terrorism definitional filter.

The “Doubt Terrorism Proper” field records reservation reported in source materials that the incident in question is exclusively terrorism. . . .

The GTD does not include plots or conspiracies that are not enacted, or at least attempted. For an event to be included in the GTD, the attackers must be “out the door,” in route to execute the attack. Planning, reconnaissance, and acquiring supplies do not meet this threshold.

The GTD does include attacks that were attempted but ultimately unsuccessful. The circumstances vary depending on tactics (for details see the success variable, below). However, in general if a bomb is planted but fails to detonate; if an arsonist is intercepted by authorities before igniting a fire; or, if an assassin attempts and fails to kill his or her intended target, the attack is considered for inclusion in the GTD, and marked success=0. . . .

If the information available for a complex event does not specify a time lag between, or the exact locations of, multiple terrorist activities, the event is a single incident. If any discontinuity in time or space is noted, the event is comprised of multiple incidents. In such cases, the related single incident is noted in the database.<sup>72</sup>

Reliability of source information is an important feature that the GTD Team uses for the inclusion of cases in the GTD:

The availability of valid source documents cannot be taken for granted and in fact varies considerably, often over time and by location. Because the validity of the data is critically important, the GTD team recognizes this variation and assesses the quality of the sources. Information from high-quality sources—those that are independent (free of influence from the government, political perpetrators, or corporations), those that routinely report externally verifiable content, and those that are primary rather than secondary—is prioritized over information from poor sources. *In order for an event to be recorded in the GTD it must be documented by at least one such high-quality source.* Events that are only documented by distinctly biased or unreliable sources are not included in the GTD, however the GTD does include certain information from potentially biased sources, such as perpetrator claims of responsibility or details about the motive of the attack. Note that particular scarcity of high-quality sources in certain geographic areas results in conservative documentation of attacks in those areas in the GTD.<sup>73</sup>

GTD employs a “Single Incident Determination” whereby “[i]ncidents occurring in both the same geographic and temporal point will be regarded as a single incident, but if either the time of occurrence of incidents or their locations are discontinuous, the events will be regarded as separate incidents.”<sup>74</sup>

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<sup>72</sup> GTD Global Terrorism Database Codebook: Inclusion Criteria and Variables dated October 2019, pp. 10-12.

<https://www.start.umd.edu/gtd/downloads/Codebook.pdf>

<sup>73</sup> GTD Global Terrorism Database Codebook:, p. 9.

<sup>74</sup> GTD Global Terrorism Database Codebook:, p. 12.



The GTD reports each single terrorist incident by year, country, which of the criteria for inclusion the incident meets, and whether there is any doubt that the incident may not actually have been exclusively a terrorist act. If the incident is related to other incidents, the related incidents in the data are flagged.<sup>75</sup>

### **5. Analysis of Factors Impacting the Number of Referrals to CARRP From a Country**

I initially addressed the question of whether it is true that the level of terrorist events in a country is a strong predictor of the number of referrals to CARRP of applications of applicants born in that country, and if that would explain the disproportionality of the number of referrals to CARRP from countries with a majority Muslim population. For example, consider the following hypothetical case. I am studying two countries. One (Country A) has had 100 terrorist events and other (Country B) has had 50 terrorist events. Three hundred CARRP referrals of applicants who were born in one of the two countries are made. In this situation, I would expect 200 (two thirds of the 300) of the CARRP referrals to be born in Country A and 100 (one third of the 300) to be born in Country B if referrals were perfectly predicted by the level of terrorist events in the country of birth of an applicant. If the first country was a majority Muslim country and the second was not, and if the level of terrorist events is the factor causing the number of referrals to CARRP from a country, then I would expect to see a disproportionate number of all referrals (in this case, 67.7%) to come from the majority Muslim country, not because it is a majority Muslim country, but because the factor causing the referrals (*i.e.*, the level of terrorist events), disproportionately occurs in that country. If the number of actual referrals from Country A is around 200, then this

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<sup>75</sup> *GTD Global Terrorism Database Codebook*, pp. 12 and 17.

causal factor could explain the disproportionate share of referrals. But if the number of referrals from Country A is considerably larger than would be expected given its proportionate disparity in terrorist events (for example if there were 270 (or 90% of the total 300) referrals, then the level of terrorist events would not explain the disproportionate share of referrals

Analysis of the actual data shows that the different levels of terrorist events among countries majority Muslim and non-majority Muslim countries, and the disparity of terrorist events by Muslim status, can explain the disproportionate number of CARRP referrals from majority Muslim countries. Analyzing the GTD data for the fiscal years 2013 through 2018,<sup>76</sup> the GTD data shows that, overall,<sup>77</sup> about 73% of all terrorist incidents occurred in majority Muslim countries. This is slightly higher than the actual percentage of CARRP-referred applications that are from applicants from majority Muslim countries, which is 68.9%. I examined the data overall, by incident categories, and also by criterion type. In addition, to test the sensitivity of my analysis to possible double counting events which may be related (*i.e.*, which may actually be a single terrorism event), and also to misclassifying as terrorism events that could be alternatively categorized (*e.g.*, genocide, insurrection, insurgency, massive civil unrest, hate crimes or organized crime), I also ran the analysis excluding the cases where there was doubt as to whether the incident was exclusively terrorism, and again both with and without the related incidents counted. The results of these different analyses – sixteen sets of analyses in all – are presented in the Table 31 below and Chart 7.

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<sup>76</sup> My analysis stops in 2018, because the GTD information is not yet available for 2019.

<sup>77</sup> The results by year vary somewhat, but are always above 70% in the first 4 years, and above 60% in the later three years.

**TABLE 31**

**PERCENT OF TERRORIST INCIDENTS  
WHICH WERE LOCATED IN MAJORITY MUSLIM COUNTRIES**

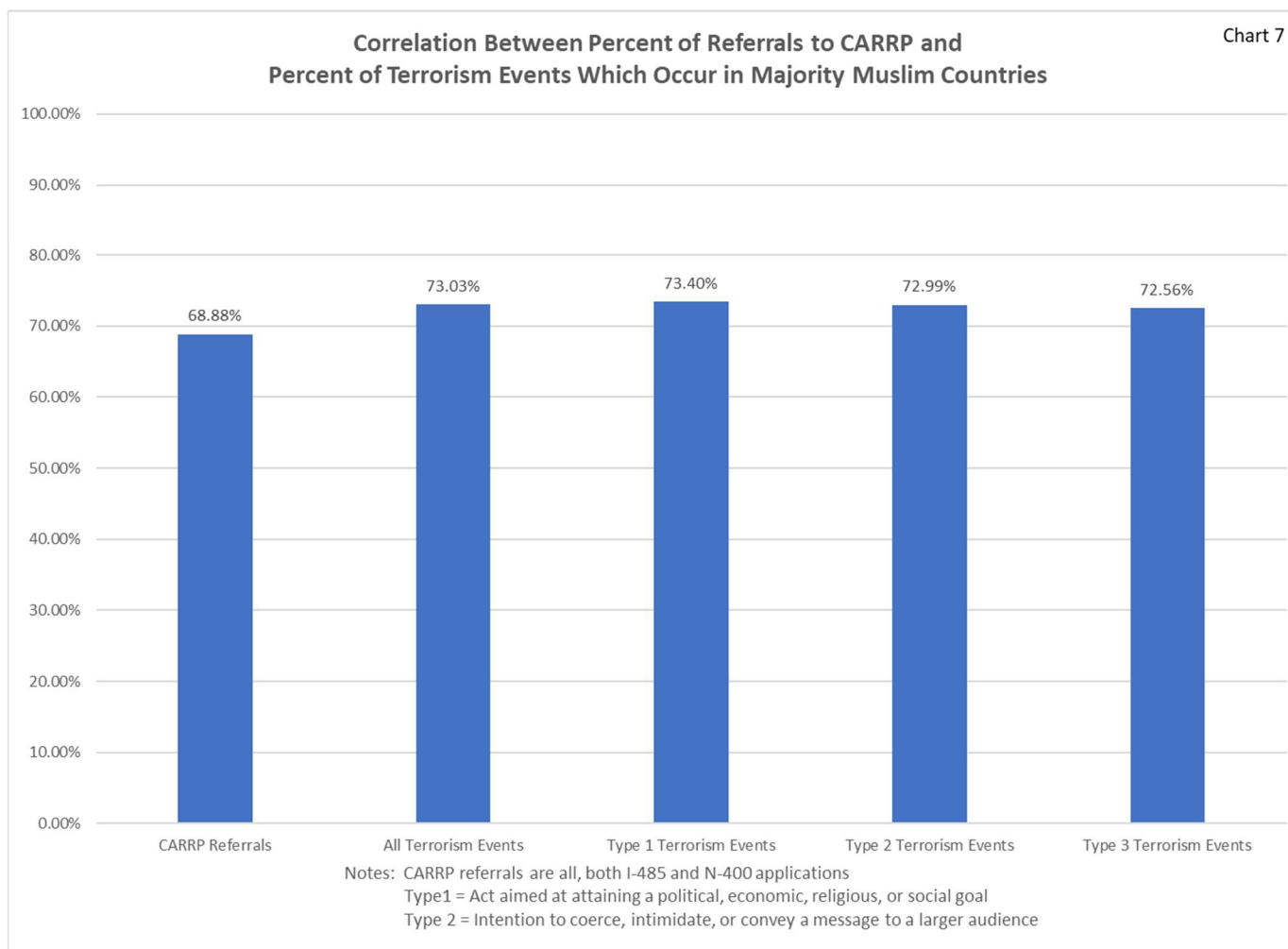
Fiscal Year 2013 - Fiscal Year 2018	All	Meets		
		Criterion 1	Criterion 2	Criterion 3
All	73.03%	73.40%	72.99%	72.56%
Excludes Doubtful*	73.04%	73.04%	73.04%	73.06%
All Less Related Incidents	73.01%	73.41%	72.97%	72.38%
Also Excludes Doubtful*	72.91%	72.91%	72.91%	72.92%

Percent of applications referred to CARRP from applicants who were born in a country with a majority Muslim population is 68.9%.

Note: \* = Incidents which may not be exclusively terrorism.

Chart 7 shows a strong correlation between the percentage of referrals to CARRP by applicants from majority Muslim countries and the percentage of reported terrorism events occurring in majority Muslim (and non-majority Muslim) countries.<sup>78</sup> Table 31 presents the results of my examination of the sensitivity of the correlation to classification errors. Table 31 shows that the strong correlations computed in all sixteen analyses are not meaningfully affected by whether the event is actually an exclusively terrorism event, or whether multiple related events should have been considered only a single act of terrorism.

<sup>78</sup> This should not be viewed as implying that being Muslim or being born in a majority Muslim country causes terrorist events.



My second analysis looks at the degree to which the level of terrorist events in a country is actually correlated with the number of referrals to CARRP for applicants born in that country. The analysis also computes the correlations between other factors for the country and the number of CARRP referrals for applicants born in that country. That is, I computed the correlation between the

number of CARRP referrals from a country with the (i) the percent of the country's population that is Muslim, and also (ii) the number of applications from that country, (iii) whether the country was a state sponsor of terrorism, and (iv) the level of terrorist event in the country.

Specifically, I computed the Pearson correlation between the number of CARRP referrals from each country with the number of terrorism events from that country. The Pearson correlation measures the linear consistency between the two variables. The Pearson correlation coefficient takes on values from zero to one. The sign of the correlation can be positive or negative. A correlation of 0 means there is no linear predictive relationship between the two variables. A correlation of 1 means there is a perfect positive predictive relationship between the two variables (*i.e.*, as one variable increases by one unit, the other variable always increases by a fixed number of units) and a correlation of -1 means there is a perfect negative predictive relationship (*i.e.*, as one variable increases by one unit, the other variable always decreases by a fixed number of units). Thus, a correlation of +1 or -1 means that one variable is a perfect predictor of the other variable. Values between 0 and 1 measure how consistent the linear relationship is. In other words, the Pearson correlation measures the linear relationship between two variables.<sup>79</sup> The actual number of referrals varies by country. Some

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<sup>79</sup> An issue with that statistical measure occurs in a situation in which a few extreme values exist in the data. If the data contains a few countries with a very high number of terrorism events and large number of CARRP referrals, while the majority of the countries have a small number of terrorism events and a small number of CARRP referrals, then the extreme values will dominate the calculation and the results will show a large correlation that would be drastically reduced if the extreme events were removed from the data. Hence, I also computed the Spearman rank correlation coefficient. The Spearman rank correlation ranks each variable from smallest to largest and then correlates the relationship between the ranks of the two variables. The Spearman rank correlation measures the linear relationship between the ranks of the two variables, rather than the actual values. Thus, a correlation of 1 means the ranks

countries have very few referrals to CARRP and some have many. Overall, a country had 541 terrorist events, on average, but the number of terrorist events varied by country from 1 up to 17,047. The measure of the degree to which the number of referrals varies by country is called the variance. The square of the correlation equals the percent of the variance in referrals between countries that can be statistically explained by the difference between the countries in the other variable. For example, a correlation of 0.50 means 25% of the variance between countries in the number of CARRP referrals can be statistically “explained” (*i.e.*, predicted) by the difference in the number of terrorism events in the countries and 75% cannot be explained by the difference in the countries in the number of terrorist events.

The Pearson<sup>80</sup> correlation between the number of CARRP referrals for applications by country of birth and the number of terrorism events in that country was 0.770. If the probability of as large a correlation occurring by chance is less than 1-in-20 or 5%, then the correlation is typically deemed statistically significant by statisticians and the Courts.<sup>81</sup> This result of 0.770 is highly statistically significant, as the probability of this occurring by chance was less than one in 10,000. Moreover, a correlation of 0.770 means 59% of the variance in the number of CARRP referrals between countries can be statistically “explained” (predicted) simply by

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perfectly align. That is, the country with the largest number of terrorist events also has the largest number of CARRP referrals, the country with the second largest number of terrorist events also has the second largest number of CARRP referrals, *etc.* Thus, the Spearman rank correlation measure is not disproportionately impacted by extreme values.

<sup>80</sup> The Spearman rank correlation is 0.641.

<sup>81</sup> For a discussion of the 80% Rule and practical and statistical significance, see Paul Meier, Jerome Sacks, and Sandy L. Zabell, “*What Happened in Hazelwood: Statistics, Employment Discrimination, and the 80% Rule*” in Statistics and the Law, Morris H. DeGroot, Stephen E. Fienberg and Joseph B. Kadane (eds.), John Wiley & Sons, 1986, pages 1 to 40.

the difference between the countries in the number of terrorism events.<sup>82</sup> Accordingly, the correlations between the number of referrals from each country and the values of the different variables for each country are presented in Table 32.

**TABLE 32**

**PEARSON CORRELATION WITH REFERRALS TO CARRP**

<u>Terrorism Events in Country</u>	<u>Percent Muslim Population of Country</u>	<u>Applications from Country</u>	<u>Whether State Sponsor of Terrorism</u>
0.770	0.329	0.280	0.262

As shown in Table 32, the factor which best explains the differences in the number of referrals to CARRP among countries is the difference in the terrorist events among countries. The difference in the level of terrorist events among countries can explain 59% percent of the variance in the number of referrals among countries, while the difference in the countries' Muslim population percentage by itself can explain only 10.8% of the variance in the number of referrals to CARRP. The concern here is that the country's Muslim population percentage is significantly correlated with the number of terrorist events<sup>83</sup> and thus the correlation with

<sup>82</sup> To assure that the correlation is not inflated by anti-Muslim bias, I split the countries by whether or not the country's population was or was not majority Muslim. If the correlation is not confounded the country's Muslim status, the subpopulation correlations should be similar. I ran the Spearman rank test rather than the Pearson correlation because when the creation of subgroup populations can create a serious restriction of range in one of the populations, and the Spearman rank test is much less impacted than the Pearson correlation by restriction in range. The two correlations were very similar at 0.69 and 0.65, respectively, and the overall correlation was 0.64.

<sup>83</sup> Being correlated does not mean that Muslims are more likely to be terrorists.

the percent Muslim population of the country maybe misleading .since the extent that there is some degree of correlation between the factors, the simple correlation will pick up some of the effect of the other factors. To study the interaction between all the factors and isolate and estimate the specific effect of the factors on the number of referrals to CARRP of applications from applicants born in a country, I ran a regression analysis. The regression analysis predicts the number of applications from applicants born in a country that will be referred to CARRP as a function of the three variables: the number of terrorist events associated with that country, the number of applications (N-400 and I-485) from persons born in that country, and an indicator of whether that country was deemed a state sponsor of terrorism.

The four factors (the three mentioned above plus the percent of the country's population that is Muslim) together statistically explain 67.6% of the variance in CARRP referrals. If the percent of a country's Muslim population variable were dropped from the regression, the remaining three factors would explain 66.8% of the variance. Hence, including the variable representing the percent of the country's population that is Muslim in the model only increases the explanation of the variance in CARRP referrals among countries by 0.8%. This means that when we compare countries that are similarly situated with respect to the number of terrorist events, the number of applications, and whether it is a state sponsor of terrorism, we see no meaningful difference in the number of referrals to CARRP regardless of whether the country's population has no Muslims or is all Muslim, The percent of a country's population that is Muslim is irrelevant to being referred to CARRP, which is inconsistent with a claim of anti-Muslim bias.



The effect of each of the four variables after accounting for the impact<sup>84</sup> of the other variables is estimated and the statistical significance reported. The results are presented in Table 33 below.

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<sup>84</sup> That is, the model estimates the effect of changing the value of that variable holding all the other variables constant.

**TABLE 33**

**SUMMARY OF RESULTS OF REGRESSION ANALYSIS  
OF RELATIONSHIP BETWEEN REFERRALS TO CARRP  
OF APPLICATIONS FROM PERSONS BORN IN A COUNTRY  
AND VARIOUS CHARACTERISTICS ASSOCIATED WITH THE COUNTRY**

Variable	Standardized Coefficients	Probability of Occurring by Chance
Percent Muslim of population of the country	0.102	0.051
Number of terroristic events associated with country	0.705	less than 0.001
Applications from persons born in the country	0.157	0.002
Whether country is state sponsor of terrorism	0.216	less than 0.001

**Notes**

Standardized coefficients adjust for the differences in measurement of the variables, so the coefficients of the different factors are comparable. Thus, if a standardized coefficient of one variable is 1, and the standardized coefficient of the other variable is 2, the effect of the second variable is twice that of the first.

If the probability of seeing as large an effect by chance is less than 0.05, one considers the effect to be statistically significant. If the probability is greater than 0.05, the observed effect is considered to be not statistically significant, so the analysis does not provide valid statistical evidence from which to conclude that the effect of the factor is real.

Table 33 shows that the number of terrorist events is the dominant predictor of the number of CARRP referrals for applications from a country. The two variables (whether the applicants' country of birth is deemed to be a state sponsor of terrorism and the total number of applications from applicants born in a country) also have a statistically significant, but considerably lower impact. The impact of the percentage of the population of a country that is Muslim is one-seventh that of the number of terrorist events associated with that country, and that effect is not statistically significant. That is, the impact of the number terrorist events on the number of referrals is seven times that of the impact of the percent Muslim of the country, and more than 50 times less likely to be an artifact of the data and not a real factor impacting the number of the referrals.

In sum, it is clear that there is strong statistical evidence that the level of terrorist event in a country and other factors such as the magnitude of applications from a country and whether that country is a state sponsor of terrorism explain a significant amount (2/3s) of the variance among countries in CARRP referrals. The percent of a country's population that is Muslim has only a small and statistically non-significant impact on the number of CARRP referrals from a country. These results demonstrate that the magnitude of the Muslim population of the applicant's country of birth is not a factor in deciding whether an applicant will be referred to CARRP.

## **VI. SUMMARY OF FINDINGS**

1. The relative and absolute number of I-485 and N-400 applications processed under CARRP from FY 2013 through FY 2019 is very small, well below 1%. Only 0.20% or 4,682 of the 4,646,062 I-485 applications were processed pursuant to

the CARRP policy, and only 0.31% or 18,746 out of 5,975,551 N-400 applications were processed under CARRP. For the combined total of 10,621,174 applications, only 0.27% or 28,214 were processed pursuant to the CARRP policy – which is about one of every 375 applications.

2. Almost all referrals to CARRP for I-485 and N-400 applicants are supported by information from Third Agencies (Agencies other than the USCIS), which has been true consistently both pre- and post-the present administration. The frequency of USCIS being an additional source of information (most often in combination with Third Agency information) for the referral of applications to CARRP (slightly less than half the time when considering cases for which Third Agency information is also a basis for the referral, but usually less than 2% and closer to 1% when only USCIS information is the basis for referral) also has remained consistent pre- and post-the current administration.
3. The maximum percentage of applications referred to CARRP occurs in FY 2015 for I-485 and N-400 applicants and decreases thereafter. The maximum number of I-485 applications referred to CARRP occurs for FY 2016 applications and then declines, while the maximum number of N-400 applications referred to CARRP occur for FY 2015 applications.
4. There is no valid statistical evidence that the likelihood of I-485 or N-400 application referrals to CARRP have markedly increased during the current administration. The process of referral to CARRP seems unchanged under the current administration.
5. A Third Agency is a source for almost all referrals to CARRP. I estimate that a Third Agency supplied relevant information for approximately 95% of all referrals. USCIS also supplied relevant information in about 33% of all referrals.

6. In approximately 90% of the cases, the first (or only) source of information leading to referral of the application to CARRP was a Third Agency, and in slightly less than 10% of the cases USCIS was the first or only source.
7. With respect to referrals, starting with applications supplied in 2017 there was a slight consistent increase in USCIS supplying information, and USCIS being the first or only source of information relevant to the decision of referring the application to CARRP. However, these changes are small and impact only a small percentage of the applications received (always less than 5%).
8. While slightly more than three-quarters of the applicants processed through CARRP are approved, those processed through CARRP are significantly more likely than those not processed through CARRP to be denied. Further, it takes markedly longer for an application processed through CARRP than for an application not processed through CARRP to be adjudicated (even if approved).
9. There is no valid statistical evidence (based on examining the outcomes pre- and post- EO 13769) that the likelihood of approval for applications processed through CARRP, or the time lag to adjudication, or the time lag to approval changed as a result of the EOs.
10. The relative and absolute numbers of I-485 and N-400 applications submitted by individuals born in majority Muslim countries and processed under CARRP from FY 2013 through FY 2019 is small. Only 0.98% or 5,682 of the 579,942 I-485 applications of applicants from majority Muslim countries and 1.46% or 127,213 of the 864,363 N-400 applications of applicants from majority Muslim countries were processed through CARRP. Out of a total of 1,444,305 applications for

applicants from majority Muslim countries, only 1.27% or 18,403 were processed through CARRP, providing statistical evidence against Plaintiffs' apparent premise that the CARRP program is intended and designed to deny immigration benefits to Muslim applicants. Nevertheless, I-485 and N-400 applicants from Muslim countries are significantly more likely than those from non-Muslim countries to be referred to CARRP, overall and in every fiscal year. This impact is, of course, limited to the very small percentage of applicants from majority Muslim countries whose applications are processed pursuant to the CARRP policy.

11. However, the disparate impact of the CARRP process on applicants born in any majority Muslim country, or any predominately Muslim country, or any EO7 country, is evident from the beginning of the time period studied, FY 2013 to FY 2019, without any data suggesting an intended impact. Over time, the pattern of changes in applications referred to CARRP is similar for non-Muslims and all Muslim groups (majority Muslim, predominately Muslim, and EO7). While the pattern is the same, the magnitude of the increases and number of referrals is greater for applicants from majority Muslim countries. This would be expected, since the initial number of those processed through CARRP is higher for applicants from majority Muslim countries. That is, when a number is doubled, the doubled value is greater for the larger group than for the smaller group (*e.g.*, if group A is 5 and group B is 10, and we double both groups, then group A becomes 10 and group B becomes 20; the arithmetic difference between the groups increases and the magnitude of the change is larger for group B, though proportionately remains the same at a 1:2 ratio). When we look at the relative percentage changes (that is, the percentage change from fiscal year to fiscal year), we find that not only is the pattern the same by Muslim status, but

the magnitude of change is also the same. Thus, there is no statistical support for the Plaintiffs' allegation that alleged "extreme vetting" due to the executive orders issued by President Trump actually increased the disproportionate effect on Muslims in the CARRP process.

12. There is strong statistical evidence that the level of terrorist event in a country and other factors such as the magnitude of applications from a country and whether that country is a state sponsor of terrorism explain a significant amount (2/3s) of the variance among countries in CARRP referrals. The percent of a country's population that is Muslim has only a small and statistically non-significant impact on the number of CARRP referrals from a country. After controlling for the level of terrorist events and the number of applications from the countries and whether the country is a state sponsor of terrorism, the percent Muslim of the population of a country explains only 0.8% of the variance among countries in the number of referrals to CARRP. Conversely, the disproportionate share of referrals to CARRP of applications from applicants born in countries whose population is majority Muslim is not valid evidence of anti-Muslim bias in referring applicants to CARRP.
13. Comparing outcomes by Muslim status overall, and comparing changes over time (particularly pre- and post- EO 13769) provides no evidence to support a theory that applicants from majority Muslim countries were targeted simply because they were Muslim or from majority Muslim countries. Nor is there evidence that the process of USCIS referrals to CARRP was altered to target Muslims, or that applicants from majority Muslim countries were targeted as a result of the alleged "extreme vetting" following the EO. Specifically:

- a) A Third Agency source is almost always (more than 95% of the time) a source supporting the application referral to CARRP for applicants born in a Muslim country. A Third Agency is similarly (slightly but not meaningfully less frequently) a dominant source for referral of applicants from majority non-Muslim countries. USCIS is also a referral source slightly more than a third of the time, and slightly, although not meaningfully, more frequently for applications from applicants born in majority non-Muslim countries.
- b) However, starting in FY 2017, concurrent with the issuance of the Executive Orders, the USCIS becomes a slightly more frequent source for information relevant for referral of applications from applicants born in a majority non-Muslim country, and a Third Agency becomes a slightly less frequent source of such information. The changes are much less pronounced for I-485 applications than for N-400 applications, but the pattern is the same. Thus, to the extent that the source of agency information supporting the referral to CARRP changed at all as a result of the EOs, there is no statistical evidence to support an allegation of anti-Muslim bias on the part of USCIS. However, the fact that a Third Agency is almost always a source for referral to CARRP, and USCIS is a source about a third of the time for applications from applicants born in a majority Muslim country (or a predominantly Muslim country or an EO7 country) did not change after the EOs were issued.
- c) With respect to I-485 or N-400 applications referred to CARRP, irrespective of whether the applicant was born in a majority Muslim country (or predominantly Muslim country or an EO7 country), a Third Agency (not USCIS) was the first or only agency source supplying information that the applicant may be a national security concern in 9 out of 10



cases. Moreover, to the extent that the role of USCIS as the first or only source increased after FY 2016, it generally increased more among applications from applicants born in majority Muslim countries (or predominantly Muslim countries or EO7 countries). This stands in direct contradiction of Plaintiffs' allegation that the EOs under the current administration resulted in "extreme vetting" aimed at Muslim applicants.

- d) The rate of approval was not meaningfully different irrespective of whether the applicant was born in a majority Muslim country, a predominately Muslim country, or one of the EO7 countries, or was an applicant from a majority non-Muslim country processed pursuant to the CARRP policy and who applied in the same fiscal year. This was true for almost all fiscal years and there is no meaningful change over time, which is inconsistent with and contradicts the Plaintiffs' theory that the alleged "extreme vetting" targeted Muslims and increased the disproportionate effect.
- e) The time to adjudication for applicants born in majority non-Muslim countries and for applicants born in a majority Muslim country, a predominately Muslim country, or an EO7 country was the same, and this was true for all fiscal years prior to and during the current administration (to the extent a difference was found, it almost always favored the applicants born in a majority Muslim country, a predominately Muslim country, or an EO7 country); and

- f) The time to approval for applicants born in a majority Muslim country, a predominately Muslim country, or an EO7 country was the same as the time to approval for applicants from a majority non-Muslim country, and this was true for all fiscal years prior to and during the current administration (to the extent a difference was found, it almost always favored the applicants born in a majority Muslim country, a predominately Muslim country, or an EO7 country).



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Bernard R. Siskin, Ph.D.

Dated: July 17, 2020

**APPENDIX A**

# BLDS, LLC

**Bernard R. Siskin, Ph.D.**  
**Director**

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## **SUMMARY**

Bernard Siskin received his B.S. degree in Mathematics from the University of Pittsburgh and a Ph.D. in Statistics from the University of Pennsylvania. For many years, he taught statistics at Temple University and served as Chairman of the Department of Statistics.

Dr. Siskin has specialized in the application of statistics in law, particularly in the area of analyzing data for statistical evidence of discrimination. He has testified for both plaintiffs and defendants in more than 200 cases, many of which were large employment class actions. In addition to discrimination studies, he has conducted statistical studies and has testified in commercial and environmental cases involving statistical issues.

Dr. Siskin has frequently been appointed by federal judges as a neutral expert to aid the court in statistical issues and he was the statistical consultant to the Third Circuit Court of Appeals Task Force on Equal Treatment in the Courts. I was also appointed by the Court as an Expert to measure the accuracy of the CCC vehicle valuation methodology and I suggested possible modifications to the methodology.

Dr. Siskin is the author of many articles and textbooks on statistics and quantitative techniques including *Elementary Business Statistics*, *Encyclopedia of Management* and *Quantitative Techniques for Business Decisions*. He has also written and lectured extensively on the use of statistics in litigation.

He has served as a statistical consultant to the U.S. Department of Justice, the Equal Employment Opportunity Commission, the U.S. Department of Labor, the Federal Bureau of Investigation, the Central Intelligence Agency, the Environmental Protection Agency, the National Aeronautics and Space Administration, Consumer Financial Protection Bureau (CFPB), OFCCP and Fannie Mae (the Federal National Mortgage Association) and Freddie Mac (the Federal Home Loan Mortgage Corporation), as well as numerous other federal, state and city agencies and Fortune Five Hundred corporations.

# BLDS, LLC

## EDUCATION

University of Pennsylvania  
Ph.D., Statistics (Minor, Econometrics), 1970

University of North Carolina  
Graduate Study (Major, Economics; Minor, Statistics), 1966

University of Pittsburgh  
B.S., Mathematics (Minor, Economics), 1965

## PRESENT POSITION

BLDS, LLC, Director, 2011

## TEACHING EXPERIENCE

Temple University, Adjunct Professor of Law School, 1992 to 2005  
Temple University, Tenured Associate Professor of Statistics, 1973 to 1984  
Temple University, Chairman-Department of Statistics, 1973 to 1978  
Temple University, Assistant Professor of Statistics, 1970 to 1973  
Temple University, Instructor of Statistics, 1968 to 1970

## OTHER POSITIONS HELD

LECG, Director, 2003 to 2011  
Center for Forensic Economic Studies, Senior Vice President, 1991 to 2003  
National Economic Research Associates, Inc., Senior Vice President, 1989 to 1991  
National Economic Research Associates, Inc., Vice President, 1986 to 1989  
Center for Forensic Economic Studies, Ltd., President, 1984 to 1986  
Center for Forensic Economic Studies, Ltd., Consultant, 1980 to 1984

## PUBLICATIONS

### Books

1. B. Siskin and N. Schmidt, "Proper Methods for Statistical Analysis of Promotions," *Adverse Impact Analysis: Understanding Data, Statistics, and Risk*, Psychology Press, 2017, S. Morris and E. Dunleavy, eds.
2. B. Siskin, "Employment Discrimination Litigation: Behavioral, Quantitative, and Legal Perspectives" John Wiley & Sons, Inc. 2005, Chapter 5 *Statistical Issues in Litigation* (with Joseph Trippi).
3. B. Siskin, "Use of Statistical Models to Provide Statistical Evidence of Discrimination in the Treatment of Mortgage Loan Applicants: A Study of One Lending Institution," *Mortgage Lending, Racial Discrimination and Federal Policy*, Urban Institute Press, 1996, J. Georing and R. Wienk, eds.
4. B. Siskin and J. Staller, *What Are The Chances?*, Crown Publishers, 1989.

## BLDS, LLC

### PUBLICATIONS (Continued)

#### Books (Continued)

5. B. Siskin and R. Johnson, *Elementary Statistics: A First Course*, Duxbury Press, 1982.
6. B. Siskin and R. Johnson, *Elementary Business Statistics*, Duxbury Press, 1979  
2nd Edition, 1985
7. B. Siskin, *Encyclopedia of Management*, McGraw Hill, 1979. (Ed. Les Bechtel).
8. B. Siskin and R. Johnson, *Quantitative Techniques for Business Decisions*, Prentice Hall, 1976.

#### Articles

1. B. Siskin and D. Griffin, "Litigating Employment Discrimination & Sexual Harassment Claims," *Litigation Handbook Series*, 2002.
2. B. Siskin, H. Carter, V. Lee, G. Page, M. Parker, R.G. Ford, G. Swartzman, S. Kress, S. Singer and D.M. Fry, "The 1986 Apex Houston Oil Spill in Central California: Seabird Mortality and Population Impacts, Injury Assessments, Litigation Process, and Initial Restoration Efforts," *Marine Ornithology*, 2002.
3. B. Siskin, "Utilizing Statistics in Discrimination Cases," *Litigation Handbook Series*, 2001.
4. B. Siskin, B. Sullivan, J. Staller, and E. Hull, "Defending and Proving Damages in Employment Discrimination Cases," *Litigation Handbook Series*, 2000.
5. B. Siskin, "Litigating Employment Discrimination Cases," *Litigation Handbook Series*, 1998.
6. B. Siskin and D. Kahn, "Litigating Employment Discrimination Cases," *Litigation Handbook Series*, 1997.
7. B. Siskin, R. DuPont, D. Griffin, S. Shiraki, and E. Katze "Random Workplace Drug Testing. Does It Primarily Identify Casual or Regular Drug Users?," *Employment Testing Law & Policy Reporter*, Vol. 4, Number One, 1995.
8. B. Siskin, R. DuPont, D. Griffin, S. Shiraki, and E. Katze "Random Drug Tests at Work: The Probability of Identifying Frequent and Infrequent Users of Illicit Drugs," *Journal of Addictive Diseases*, Vol. 14, Number 3, 1995.
9. B. Siskin, J. Staller, B. Sullivan and L. Freifelder, "Litigating Employment Discrimination Cases," *Litigation Course Handbook Series*, 1995.
10. B. Siskin, "Comparing the Role of Statistics In Lending and Employment Cases," *Fair Lending Analysis: A Compendium of Essays on the Use of Statistics*, American Bankers Association, 1995.
11. B. Siskin, "Relationship Between Performance and Banding," *Human Performance*, Vol. 8, No. 3, July 1995.
12. B. Siskin, "Statistical Issues in Litigating Employment Discrimination Claims," *Federal Publications*, 1993.
13. B. Siskin, "Use of Statistical Models to Provide Statistical Evidence of Discrimination in the Treatment of Mortgage Loan Applicants: A Study of One Lending Institution," *Discrimination and Mortgage Lending Research and Enforcement Conference* Department of Housing and Urban Development, May 1993.

## BLDS, LLC

### **SPEECHES (Partial List)**

1. Alabama Bar Association
2. American Bar Association
3. American Financial Services Association
4. American Statistical Association
5. Defense Research Institute
6. Federal Bar Association
6. Harvard University
7. Institute of Industrial Research
8. International Organization of Human Rights Association
9. Law Education Institute
10. Law Enforcement Assistance Administration
11. Michigan Bar Association
12. National Center on Aging
13. Ohio Bar Association
14. Penn State University
15. Pennsylvania Human Relations Commission
16. Practising Law Institute
17. Security Industry Association
18. Women's Law Caucus: National Conference

### **STATISTICAL CONSULTANT (Partial List)**

1. Attorney General's Office of the Commonwealth of Pennsylvania, and states of California, Oregon, Massachusetts, Connecticut, Mississippi, Louisiana and New Jersey
2. Board of Higher Education for Massachusetts and Oregon
3. Central Intelligence Agency (CIA)
4. Environmental Protection Agency (EPA)
5. Equal Employment Opportunity Commission (EEOC)
6. Federal Bureau of Investigation (FBI)
7. Freddie Mac (Federal Home Loan Mortgage Corporation)
7. Fannie Mae (Federal National Mortgage Association)
8. Homeland Security
9. International Organization of Human Rights Associations
10. Municipal Court of Philadelphia
11. National Aeronautics and Space Administration (NASA)
12. Office of Federal Contract Compliance, Department of Labor (OFCCP)
13. Pennsylvania Human Relations Commission
14. Security Exchange Commission
15. Third Circuit Court of Appeals Task Force on Equal Treatment in the Courts
16. U.S. Department of Agriculture
17. U.S. Department of Commerce
18. U.S. Department of Labor
19. U. S. Justice Department
20. Numerous Fortune 500 and other private corporations

## *Testimony Listing for Bernard R. Siskin, Ph.D.*

<i>Date</i>	<i>Case Name</i>	<i>Location</i>	<i>Activity</i>	<i>On Behalf Of</i>
2019	Robertson, et al. v. Valley Communications Center	Philadelphia, PA	Deposition	Plaintiff
2019	Shauna Noel & Emmanuella Senat v. City of New York	New York City, NY	Deposition	Defendant
2019	Tillman Industrial Properties, et al. v. Mercantile Bank	Philadelphia, PA	Deposition	Plaintiff
2019	USA ex rel. Jose R. Valdez v. Aveta, Inc.; et al.	Washington, DC	Deposition	Defendant
2018	Health New, Inc. v. American International	Philadelphia, PA	Deposition	Plaintiff
2018	Kleinsasser v Progressive	Seattle, WA	Trial	Plaintiff
2017	Greater Birmingham Ministries, et al. v. Honorable Joh	Washington, DC	Deposition	Plaintiff
2017	Independent Living Center of Southern CA, et al v City	Washington DC	Deposition	Plaintiff
2017	Marc Daniel Vigna v. Allstate Insurance Company	Philadelphia, PA	Deposition	Plaintiff
2017	Mark Kleinsasser, et al v Progressive Direct Insurance	Philadelphia PA	Declaration	Plaintiff
2016	Brenda Koehler, et al v Infosys Technologies, et al	Washington DC	Deposition	Defendant
2016	US v State of Rhode Island, Rhode Island Department	Washington DC	Deposition	Plaintiff
2016	US v Wells Fargo Bank N.A.	Atlanta GA	Deposition	Defendant
2016	Yolanda McGraw, et al v GEICO	Philadelphia PA	Deposition	Plaintiff



**APPENDIX B**

<b>COUNTRY</b>	<b>&lt;50% MUSLIM</b>	<b>&gt;=50% MUSLIM</b>	<b>&gt;=90% MUSLIM</b>
AFGHANISTAN	0	1	1
ALBANIA	0	1	0
ALGERIA	0	1	1
AMERICAN SAMOA	1	0	0
ANDORRA	1	0	0
ANGOLA	1	0	0
ANGUILLA	1	0	0
ANTARCTICA	0	0	0
ANTIGUA AND BARBUDA	1	0	0
ARABIAN PENINSULA	0	1	0
ARGENTINA	1	0	0
ARMENIA	1	0	0
ARUBA	1	0	0
AUSTRALIA	1	0	0
AUSTRIA	1	0	0
AZERBAIJAN	0	1	1
BAHAMAS, THE	1	0	0
BAHRAIN	0	1	0
BANGLADESH	0	1	0
BARBADOS	1	0	0
BELARUS	1	0	0
BELGIUM	1	0	0
BELIZE	1	0	0
BENIN	1	0	0
BERMUDA	1	0	0
BHUTAN	1	0	0
BOLIVIA	1	0	0
BOSNIA AND HERZEGOVINA	0	1	0
BOTSWANA	1	0	0
BRAZIL	1	0	0
BRITISH INDIAN OCEAN TERRITORY	0	0	0
BRITISH SOLOMON ISLANDS	1	0	0
BRITISH VIRGIN ISLANDS	1	0	0
BRUNEI	0	1	0
BULGARIA	1	0	0
BURKINA FASO	0	1	0
BURMA	1	0	0
BURUNDI	1	0	0
CABO VERDE	1	0	0
CAMBODIA	1	0	0
CAMEROON	1	0	0

<b>COUNTRY</b>	<b>&lt;50% MUSLIM</b>	<b>&gt;=50% MUSLIM</b>	<b>&gt;=90% MUSLIM</b>
AFGHANISTAN	0	1	1
ALBANIA	0	1	0
CAMPBELL ISLAND	1	0	0
CANADA	1	0	0
CANARY ISLANDS	1	0	0
CAPE VERDE	1	0	0
CAYMAN ISLANDS	1	0	0
CENTRAL AFRICAN REPUBLIC	1	0	0
CHAD	0	1	0
CHILE	1	0	0
CHINA	1	0	0
CHRISTMAS ISLAND	1	0	0
COCOS (KEELING) ISLANDS	1	0	0
COLOMBIA	1	0	0
COMOROS	0	1	1
CONGO (BRAZZAVILLE)	1	0	0
CONGO (KINSHASA)	1	0	0
COOK ISLANDS	1	0	0
COSTA RICA	1	0	0
COTE D'IVOIRE	1	0	0
CROATIA	1	0	0
CUBA	1	0	0
CYPRUS	1	0	0
CZECH REPUBLIC	1	0	0
CZECHIA	1	0	0
DENMARK	1	0	0
DJIBOUTI	0	1	1
DOMINICA	1	0	0
DOMINICAN REPUBLIC	1	0	0
EAST GERMANY	1	0	0
ECUADOR	1	0	0
EGYPT	0	1	1
EL SALVADOR	1	0	0
EQUATORIAL GUINEA	1	0	0
ERITREA	1	0	0
ESTONIA	1	0	0
ETHIOPIA	1	0	0
EUROPE	1	0	0
FALKLAND ISLANDS (ISLAS MALVINAS)	1	0	0
FIJI	1	0	0
FINLAND	1	0	0

<b>COUNTRY</b>	<b>&lt;50% MUSLIM</b>	<b>&gt;=50% MUSLIM</b>	<b>&gt;=90% MUSLIM</b>
AFGHANISTAN	0	1	1
ALBANIA	0	1	0
FRANCE	1	0	0
FRENCH GUIANA	1	0	0
FRENCH POLYNESIA	1	0	0
FRENCH SOUTHERN AND ANTARCTIC LANDS	1	0	0
FRENCH SOUTHERN TERRITORIES	1	0	0
GABON	1	0	0
GAMBIA, THE	0	1	1
GEORGIA	1	0	0
GERMAN DEMOCRATIC REPUBLIC	1	0	0
GERMANY	1	0	0
GERMANY, WEST	1	0	0
GHANA	1	0	0
GIBRALTAR	1	0	0
GREECE	1	0	0
GREENLAND	1	0	0
GRENADA	1	0	0
GUADELOUPE	1	0	0
GUAM	1	0	0
GUATEMALA	1	0	0
GUERNSEY	1	0	0
GUINEA	0	1	0
GUINEA-BISSAU	1	0	0
GUYANA	1	0	0
HAITI	1	0	0
HEARD ISLAND AND MCDONALD ISLANDS	1	0	0
HOLY SEE	1	0	0
HONDURAS	1	0	0
HONG KONG	1	0	0
HUNGARY	1	0	0
ICELAND	1	0	0
INDIA	1	0	0
INDONESIA	0	1	0
IRAN	0	1	1
IRAQ	0	1	1
IRELAND	1	0	0
ISLE OF MAN	1	0	0
ISRAEL	1	0	0
ITALY	1	0	0
JAMAICA	1	0	0

<b>COUNTRY</b>	<b>&lt;50% MUSLIM</b>	<b>&gt;=50% MUSLIM</b>	<b>&gt;=90% MUSLIM</b>
AFGHANISTAN	0	1	1
ALBANIA	0	1	0
JAPAN	1	0	0
JORDAN	0	1	1
KAMPUCHEA	1	0	0
KAZAKHSTAN	0	1	0
KENYA	1	0	0
KIRIBATI	1	0	0
KOREA, NORTH	1	0	0
KOREA, SOUTH	1	0	0
KOSOVO	0	1	1
KUWAIT	0	1	0
KYRGYZSTAN	0	1	0
LAOS	1	0	0
LATVIA	1	0	0
LEBANON	0	1	0
LESOTHO	1	0	0
LIBERIA	1	0	0
LIBYA	0	1	1
LIECHTENSTEIN	1	0	0
LITHUANIA	1	0	0
LUXEMBOURG	1	0	0
MACAU	1	0	0
MACEDONIA	1	0	0
MADAGASCAR	1	0	0
MALAWI	1	0	0
MALAYSIA	0	1	0
MALDIVES	0	1	1
MALI	0	1	1
MALTA	1	0	0
MARSHALL ISLANDS	1	0	0
MARTINIQUE	1	0	0
MAURITANIA	0	1	1
MAURITIUS	1	0	0
MAYOTTE	0	1	1
MEXICO	1	0	0
MICRONESIA, FEDERATED STATES OF	1	0	0
MOLDOVA	1	0	0
MONACO	1	0	0
MONGOLIA	1	0	0
MONTENEGRO	1	0	0

<b>COUNTRY</b>	<b>&lt;50% MUSLIM</b>	<b>&gt;=50% MUSLIM</b>	<b>&gt;=90% MUSLIM</b>
AFGHANISTAN	0	1	1
ALBANIA	0	1	0
MONTserrat	1	0	0
MOROCCO	0	1	1
MOZAMBIQUE	1	0	0
NAMIBIA	1	0	0
NAURU	1	0	0
NEPAL	1	0	0
NETHERLANDS	1	0	0
NETHERLANDS ANTILLES	1	0	0
NEW CALEDONIA	1	0	0
NEW ZEALAND	1	0	0
NICARAGUA	1	0	0
NIGER	0	1	1
NIGERIA	0	1	0
NIUE	1	0	0
NORTH VIETNAM	1	0	0
NORTHERN IRELAND	1	0	0
NORTHERN MARIANA ISLANDS	1	0	0
NORWAY	1	0	0
OMAN	0	1	0
PACIFIC ISLANDS	1	0	0
PAKISTAN	0	1	1
PALAU	1	0	0
PALESTINE	0	1	1
PANAMA	1	0	0
PAPUA NEW GUINEA	1	0	0
PARAGUAY	1	0	0
PERU	1	0	0
PHILIPPINES	1	0	0
PITCAIRN ISLANDS	1	0	0
POLAND	1	0	0
PORTUGAL	1	0	0
PUERTO RICO	1	0	0
QATAR	0	1	0
REUNION	1	0	0
ROMANIA	1	0	0
RUSSIA	1	0	0
RWANDA	1	0	0
SAINT BARTHELEMY	1	0	0
SAINT HELENA	1	0	0

<b>COUNTRY</b>	<b>&lt;50% MUSLIM</b>	<b>&gt;=50% MUSLIM</b>	<b>&gt;=90% MUSLIM</b>
AFGHANISTAN	0	1	1
ALBANIA	0	1	0
SAINT KITTS AND NEVIS	1	0	0
SAINT LUCIA	1	0	0
SAINT MARTIN (FRENCH PART)	1	0	0
SAINT PIERRE AND MIQUELON	1	0	0
SAINT VINCENT AND THE GRENADINES	1	0	0
SAMOA	1	0	0
SAN MARINO	1	0	0
SAO TOME AND PRINCIPE	1	0	0
SAUDI ARABIA	0	1	1
SENEGAL	0	1	1
SERBIA	1	0	0
SEYCHELLES	1	0	0
SIERRA LEONE	0	1	0
SINGAPORE	1	0	0
SLOVAKIA	1	0	0
SLOVENIA	1	0	0
SOLOMON ISLANDS	1	0	0
SOMALIA	0	1	1
SOUTH AFRICA	1	0	0
SOUTH SUDAN	1	0	0
SOUTH VIETNAM	1	0	0
SPAIN	1	0	0
SRI LANKA	1	0	0
STATELESS	0	0	0
SUDAN	0	1	1
SURINAME	1	0	0
SVALBARD AND JAN MAYEN	1	0	0
SWAZILAND	1	0	0
SWEDEN	1	0	0
SWITZERLAND	1	0	0
SYRIA	0	1	1
TAIWAN	1	0	0
TAJKISTAN	0	1	1
TANZANIA	1	0	0
THAILAND	1	0	0
TIMOR-LESTE	1	0	0
TOGO	1	0	0
TONGA	1	0	0
TRINIDAD AND TOBAGO	1	0	0

<b>COUNTRY</b>	<b>&lt;50% MUSLIM</b>	<b>&gt;=50% MUSLIM</b>	<b>&gt;=90% MUSLIM</b>
AFGHANISTAN	0	1	1
ALBANIA	0	1	0
TRUST TERRITORY	0	0	0
TUNISIA	0	1	1
TURKEY	0	1	1
TURKMENISTAN	0	1	1
TURKS AND CAICOS ISLANDS	1	0	0
TUVALU	1	0	0
UGANDA	1	0	0
UKRAINE	1	0	0
UNITED ARAB EMIRATES	0	1	0
UNITED ARAB REPUBLIC	0	1	1
UNITED KINGDOM	1	0	0
UNKNOWN	0	0	0
URUGUAY	1	0	0
USSR	1	0	0
UZBEKISTAN	0	1	1
VANUATU	1	0	0
VENEZUELA	1	0	0
VIETNAM	1	0	0
VIRGIN ISLANDS, BRITISH	1	0	0
WALLIS AND FUTUNA	1	0	0
WESTERN SAHARA	0	1	1
WESTERN SAMOA	1	0	0
YEMEN	0	1	1
YUGOSLAVIA	1	0	0
ZAIRE	1	0	0
ZAMBIA	1	0	0
ZANZIBAR	0	1	1
ZIMBABWE	1	0	0



**APPENDIX C**

**TABLE 16**  
**COUNTS OF I-485 APPLICANTS, REFERRAL RATE TO CARRP AND PERCENT CHANGE FROM PRIOR YEAR,**  
**AND PERCENT OF THOSE IN CARRP BY MUSLIM STATUS AND FISCAL YEAR**  
**MUSLIM STATUS DEFINED BY CITIZENSHIP COUNTRY**

FISCAL YEAR	NON-MUSLIM (<50%)					MUSLIM (>50%)				
	TOTAL	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CAARP	TOTAL	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CAARP
13	496,121	699	0.14%	N/A	53.0%	62,423	621	0.99%	N/A	47.0%
14	521,557	511	0.10%	-30.46%	42.7%	77,702	685	0.88%	-11.38%	57.3%
15	524,754	748	0.14%	45.49%	45.4%	80,752	899	1.11%	26.28%	54.6%
16	597,581	628	0.11%	-26.27%	36.0%	82,400	1,118	1.36%	21.87%	64.0%
17	639,517	593	0.09%	-11.77%	39.2%	92,825	919	0.99%	-27.03%	60.8%
18	565,523	405	0.07%	-22.77%	34.4%	92,172	772	0.84%	-15.40%	65.6%
19	474,485	211	0.04%	-37.91%	40.1%	62,603	315	0.50%	-39.92%	59.9%
<b>TOTAL</b>	<b>3,819,538</b>	<b>3,795</b>	<b>0.10%</b>		<b>41.6%</b>	<b>550,877</b>	<b>5,329</b>	<b>0.97%</b>		<b>58.4%</b>

FISCAL YEAR	PREDOMINATELY MUSLIM (>=90%)					7 MUSLIM COUNTRIES IDENTIFIED IN EO <sup>1</sup>				
	TOTAL	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of those in CAARP	TOTAL	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of those in CAARP
13	46,743	544	1.16%	N/A	41.2%	24,041	250	1.04%	N/A	18.9%
14	61,294	593	0.97%	-16.87%	49.6%	36,938	335	0.91%	-12.79%	28.0%
15	63,608	818	1.29%	32.92%	49.7%	39,543	519	1.31%	44.72%	31.5%
16	61,871	1,041	1.68%	30.83%	59.6%	36,241	699	1.93%	46.95%	40.0%
17	68,334	830	1.21%	-27.81%	54.9%	42,105	582	1.38%	-28.33%	38.5%
18	65,363	684	1.05%	-13.84%	58.1%	40,757	472	1.16%	-16.22%	40.1%
19	34,418	267	0.78%	-25.87%	50.8%	11,227	150	1.34%	15.37%	28.5%
<b>TOTAL</b>	<b>401,631</b>	<b>4,777</b>	<b>1.19%</b>		<b>52.4%</b>	<b>230,852</b>	<b>3,007</b>	<b>1.30%</b>		<b>33.0%</b>

**NOTE**

<sup>1</sup> Seven Muslim Countries are Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.

**TABLE 17**  
**COUNTS OF N-400 APPLICANTS , REFERRAL RATE TO CARRP AND PERCENT CHANGE FROM PRIOR YEAR,**  
**AND PERCENT OF THOSE IN CARRP BY MUSLIM STATUS AND FISCAL YEAR**  
**MUSLIM STATUS DEFINED BY CITIZENSHIP COUNTRY**

FISCAL YEAR	NON-MUSLIM (<50%)					MUSLIM (>50%)				
	TOTAL	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CAARP	TOTAL	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of Those in CAARP
13	658,110	485	0.07%	N/A	24.0%	113,655	1,537	1.35%	N/A	76.0%
14	671,649	769	0.11%	55.36%	25.9%	113,280	2,197	1.94%	43.41%	74.1%
15	664,467	1,184	0.18%	55.63%	30.7%	119,812	2,674	2.23%	15.08%	69.3%
16	862,142	1,267	0.15%	-17.53%	35.9%	121,670	2,260	1.86%	-16.77%	64.1%
17	859,531	1,323	0.15%	4.74%	45.3%	119,304	1,595	1.34%	-28.03%	54.7%
18	719,001	826	0.11%	-25.36%	37.5%	119,181	1,378	1.16%	-13.52%	62.5%
19	686,447	299	0.04%	-62.08%	26.0%	130,404	853	0.65%	-43.43%	74.0%
<b>TOTAL</b>	<b>5,121,347</b>	<b>6,153</b>	<b>0.12%</b>		<b>33.0%</b>	<b>837,306</b>	<b>12,494</b>	<b>1.49%</b>		<b>67.0%</b>

FISCAL YEAR	PREDOMINATELY MUSLIM (>=90%)					7 MUSLIM COUNTRIES IDENTIFIED IN EO <sup>1</sup>				
	TOTAL	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of those in CAARP	TOTAL	CARRP	Percent Referred to CARRP	Percent Change from Prior Year	Percent of those in CAARP
13	76,078	1,357	1.78%	N/A	67.1%	35,414	672	1.90%	N/A	33.2%
14	76,489	1,970	2.58%	44.39%	66.4%	37,310	1,117	2.99%	57.77%	37.7%
15	80,365	2,408	3.00%	16.34%	62.4%	39,796	1,432	3.60%	20.19%	37.1%
16	79,681	1,969	2.47%	-17.53%	55.8%	35,719	1,021	2.86%	-20.56%	28.9%
17	80,117	1,360	1.70%	-31.31%	46.6%	37,476	738	1.97%	-31.11%	25.3%
18	83,296	1,211	1.45%	-14.35%	54.9%	42,752	758	1.77%	-9.97%	34.4%
19	93,004	765	0.82%	-43.42%	66.4%	46,234	503	1.09%	-38.64%	43.7%
<b>TOTAL</b>	<b>569,030</b>	<b>11,040</b>	<b>1.94%</b>		<b>59.2%</b>	<b>274,701</b>	<b>6,241</b>	<b>2.27%</b>		<b>33.5%</b>

**NOTE**

<sup>1</sup> Seven Muslim Countries are Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.

**TABLE 18****"80% RULE" COMPARISONS OF CARRP REFERRALS (OR NON-CARRP REFERRALS) BY MUSLIM STATUS  
MUSLIM STATUS DEFINED BY CITIZENSHIP COUNTRY**

Fiscal Year	N-400 APPLICATIONS			I-485 APPLICATIONS		
	non-Muslim Rate/ Muslim Rate	non-Muslim Rate/ 90% Muslim Rate/	non-Muslim Rate/ EO: 7 Rate/	non-Muslim Rate/ Muslim Rate	non-Muslim Rate/ 90% Muslim Rate/	non-Muslim Rate/ EO: 7 Rate/
13	5.4	4.1	3.9	14.2	12.1	13.5
14	5.9	4.4	3.8	11.1	10.1	10.8
15	8.0	5.9	5.0	12.8	11.1	10.9
16	7.9	5.9	5.1	7.7	6.2	5.4
17	11.5	9.1	7.8	9.4	7.6	6.7
18	9.9	7.9	6.5	8.6	6.8	6.2
19	6.7	5.3	4.0	8.8	5.7	3.3
<b>TOTAL</b>	<b>8.1</b>	<b>6.2</b>	<b>5.3</b>	<b>10.3</b>	<b>8.4</b>	<b>7.6</b>

**Note**

Values below 80% indicate referrals to CARRP are disproportionately Muslim and the smaller the value, the greater the disparate impact.

**TABLE 19****COMPARISON OF AGENCY SOURCE OF SINGLE REPORTED DATA SUPPORTING REFERRAL OF I-485 APPLICANTS  
BY FISCAL YEAR AND MUSLIM STATUS****Muslim Status Based on Citizenship Country**

Fiscal Year	Percent of Reported Sources Assigned to USCIS				Percent of Reported Sources Assigned to Third Agency				Percent of Reported Sources Assigned to Indeterminate Agency			
	non Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries	non Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries	non Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries
2013	1.4	1.0	0.9	1.2	95.0	92.9	92.5	92.0	3.6	6.1	6.6	6.8
2014	1.4	0.7	0.8	0.6	93.4	94.2	93.6	94.3	5.3	5.1	5.6	5.1
2015	0.7	1.1	1.0	1.0	95.9	95.2	95.1	94.0	3.5	3.7	3.9	5.0
2016	1.6	1.0	0.9	0.9	93.5	92.9	93.1	92.4	4.9	6.1	6.1	6.7
2017	2.2	2.2	1.9	1.9	91.4	89.3	89.5	89.2	6.4	8.5	8.6	8.9
2018	2.2	1.2	1.0	1.3	90.1	92.8	93.3	93.6	7.7	6.1	5.7	5.1
2019	1.9	1.6	1.1	1.3	78.7	84.4	88.0	91.3	19.4	14.0	10.9	7.3
2013-2019	1.5	1.2	1.1	1.2	92.7	92.3	92.6	92.4	5.8	6.4	6.3	6.5

**TABLE 20****COMPARISON OF AGENCY SOURCE OF SINGLE REPORTED DATA SUPPORTING REFERRAL OF N-400 APPLICANTS  
BY FISCAL YEAR AND MUSLIM STATUS****Muslim Status Based on Citizenship Country**

Fiscal Year	Percent of Reported Sources Assigned to USCIS				Percent of Reported Sources Assigned to Third Agency				Percent of Reported Sources Assigned to Indeterminate Agency			
	non Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries	non Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries	non Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries
2013	0.6	0.2	0.2	0.2	93.0	91.4	90.7	85.4	6.4	8.5	9.1	14.4
2014	0.3	0.1	0.1	0.1	97.1	94.7	94.7	92.8	2.6	5.1	5.2	7.1
2015	0.2	0.2	0.2	0.1	97.7	97.9	97.8	97.4	2.1	1.9	2.0	2.5
2016	0.1	0.1	0.2	0.1	96.1	94.7	95.1	95.6	3.8	5.1	4.8	4.3
2017	0.5	0.5	0.4	0.3	75.7	93.7	95.5	95.1	23.9	5.8	4.1	4.6
2018	0.1	0.3	0.3	0.3	77.4	91.5	92.2	92.1	22.5	8.2	7.5	7.7
2019	0.7	0.6	0.7	0.8	84.6	88.0	87.2	87.7	14.7	11.4	12.2	11.5
2013-2019	0.3	0.3	0.2	0.2	88.8	94.1	94.3	93.3	10.9	5.7	5.5	6.5

**TABLE 21**  
**ESTIMATED FIRST OR ONLY SOURCE OF NATIONAL SECURITY CONCERN INFORMATION RESULTING**  
**IN CARRP REFERRAL BY FISCAL YEAR BY MUSLIM STATUS FOR I-485 APPLICANTS**

**Muslim Status Based on Citizenship Country**

<u>Fiscal Year</u>	<u>Estimated Percent of Applications were First Source was Third Agency</u>				<u>Estimated Percent of Applications were First Source was USCIS</u>			
	<u>non Muslim</u>	<u>&gt;=50% Muslim</u>	<u>&gt;=90% Muslim</u>	<u>EO: 7 Countrie</u>	<u>non Muslim</u>	<u>&gt;=50% Muslim</u>	<u>&gt;=90% Muslim</u>	<u>EO: 7 Countrie</u>
2013	97.5%	96.5%	96.2%	96.0%	51.6%	52.0%	52.1%	52.3%
2014	96.7%	97.1%	96.8%	97.2%	52.0%	51.6%	51.8%	51.6%
2015	97.9%	97.6%	97.6%	97.0%	51.2%	51.5%	51.5%	51.7%
2016	96.7%	96.5%	96.5%	96.2%	52.0%	52.0%	51.9%	52.1%
2017	95.7%	94.7%	94.8%	94.6%	52.7%	53.2%	53.1%	53.2%
2018	95.1%	96.4%	96.6%	96.8%	53.0%	52.1%	51.9%	51.9%
2019	89.3%	92.2%	94.0%	95.7%	55.8%	54.3%	53.3%	52.5%
<b>TOTAL</b>	<b>96.4%</b>	<b>96.2%</b>	<b>96.3%</b>	<b>96.2%</b>	<b>52.2%</b>	<b>52.2%</b>	<b>52.1%</b>	<b>52.2%</b>

**TABLE 22****ESTIMATED FIRST OR ONLY SOURCE OF NATIONAL SECURITY CONCERN INFORMATION RESULTING  
IN CARRP REFERRAL BY FISCAL YEAR BY MUSLIM STATUS FOR N-400 APPLICANTS****Muslim Status Based on Citizenship Country**

<b>Fiscal Year</b>	<b>Estimated Percent of Applications were First Source was Third Agency</b>				<b>Estimated Percent of Applications were First Source was USCIS</b>			
	<b>&lt;50% Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO: 7 Countrie</b>	<b>&lt;50% Muslim</b>	<b>&gt;=50% Muslim</b>	<b>&gt;=90% Muslim</b>	<b>EO: 7 Countrie</b>
2013	96.5%	95.7%	95.4%	92.7%	51.9%	52.2%	52.4%	53.7%
2014	98.6%	97.4%	97.3%	96.4%	50.8%	51.4%	51.4%	51.8%
2015	98.9%	99.0%	98.9%	98.7%	50.6%	50.6%	50.6%	50.7%
2016	98.1%	97.4%	97.5%	97.8%	51.0%	51.3%	51.3%	51.1%
2017	87.8%	96.8%	97.8%	97.6%	56.2%	51.7%	51.2%	51.3%
2018	88.7%	95.8%	96.1%	96.0%	55.7%	52.2%	52.0%	52.0%
2019	92.3%	94.0%	93.6%	93.8%	54.0%	53.1%	53.4%	53.3%
<b>TOTAL</b>	<b>94.4%</b>	<b>97.0%</b>	<b>97.1%</b>	<b>96.7%</b>	<b>52.9%</b>	<b>51.6%</b>	<b>51.5%</b>	<b>51.7%</b>



**TABLE 22.1****ESTIMATED FIRST OR ONLY SOURCE OF NATIONAL SECURITY CONCERN INFORMATION  
RESULTING IN CARRP REFERRAL BY FISCAL YEAR BY MUSLIM STATUS FOR I-485 APPLICANTS****Muslim Status Based on Citizenship Country**

Fiscal Year	Estimated Percent of Applications were First Source was Third Agency				Estimated Percent of Applications were First Source was USCIS			
	<50% Muslim non- Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries	<50% non- Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries
2013	91.3%	90.3%	90.1%	89.9%	8.7%	9.7%	9.9%	10.1%
2014	90.5%	91.0%	90.7%	91.1%	9.5%	9.0%	9.3%	8.9%
2015	91.9%	91.5%	91.4%	90.9%	8.1%	8.5%	8.6%	9.1%
2016	90.6%	90.3%	90.4%	90.1%	9.4%	9.7%	9.6%	9.9%
2017	89.5%	88.4%	88.5%	88.4%	10.5%	11.6%	11.5%	11.6%
2018	88.8%	90.2%	90.5%	90.7%	11.2%	9.8%	9.5%	9.3%
2019	83.1%	86.0%	87.9%	89.5%	16.9%	14.0%	12.1%	10.5%
TOTAL	90.2%	90.0%	90.1%	90.0%	9.8%	10.0%	9.9%	10.0%

**NOTE**

The number of referrals where USCIS is initial source: Total referrals - estimated cases where Third Agency was first source.  
The number of referrals where Third Party is initial source is:  $0.94 \times \text{Third Party (single source)} + .438 \times \text{Indeterminate (single source)} + .333 \times \text{USCIS (single source)}$ .

**TABLE 23.1****ESTIMATED FIRST OR ONLY SOURCE OF NATIONAL SECURITY CONCERN INFORMATION  
RESULTING IN CARRP REFERRAL BY FISCAL YEAR BY MUSLIM STATUS FOR N-400 APPLICANTS****Muslim Status Based on Citizenship Country**

Fiscal Year	Estimated Percent of Applications were First Source was Third Agency				Estimated Percent of Applications were First Source was USCIS			
	<50% non- Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries	<50% non- Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries
2013	90.4%	89.6%	89.3%	86.7%	9.6%	10.4%	10.7%	13.3%
2014	92.5%	91.3%	91.3%	90.4%	7.5%	8.7%	8.7%	9.6%
2015	92.8%	92.9%	92.9%	92.7%	7.2%	7.1%	7.1%	7.3%
2016	92.0%	91.3%	91.5%	91.8%	8.0%	8.7%	8.5%	8.2%
2017	81.7%	90.8%	91.7%	91.5%	18.3%	9.2%	8.3%	8.5%
2018	82.6%	89.7%	90.0%	90.0%	17.4%	10.3%	10.0%	10.0%
2019	86.2%	87.9%	87.5%	87.7%	13.8%	12.1%	12.5%	12.3%
TOTAL	88.4%	91.0%	91.1%	90.6%	11.6%	9.0%	8.9%	9.4%

**NOTE**

The number of referrals where USCIS is initial source: Total referrals - estimated cases where Third Agency was first source.  
The number of referrals where Third Party is initial source is:  $0.94 \times \text{Third Party (single source)} + .438 \times \text{Indeterminate (single source)} + .333 \times \text{USCIS (single source)}$ .

**TABLE 24****COMPARISON OF APPROVAL RATES BY MUSLIM STATUS FYs 2013-2019  
FORM I-485 APPLICANTS****Muslim Status Based On Citizenship Country**

CARRP Status	NUMBER OF APPLICATIONS				APPROVAL RATE			
	<50% Muslim	>=50% Muslim	>=90% Muslim	EO 7 Counties	<50% Muslim	>=50% Muslim	>=90% Muslim	EO 7 Counties
CARRP	<b>3,065</b>	<b>4,125</b>	<b>3,737</b>	<b>2,365</b>	<b>82.4%</b>	<b>79.6%</b>	<b>80.2%</b>	<b>83.3%</b>
Not CARRP	<b>3,303,517</b>	<b>470,748</b>	<b>359,946</b>	<b>217,142</b>	<b>93.7%</b>	<b>93.2%</b>	<b>95.4%</b>	<b>97.7%</b>
ALL	<b>3,306,582</b>	<b>474,873</b>	<b>363,683</b>	<b>219,507</b>	<b>93.7%</b>	<b>93.1%</b>	<b>95.2%</b>	<b>97.6%</b>

CARRP Status	APPROVAL GAP			RELATIVE DIFFERENCE (80% RULE)		
	>=50% Muslim	>=90% Muslim	EO 7 Counties	>=50% Muslim	>=90% Muslim	EO 7 Counties
CARRP	<b>2.8%</b>	<b>2.2%</b>	<b>-1.0%</b>	<b>96.6%</b>	<b>97.4%</b>	<b>101.2%</b>
Not CARRP	<b>0.5%</b>	<b>-1.7%</b>	<b>-4.0%</b>	<b>99.4%</b>	<b>101.8%</b>	<b>104.3%</b>
ALL	<b>0.7%</b>	<b>-1.5%</b>	<b>-3.9%</b>	<b>99.3%</b>	<b>101.6%</b>	<b>104.1%</b>

**TABLE 25****COMPARISON OF APPROVAL RATES BY MUSLIM STATUS FYs 2013-2019  
FORM N-400 APPLICANTS****Muslim Status Based On Citizenship Country**

CARRP Status	NUMBER OF APPLICATIONS				APPROVAL RATE			
	<50% Muslim	>=50% Muslim	>=90% Muslim	EO 7 Counties	<50% Muslim	>=50% Muslim	>=90% Muslim	EO 7 Counties
CARRP	4,831	10,198	9,054	5,109	85.5%	80.1%	80.4%	80.1%
Not CARRP	4,543,153	716,468	481,831	231,576	92.1%	90.0%	90.1%	89.0%
ALL	4,547,984	726,666	490,885	236,685	92.1%	89.9%	89.9%	88.8%

CARRP Status	APPROVAL GAP			RELATIVE DIFFERENCE (80% RULE)		
	>=50% Muslim	>=90% Muslim	EO 7 Counties	>=50% Muslim	>=90% Muslim	EO 7 Counties
CARRP	5.4%	5.1%	5.4%	93.7%	94.1%	93.6%
Not CARRP	2.1%	2.1%	3.1%	97.7%	97.8%	96.6%
ALL	2.2%	2.2%	3.3%	97.6%	97.6%	96.4%

**TABLE 26**

**TIME TO ADJUDICATION AMONG I-485 APPLICATIONS  
PROCESSED IN CARRP BY FISCAL YEAR AND MUSLIM STATUS  
(NOT MUSLIM OR MUSLIM)  
Muslim Status Based on Country of Citizenship**

Fiscal Year	Muslim Status	Months Until Percent of Applications Adjudicated			Muslim Status	Months Until Percent of Applications Adjudicated		
		25%	50%	75%		25%	50%	75%
2013	<50%	6	10	16	>=50%	8	15	25
2014	<50%	9	15	29	>=50%	10	16	28
2015	<50%	17	23	32	>=50%	17	24	34
2016	<50%	19	25	35	>=50%	19	24	34
2017	<50%	17	22	30	>=50%	17	22	30
2018	<50%	13	18	23	>=50%	13	19	23
2019	<50%	11	.	.	>=50%	11	.	.

Fiscal Year	Muslim Status	Months Until Percent of Applications Adjudicated			Muslim Status	Months Until Percent of Applications Adjudicated		
		25%	50%	75%		25%	50%	75%
2013	>=90%	8	16	26	E0 7	10	17	25
2014	>=90%	10	16	27	E0 7	11	16	26
2015	>=90%	18	24	35	E0 7	18	24	34
2016	>=90%	19	24	34	E0 7	19	23	33
2017	>=90%	17	22	29	E0 7	17	22	29
2018	>=90%	13	19	23	E0 7	14	19	23
2019	>=90%	11	.	.	E0 7	.	.	.

**Notes**

Except if noted in green, time to adjudication for those with Muslim status is not statistically significantly different from the time to adjudication for the non-Muslim applications.

The time to adjudication is quicker than that of non-Muslim population.

**TABLE 27**

**TIME TO ADJUDICATION AMONG N-400 APPLICATIONS  
PROCESSED IN CARRP BY FISCAL YEAR AND MUSLIM STATUS  
(NOT MUSLIM OR MUSLIM)**

**Muslim Status Based on Country of Citizenship**

Fiscal Year	Muslim Status	Months Until Percent of Applications Adjudicated			Muslim Status	Months Until Percent of Applications Adjudicated		
		25%	50%	75%		25%	50%	75%
2013	<50%	7	11	18	>=50%	7	10	18
2014	<50%	8	12	19	>=50%	8	12	21
2015	<50%	14	19	28	>=50%	15	20	29
2016	<50%	19	23	31	>=50%	19	23	31
2017	<50%	19	25	31	>=50%	18	23	29
2018	<50%	14	18	23	>=50%	13	17	.
2019	<50%	10	.	.	>=50%	11	.	.

Fiscal Year	Muslim Status	Months Until Percent of Applications Adjudicated			Muslim Status	Months Until Percent of Applications Adjudicated		
		25%	50%	75%		25%	50%	75%
2013	>=90%	7	10	18	E0 7	7	10	18
2014	>=90%	8	12	21	E0 7	8	12	20
2015	>=90%	15	20	29	E0 7	15	20	28
2016	>=90%	19	23	31	E0 7	18	23	30
2017	>=90%	18	22	28	E0 7	18	22	28
2018	>=90%	13	17	.	E0 7	13	17	.
2019	>=90%	11	.	.	E0 7	11	.	.

**Notes**

Except if noted in green, time to adjudication for those with Muslim status is not statistically significantly different from the time to adjudication for the non-Muslim applications.

       The time to adjudication is quicker than that of non-Muslim population.

**TABLE 28**

**TIME TO APPROVAL AMONG I-485 APPLICATIONS  
PROCESSED IN CARRP BY FISCAL YEAR AND MUSLIM STATUS  
(NOT MUSLIM OR MUSLIM)**

**Muslim Status Based on Country of Citizenship**

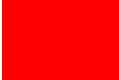
Fiscal Year	Muslim Status	Months Until Percent of Applications Approved			Muslim Status	Months Until Percent of Applications Approved		
		25%	50%	75%		25%	50%	75%
2013	<50%	5	9	15	>=50%	8	14	23
2014	<50%	8	15	25	>=50%	10	15	26
2015	<50%	16	22	30	>=50%	17	23	33
2016	<50%	19	24	35	>=50%	19	24	34
2017	<50%	18	23	32	>=50%	17	23	35
2018	<50%	13	18	.	>=50%	14	20	.
2019	<50%	.	.	.	>=50%	.	.	.

Fiscal Year	Muslim Status	Months Until Percent of Applications Approved			Muslim Status	Months Until Percent of Applications Approved		
		25%	50%	75%		25%	50%	75%
2013	>=90%	8	14	24	E0 7	10	15	24
2014	>=90%	10	16	25	E0 7	11	15	25
2015	>=90%	18	24	33	E0 7	18	23	33
2016	>=90%	19	24	34	E0 7	19	23	33
2017	>=90%	17	23	33	E0 7	17	22	31
2018	>=90%	14	20	.	E0 7	14	19	23
2019	>=90%	11	.	.	E0 7	.	.	.

**Notes**

Except if noted in green, time to approval for those with Muslim status is not statistically significantly different from the time to adjudication for the non-Muslim applications.

 The time to approval is quicker than that of non-Muslim population.

 Adverse to Muslim (longer).

**TABLE 29**

**TIME TO APPROVAL AMONG N-400 APPLICATIONS  
PROCESSED IN CARRP BY FISCAL YEAR AND MUSLIM STATUS  
(NOT MUSLIM OR MUSLIM)**

**Muslim Status Based on Country of Citizenship**

Fiscal Year	Muslim Status	Months Until Percent of Applications Approved			Muslim Status	Months Until Percent of Applications Approved		
		25%	50%	75%		25%	50%	75%
2013	<50%	7	10	15	>=50%	7	10	16
2014	<50%	8	11	18	>=50%	8	11	18
2015	<50%	14	19	26	>=50%	15	20	27
2016	<50%	19	23	30	>=50%	19	23	30
2017	<50%	19	25	31	>=50%	18	23	30
2018	<50%	14	19	.	>=50%	14	18	.
2019	<50%	10	.	.	>=50%	11	.	.

Fiscal Year	Muslim Status	Months Until Percent of Applications Approved			Muslim Status	Months Until Percent of Applications Approved		
		25%	50%	75%		25%	50%	75%
2013	>=90%	7	10	15	E0 7	7	9	17
2014	>=90%	8	11	18	E0 7	8	11	18
2015	>=90%	15	20	27	E0 7	15	19	27
2016	>=90%	19	23	30	E0 7	18	22	29
2017	>=90%	18	23	29	E0 7	18	22	29
2018	>=90%	14	18	.	E0 7	13	17	.
2019	>=90%	11	.	.	E0 7	11	.	.

**Notes**

Except if noted in green, time to approval for those with Muslim status is not statistically significantly different from the time to adjudication for the non-Muslim applications.


  The time to approval is quicker than that of non-Muslim population.




**TABLE 30**

**COMPARISON OF APPROVAL RATES BY FISCAL YEAR  
APPLIED AND MUSLUM STATUS  
I-485 APPLICANTS  
Muslim Status Based on Country of Citizenship**

	Approval Rates by Muslim Status			
	<50% Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries
2013	84.26%	74.11%	73.94%	76.92%
2014	76.27%	76.72%	79.02%	83.23%
2015	79.06%	75.33%	75.46%	77.95%
2016	69.23%	69.02%	70.00%	73.68%
2017	58.74%	56.42%	58.15%	61.35%
2018	42.03%	41.91%	42.73%	47.08%
2019	6.86%	8.25%	9.23%	8.97%


 The time to adjudication is quicker than that of non-Muslim population.

 Adverse to Muslim (longer).

**TABLE 31**

**COMPARISON OF APPROVAL RATES BY FISCAL YEAR  
APPLIED AND MUSLUM STATUS  
N-400 APPLICANTS  
Muslim Status Based on Country of Citizenship**

	Approval Rates by Muslim Status			
	<50% Muslim	>=50% Muslim	>=90% Muslim	EO 7 Countries
2013	77.32%	80.29%	81.58%	80.06%
2014	81.14%	76.73%	77.40%	77.89%
2015	81.47%	76.77%	77.16%	77.86%
2016	77.88%	70.34%	70.58%	71.67%
2017	60.42%	59.42%	60.82%	61.06%
2018	42.96%	42.95%	42.60%	44.91%
2019	11.41%	8.12%	8.27%	9.20%

 The time to adjudication is quicker than that

**TABLE 33**

**SUMMARY OF RESULTS OF REGRESSION ANALYSIS  
OF RELATIONSHIP BETWEEN REFERRALS TO CARRP  
OF APPLICATIONS FROM PERSONS WHO ARE CITIZENS OF A COUNTRY  
AND VARIOUS CHARACTERISTICS ASSOCIATED WITH THE COUNTRY**

Variable	Standardized Coefficients	Probability of Occurring by Chance
Percent Muslim of population of the country	0.097	0.067
Number of terroristic events associated with country	0.698	less than 0.001
Applications from persons born in the country	0.167	0.001
Whether country is state sponsor of terrorism	0.205	less than 0.001

**Notes**

Standardized coefficients adjust for the differences in measurement of the variables, so the coefficients of the different factors are comparable. Thus, if a standardized coefficient of one variable is 1, and the standardized coefficient of the other variable is 2, the effect of the second variable is twice that of the first.

If the probability of seeing as large an effect by chance is less than 0.05, one considers the effect to be statistically significant. If the probability is greater than 0.05, the observed effect is considered to be not statistically significant, so the analysis does not provide valid statistical evidence from which to conclude that the effect of the factor is real.