

EXHIBIT 21

~~FILED UNDER SEAL~~

National Security Branch Overview

Briefing for:

DHS Fellowship Program

August 8, 2007



U.S. Citizenship
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Services



National Security Branch - Goal

Goal – Maintain the integrity of the legal immigration system by 1) denying immigration benefits to known or suspected terrorists, their supporters, and others who pose a threat to National Security or Public Safety, and 2) identifying grounds for removing the immigration status that permits them to remain in this country.

Vision –

- Resolve Non-National Security Referrals upon receipt;
- Receive KST hits directly from the TSC in a batch; Provide information to the FDNS-IO for coordination with JTTF;
- Obtain a seat on the NJJF to facilitate information sharing in NS cases;
- Deliver relevant information from investigative files to the adjudicator through a “tear-line” product;
- NS cases only referred to HQ if they can’t be denied in the field; and
- NSAU only adjudicates “boomerang” cases; those that can’t be denied without declassification of sensitive investigative information.

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National Security Branch - Mission

Mission Statement: Complete the conduct of background checks to identify applicants, petitioners, and beneficiaries who may pose a threat to national security (NS) or public safety (PS) and adjudicate national security cases in a manner that minimizes the risk to national security and expedites the processing of legitimate applications for immigration benefits.

Mission-Essential Tasks:

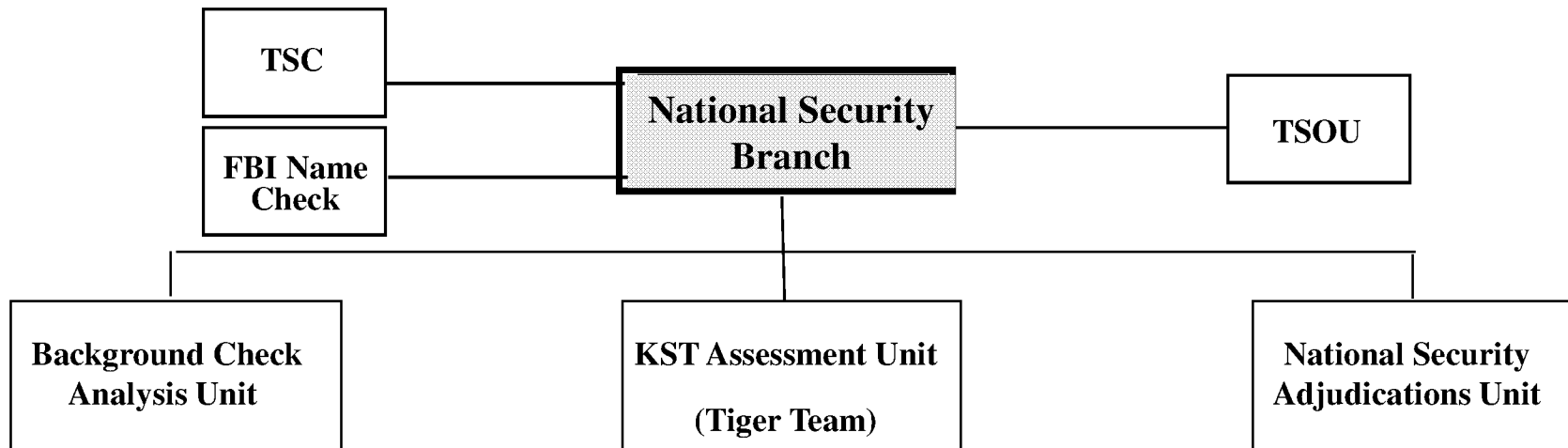
- Resolve National Security Referrals from Field Offices (IBIS or Non-IBIS) and the; FBI Name Check Unit
- Provide on-site immigration expertise at selected law enforcement and intelligence agencies;
- Review all of the derogatory information held by USG Agencies and assess the impact on the eligibility of applicants or beneficiaries for immigration benefits; and
- Develop and implement resolution strategies in cases involving confirmed or unresolved national security concerns in coordination with OCC and field components.

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National Security Resources



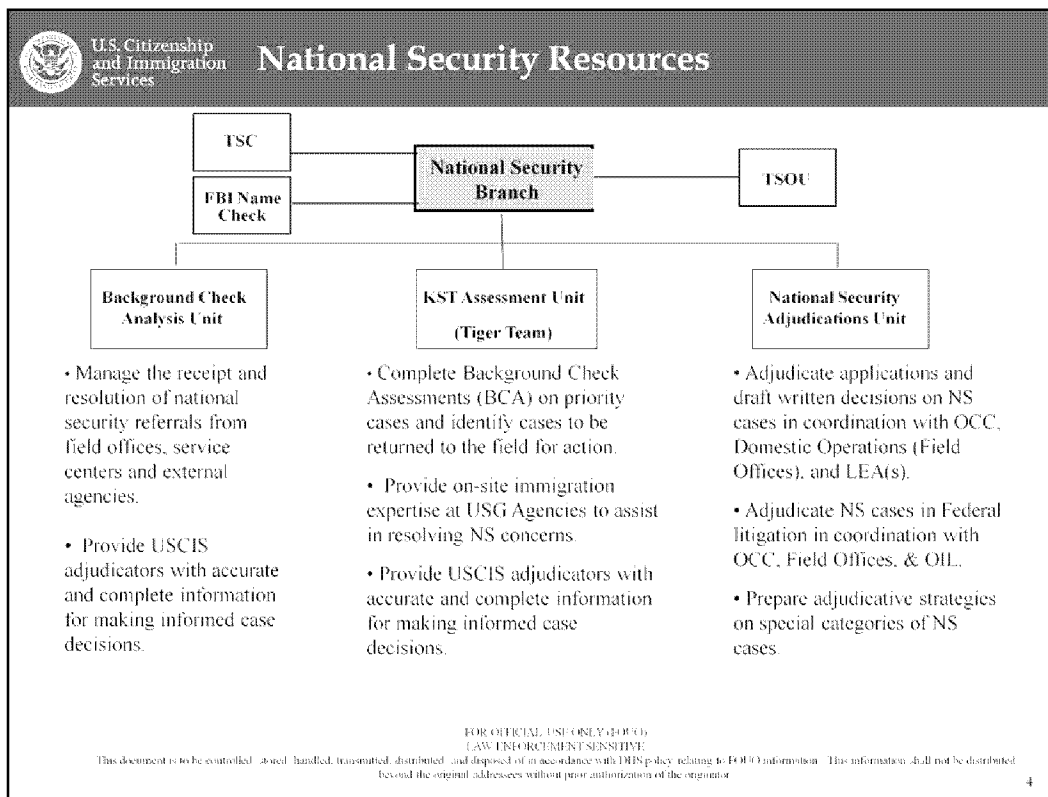
- Manage the receipt and resolution of national security referrals from field offices, service centers and external agencies.
- Provide USCIS adjudicators with accurate and complete information for making informed case decisions.

- Complete Background Check Assessments (BCA) on priority cases and identify cases to be returned to the field for action.
- Provide on-site immigration expertise at USG Agencies to assist in resolving NS concerns.
- Provide USCIS adjudicators with accurate and complete information for making informed case decisions.

- Adjudicate applications and draft written decisions on NS cases in coordination with OCC, Domestic Operations (Field Offices), and LEA(s).
- Adjudicate NS cases in Federal litigation in coordination with OCC, Field Offices, & OIL.
- Prepare adjudicative strategies on special categories of NS cases.

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Talking Points:

- The National Security Branch is organized with two (2) Background Check Assessment Units (BCAU) and a National Security Adjudications Unit (NSAU).
- One of the BCAU(s) is responsible for processing the National Security Records (NSR) that are submitted by the field on potential national security cases.
- The other BCAU processes the FBI Name Check results, the US VISIT and Interpol hits on our fingerprints stored in the EID Database, and is responsible for obtaining the national security information, held by other government agencies, necessary to resolve the national security concerns identified during both the IBIS and the FBI Name Checks.
- We have an agreement in principle that the non-national security functions (US VISIT, Interpol, NNS FBI Name Checks) will transfer to Domestic Operations but, at present, that workload remains in the NSB.
- The NSAU is responsible for the adjudication of all cases with a confirmed national security concern, and preparing decisions for issuance in the field.
- On the 1st of June, there were only 8 personnel assigned to the BCAU(s), and 13 assigned to NSAU. In the last 5 months the strength of the BCAU(s) has more than doubled (22) and NSAU has increased its staffing to 21 adjudicators, which includes detailees from the field.
- Although we're still constrained by the hiring freeze, you should have noted a substantial increase in the number of referrals that have been completed and returned to the field for action in the last month or two. What you haven't seen is the number of new cases that have gone to NSAU.



NSB Workload Overview

Each Year, USCIS processes applications for immigration benefits from immigrants residing within the U.S., as well as for selected categories of non-immigrants who apply for benefits while overseas. Benefit decisions on applications with no national security concerns are made in the field; decision authority in national security cases is retained at HQ USCIS.

USCIS Immigration Benefit Requests:

- Annual Receipts: 6-7 M
- Affected Individuals: 17.5M
- Applications Requiring FBI Name Check: 1.6M

National Security Referrals:

- NSR: 7,500
- FBI Name Check: 4,500

National Security Case Adjudications:

- Active Cases: 1,750
- Cases in Federal Litigation: 140

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Background Check Process - USCIS

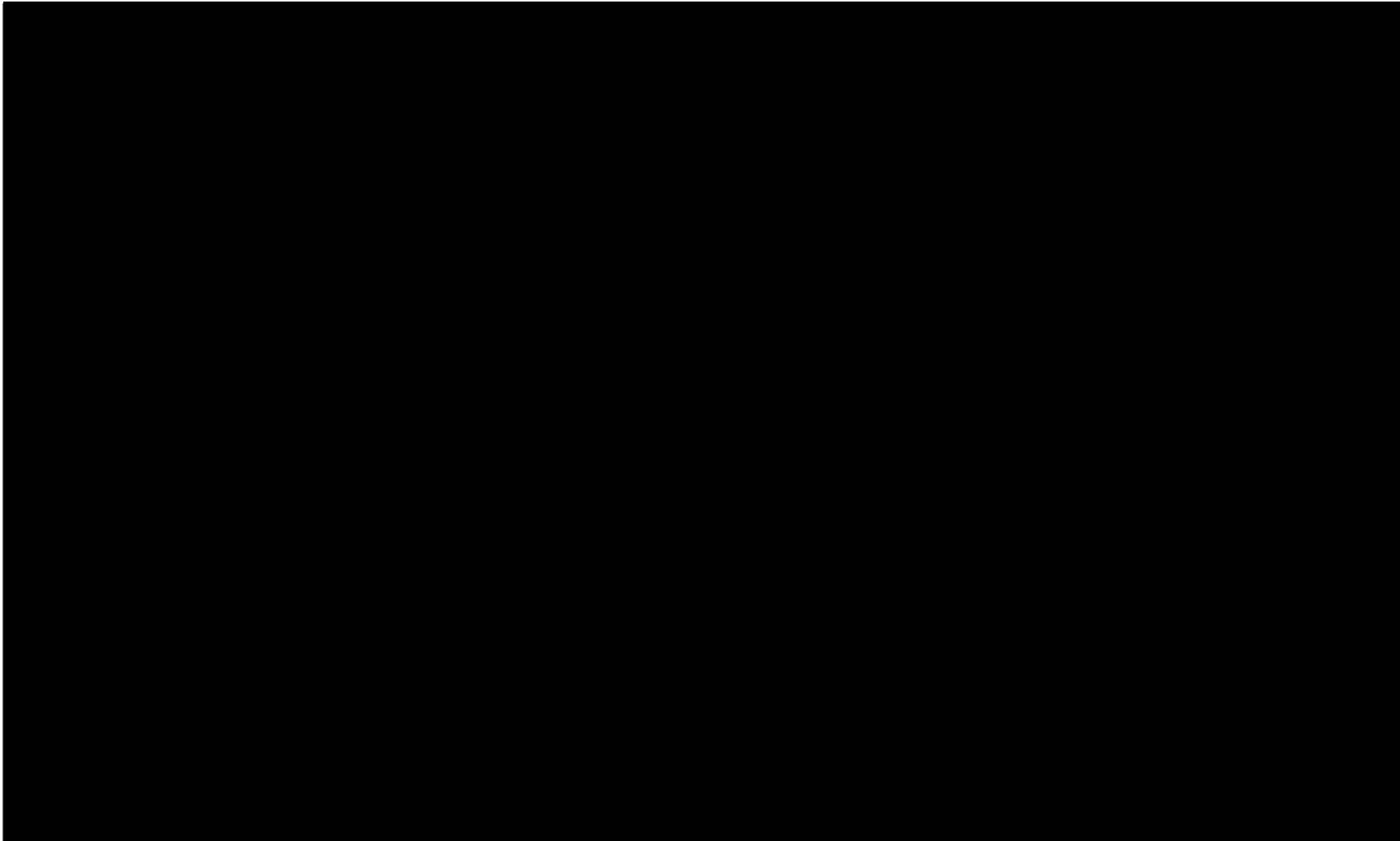
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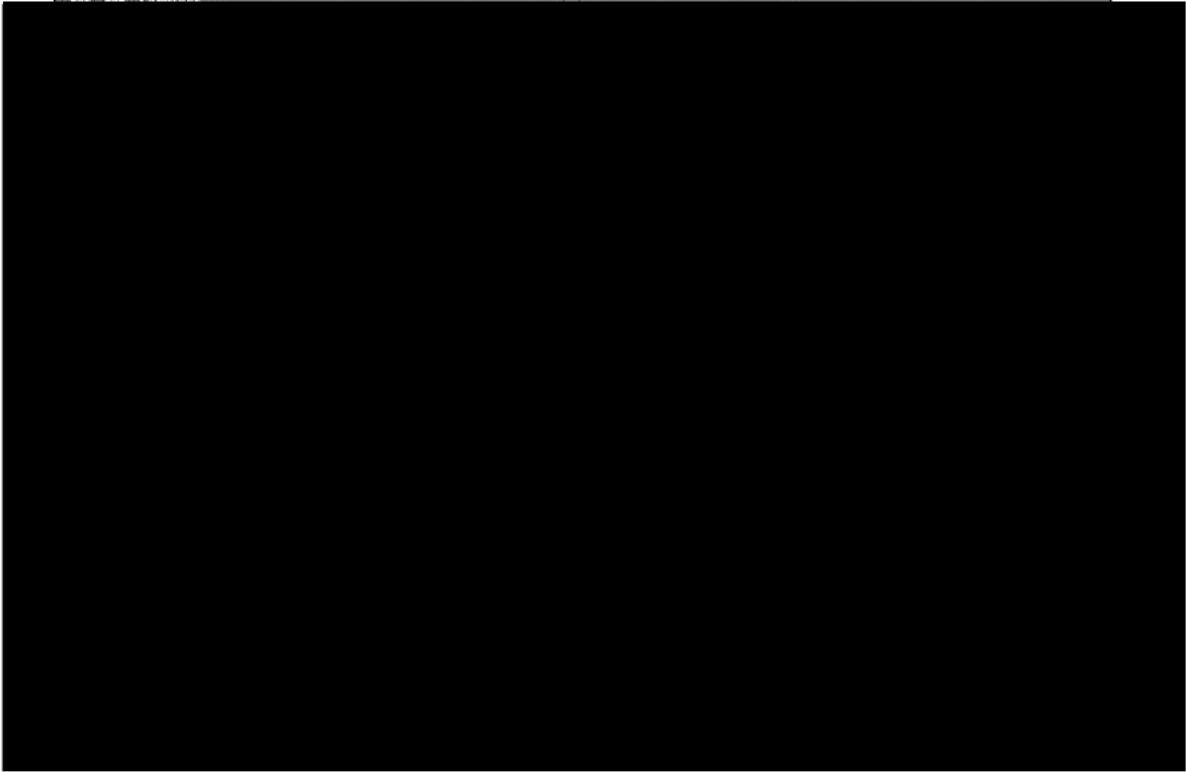
National Security Process – HQ FDNS



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National Security Process - HQ FDNS



Talking Points:

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[Redacted]

[Redacted]

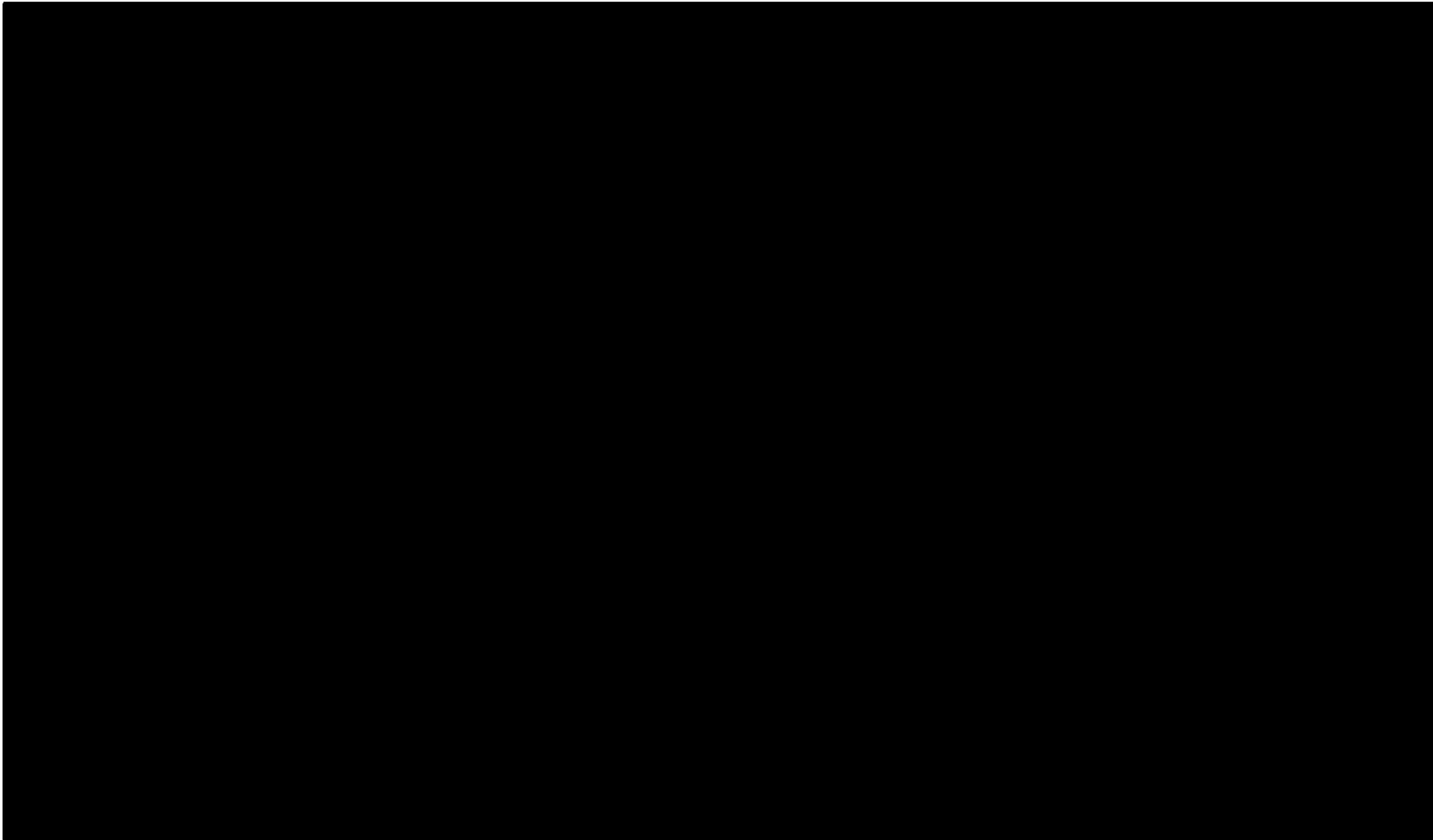
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BCAU - Background Check Resolution



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KST Assessment Unit (Tiger Team)

Background:

- USCIS Leadership was concerned about the volume of national security cases that are pending within the organization, as it presents a vulnerability for the nation as well as the agency.
- HQ Field Operations and Field Leadership indicated that they are fully capable of issuing denials in cases with confirmed national security concerns.
- Common Belief – If you look hard enough, you can find evidence of fraud and/or ineligibility in almost any case in which NS concerns exist.

National Security Workload:

- 7,600 cases pending at HQ; 1,400 involve KST Lookouts
 - 550 of the KST Lookouts involve applicants from Special Interest Countries
- 400 of the cases with KST Lookouts have a pending I-485 Application, on which the agency can exercise discretion.

Mission:

- Obtain and consolidate all relevant information, coordinate with law enforcement to determine the status of ongoing investigations, and release the case to the field for evaluation and possible denial on statutory and/or discretionary grounds.

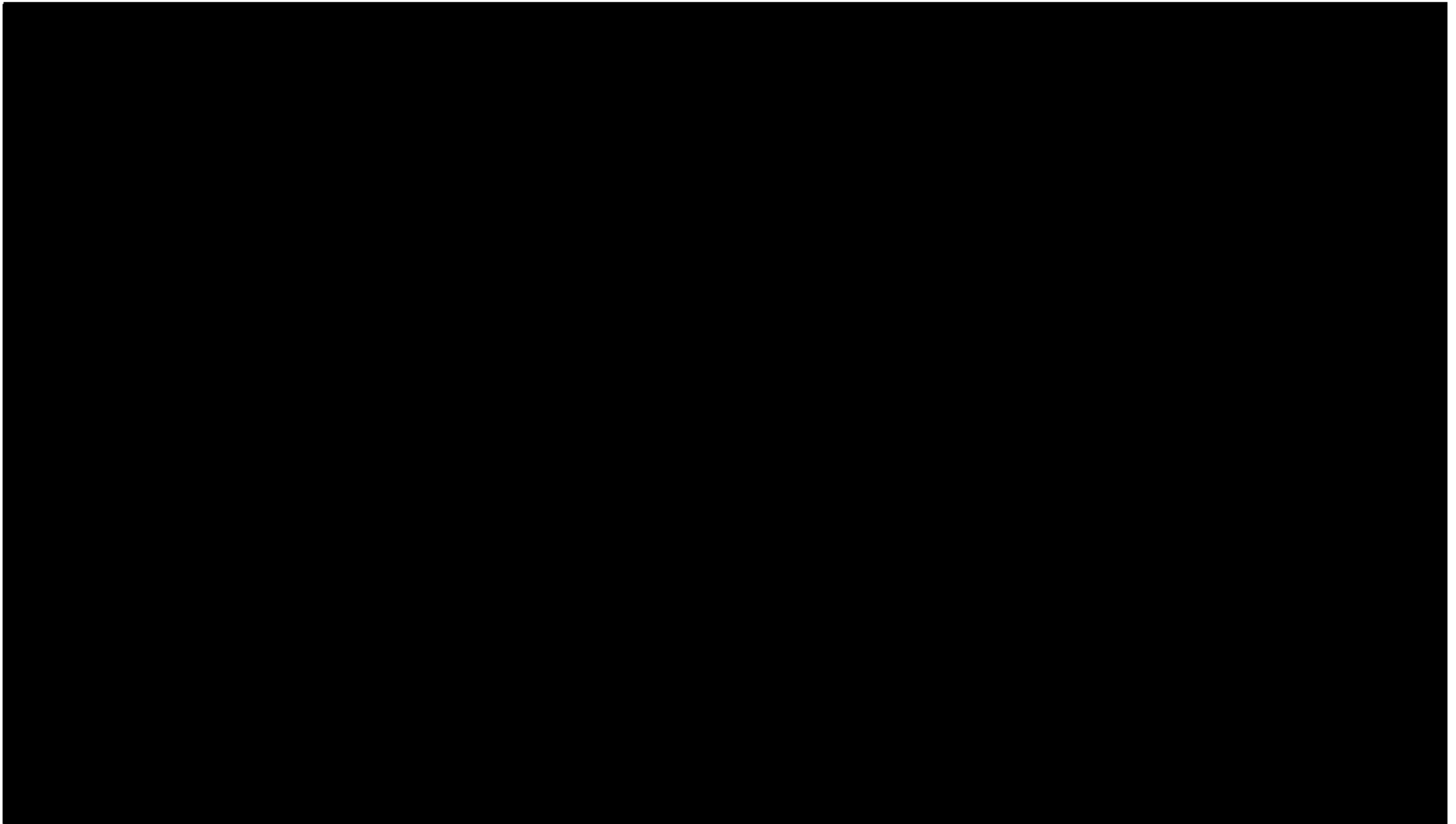
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National Security - Referral to NSAU



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NSAU - Organization

NSAU is structured with three Units whose responsibilities are divided along functional lines, based on the nature of the application or petition filed, to make best use of the subject matter expertise and experience available.

- **Employment Unit** – Manages NS cases in which the primary filing involves an Immigrant or Non-Immigrant petition or an adjustment of status based on employment.
- **Naturalization Unit*** – Manages all NS cases involving applications for Naturalization and Citizenship. This also includes appeals and work in support of denaturalization cases referred by ICE.
- **Family, Asylum, and Refugee Unit** – Manages all NS cases involving family-based petitions, family-based adjustments of status, as well as Refugee and Asylee adjustments.

* Handles the majority of the Mandamus workload

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NSAU – Key Functions

- Provide adjudicative assessments and draft adjudicative decisions to the field in cases involving confirmed or unresolved national security concerns;
- Coordinates with Field Offices and assists in gathering relevant information, preparing for and conducting interviews, and drafting decisions in national security cases;
- Where additional information is required to support a legally sufficient decision, coordinates with law enforcement and intelligence agencies to declassify selected material for use in a written decision;
- Manage and adjudicate appeals in sensitive cases where NS concerns were considered in the denial of the original application; and
- Assist in the preparation of adjudicative strategies in special categories of NS cases; i.e., LE

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National Security Branch – Key Personnel

National Security Branch: [REDACTED]....202-272-[REDACTED]

Background Check Unit: [REDACTED]....202-272-[REDACTED]

Tiger Team: [REDACTED]....202-272-[REDACTED]

National Security Adjudications Unit: [REDACTED]....202-272-[REDACTED]

NSAU Family & Residence Unit: [REDACTED]....202-272-[REDACTED]

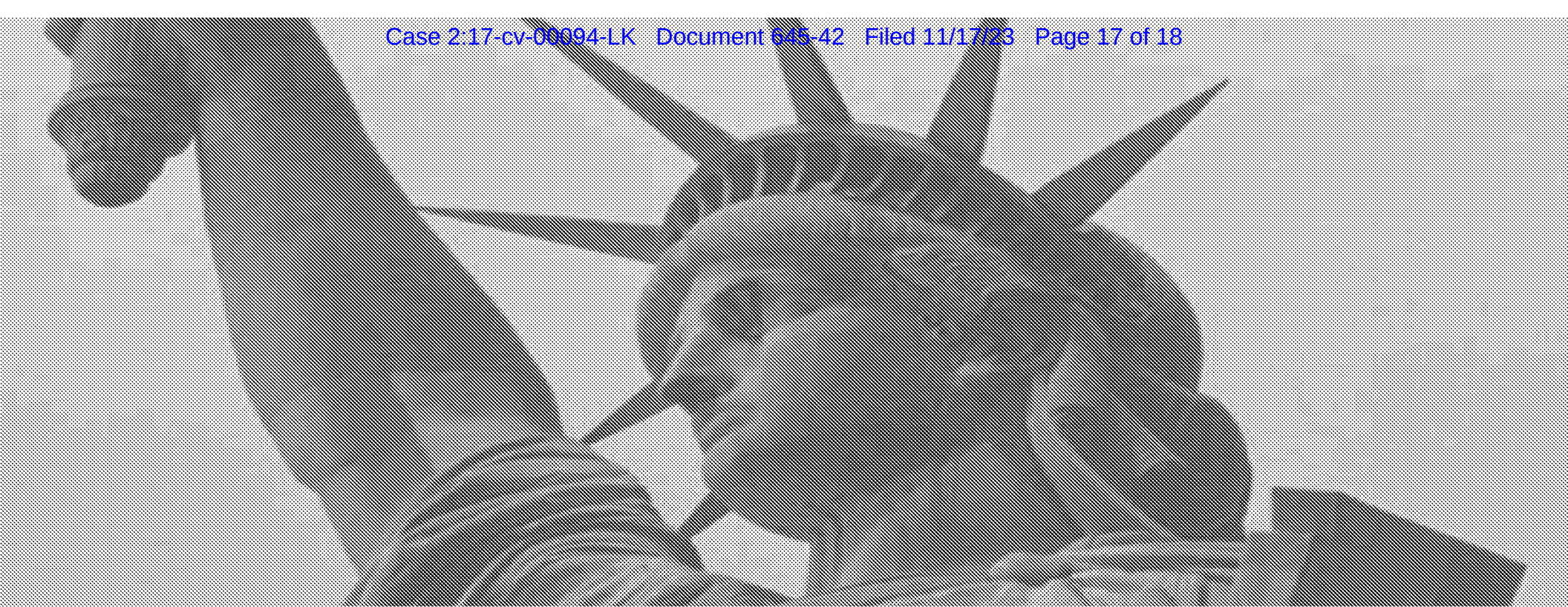
NSAU Naturalization Unit: [REDACTED]....202-272-[REDACTED]

NSAU Employment Unit: [REDACTED]....202-272-[REDACTED]

FDNS Special Assistant: [REDACTED]....202-272-[REDACTED]

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Back-Up Slides



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Tiger Team – Concept of Operation

- HQ FDNS reviews cases to verify or resolve National Security (NS) concerns;
- Presents cases for Joint Review (NSRV, Field Ops, SC Ops)
 - Non-National Security – Release to field for decision (IBIS SOP)
 - NS Concern Confirmed / Unresolved – Send to Field for Evaluation and Denial
- Field Offices & Service Centers evaluate the file, with a view toward denying the I-485 and associated applications where possible (I-765, I-131). The basis for denial in these cases may be infractions that we would normally overlook.
 - Coordinate case resolution strategy with JTTF and ICE;
 - Coordinate timing and issuance of NTA with ICE.
- Assess file for grounds for revocation, rescission, or termination of the underlying status;
 - Request evidence or site visits when required;
 - Coordinate the relocation of the case to a Field Office if an interview is required, or a Service Center when expertise on a petition is required.
- Present recommendations for approval or denial to HQ Domestic Operations;
- When directed, return the case to HQ for decision; and
- Monitor closed cases for appeal.

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