

EXHIBIT 23

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U.S. CITIZENSHIP AND IMMIGRATION SERVICES



**U.S. Citizenship
and Immigration
Services**

***FDNS OFFICER
BASIC TRAINING***

**NATIONAL SECURITY
INSTRUCTOR GUIDE**

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Version 1.2

SYLLABUS**COURSE TITLE:** Deconfliction, Internal Vetting, and External Vetting of NS Concerns**COURSE NUMBER:****COURSE DATE:****LENGTH AND METHOD OF PRESENTATION:**

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

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

Instructor's note: This course is the third and final section of the National Security Module. It covers three main activities with which FDNS IOs (especially in Field Offices) should be familiar: deconfliction, internal vetting, external vetting.

This course is best suited to follow the systems classes in FOBTC since the internal vetting section covers the different systems and how they are used to gain additional information when handling national security concerns.

This training module has been designed to last approximately 4 hours. Below are suggested time guidelines for each Enabling Performance Objective (EPO) to assist instructors pace themselves during the course of the training.

In addition, the instructor's notes found in the gray text boxes throughout the Instructor's Guide provide speaking points that the instructor may wish to incorporate into the training presentation. Instructors are encouraged to include pertinent anecdotes relating to on-the-job experiences or examples which will help to illustrate and reinforce the material.

Introduction: 15 minutes

EPO#1: 15 minutes

EPO#2: 1 hour

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EPO#3: 1 hour
EPO#4: 15 minutes
EPO#5: 15 minutes
Practical Exercise: 1 hour

1) Practical Exercises- Internal/External Vetting

After reviewing each of the 10 scenarios, students should answer the following questions

- 1-Identify the NS indicators and do rise to level of NS concern
- 2-Determine what internal vetting steps should have been taken
- 3-Determine if there is enough information to determine whether the NS concern has been resolved or the NS concern remains

DESCRIPTION:

Identify how internal vetting and external vetting support the adjudication process when handling cases with national security concerns in the context of the Controlled Application Review and Resolution Process (CARRP). Discuss the importance of law enforcement coordination as it relates to deconfliction and external vetting. Distinguish between the handling of Known or Suspected Terrorist (KST) and a non-KST NS concern.

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ENABLING PERFORMANCE OBJECTIVE (EPOs):

EPO #1: Discuss the purpose of deconfliction and the importance of coordination with law enforcement/record owners.

EPO #2: Discuss the purpose of internal vetting and identify various tools and techniques used.

EPO #3: Discuss the purpose of external vetting and the roles and responsibilities of external vetting KSTs and non-KSTs.

EPO#4: Identify standards for documenting deconfliction and vetting activities.

EPO#5: Identify Information Sharing & Confidentiality Rules and Provisions

METHOD OF EVALUATION:

Written Examination – Multiple Choice

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Instructor's note:

Review the four stages of CARRP and deconfliction to remind students how the EPOs fit into the CARRP process.

Throughout the session, emphasis should be placed on effective and respectful law enforcement liaison/coordination and paying attention to detail while conducting vetting activities.

Presentation**I. Introduction**

The top priority of FDNS is to remove systematic and other vulnerabilities that impact the legal U.S. immigration system; be a conduit between USCIS and the law enforcement community as well as the intelligence community; and provide information-gathering capabilities to help identify threats to national security and public safety.

In accordance with the Controlled Application Review and Resolution Program (CARRP), FDNS Immigration Officers may be designated to conduct deconfliction, internal vetting, and/or external vetting of cases involving National Security (NS) concerns. These activities often require close and continuous coordination with law enforcement and intelligence agencies.

In accordance with USCIS policy, all coordination with the intelligence community is conducted by HQ FDNS. Liaison with law enforcement however is conducted by FDNS in the field at the local level. USCIS has given local management the discretion to engage additional personnel in this capacity, as the intent is to maximize communication and cooperation with law enforcement, not impede it.

Through the application of CARRP and FDNS liaisons with the law enforcement community and intelligence community, USCIS strives to provide "the right benefit to the right person at the right time and no benefit to the wrong person."

References

"Policy for Vetting and Adjudicating Cases with National Security Concerns" dated April 11, 2008, signed by Jonathan R. Scharfen, Deputy Director.

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II. Deconfliction

EPO #1: Discuss the purpose of deconfliction and the importance of coordination with law enforcement/record owners.

A. Deconfliction

1. Coordination between USCIS and another governmental agency owner of national security information (the record owner) to ensure that planned adjudicative activities (e.g., interview, request for evidence, site visit, decision to grant or deny a benefit, and the timing of the decision) do not compromise or impede an ongoing investigation or other record owner interest.
2. May happen at any stage of adjudication process
3. May happen multiple times during the adjudication of a single application
4. Completed by designated officer
 - a. Primarily FDNS Immigration Officer in the field and asylum offices
 - b. Primarily BCU staff at Service Center
 - c. Consider including designated adjudications officer on discussions with record owner
5. Ensures that record owner is aware that the individual has a benefit pending with USCIS
6. Provides USCIS with opportunity to ask about
 - a. Aliases;
 - b. Family relationships;
 - c. Residence within or outside the U.S.;
 - d. Membership or involvement with organizations;
 - e. Military Training; and
 - f. Foreign Travel
 - g. Criminal activity to include fraud and immigration violations:
 - i. For which he/she was arrested or detained

Domestic Operations:
See “[Operational Guidance for Vetting and Adjudicating Cases with National Security Concerns](#)” dated April 24, 2008, signed by Don Neufeld.

International Operations: See page 8 “[Guidance for International Operations Division on the Vetting, Deconfliction, and Adjudication of Cases with National Security Concerns](#)” dated April 28, 2008, signed by Alanna Ow.

Asylum Division:
See “[Issuance of Revised Section of the Identity and Security Checks Procedures Manual Regarding Vetting and Adjudicating Cases with National Security Concerns](#)”, dated May 14, 2008, signed by Joseph Langlois

Refugee Affairs Division: See “[Operational Guidance for Vetting and Adjudicating Refugee Cases with National Security Concerns](#)”

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Instructor Guide

- ii. or which he/she has been charged;
 - iii. For which he/she will be charged; and
 - iv. For which he/she will not be charged (i.e., not relevant to the current criminal investigation)
7. Provides record owner with opportunity to submit questions, to consider additional information that may inform further action or investigation of the case, and to comment on decision
- a. Preparing for RFE, Interview or Site Visit
 - b. Following receipt of additional information/evidence
 - c. Preparing for Decision
 - d. Must be material to benefit sought
8. Law enforcement wants to place a case in abeyance or expedite the processing of an application or petition. What do I tell them?

dated May 14, 2008,
signed by Barbara
Strack.

Designated officers in receipt of LEA requests to grant, deny or place in abeyance the issuance of immigration benefits must refer the request to the USCIS chain of command. A LEA request for abeyance must be in writing, in accordance with the Operational Guidance. The designated officer must prepare a written recommendation to the Field Director requesting to place the case in abeyance. On a case-by-case basis, the Field Director will determine whether the request comports with the requirements of 8 CFR 103.2(b)(18).

Instructor's Note:

Emphasize the importance of deconfliction.

Remind students that abeyance is a formal request. In some instances the office may determine it best to hold off on adjudication temporarily because of law enforcement interest instead of placing the case in formal abeyance.

Answer to FAQ on the slides:

Can I ask what NS information the record owner has available? No. But in some instances, the LEA will share without you asking. That is OK.

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What if there is no record owner? If there is NS information for which there is no record owner, USCIS should notify ICE of this information. Current procedure is by Referral to ICE (RTI). It might also be an instance where the Officer requests assistance for vetting from HQFDNS.

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III. Internal Vetting

EPO #2: Identify the process for internal vetting of cases involving national security concerns.

A. Internal Vetting

Instructor's note: Remind students that internal vetting is part of stage 2, Eligibility Assessment, of the CARRP stages.

When vetting and adjudicating cases with NS concerns, some may require minimal internal vetting because there is a legally sufficient ground of ineligibility which will not be easily overcome. Other cases will require that the full range of internal vetting activities be conducted to include multiple adjudicative activities (e.g. RFE, interview, re-interview). It is case-by-case. Officers must be flexible and communicate well with all interested parties (e.g. in Field Offices, the FDNS IO and the designated adjudicator will work very closely on these cases).

1. Stage Two of the Controlled Application Review and Resolution Program (CARRP)
2. To gather information to support eligibility, admissibility, and credibility finding
3. Likely will require close coordination with designated adjudications officer who conducts eligibility assessment
4. Deconfliction must occur prior to USCIS actions
5. Completed by Designated Officers
 - a. Internal vetting on KSTs and non-KSTs
 - i. Primarily FDNS IOs and BCU conduct internal vetting
 - ii. FDNS IOs do not adjudicate
 - iii. For Overseas Offices, International Ops HQ
6. Prior to initiating internal vetting, consider:

Domestic Operations:
See "Operational Guidance for Vetting and Adjudicating Cases with National Security Concerns" dated April 24, 2008, signed by Don Neufeld.

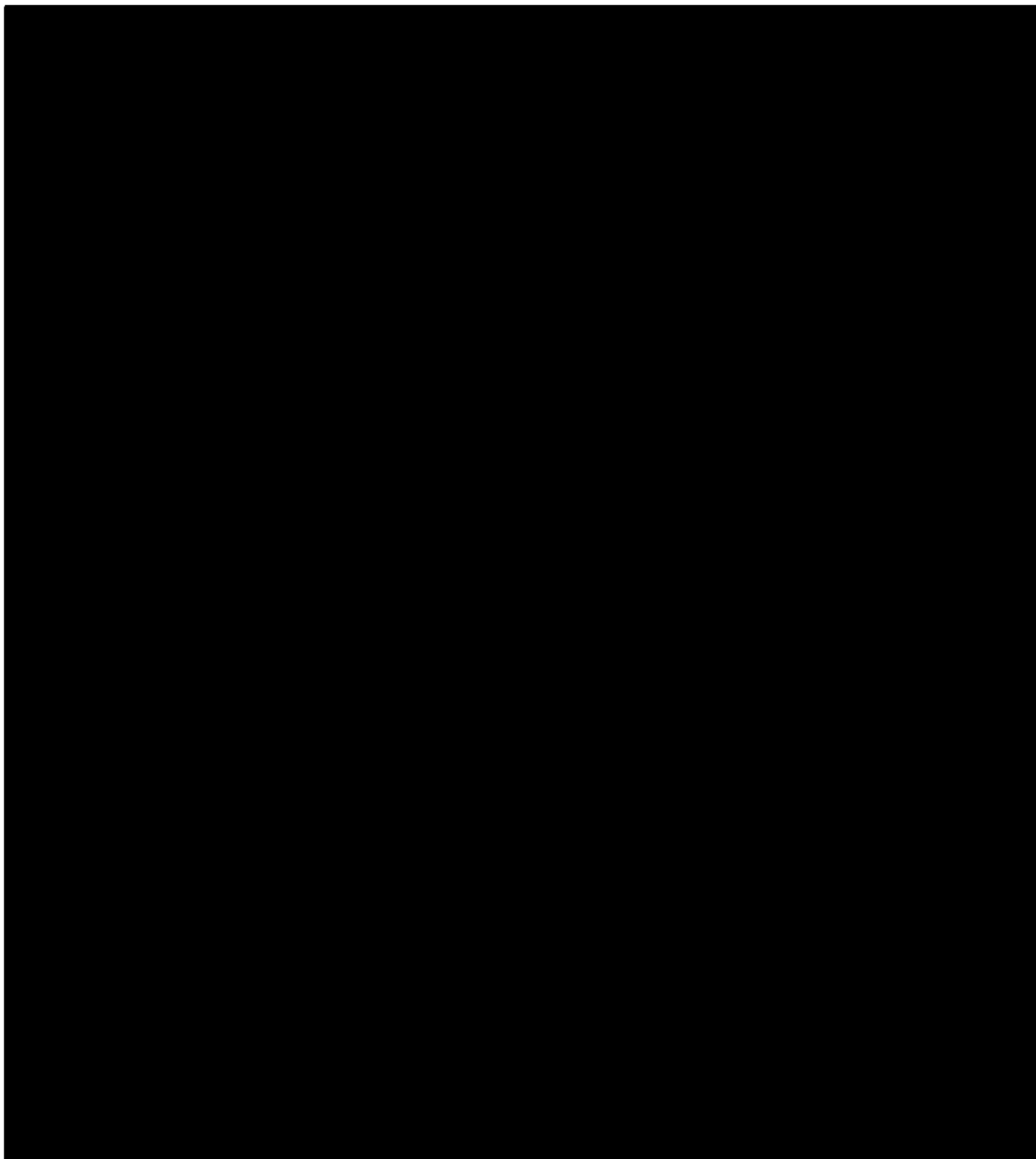
International Operations: See page 8 "Guidance for International Operations Division on the Vetting, Deconfliction, and Adjudication of Cases with National Security Concerns" dated April 28, 2008, signed by Alanna Ow.

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Refugee Affairs Division: See "Operational Guidance for Vetting and Adjudicating Refugee Cases with National Security Concerns"

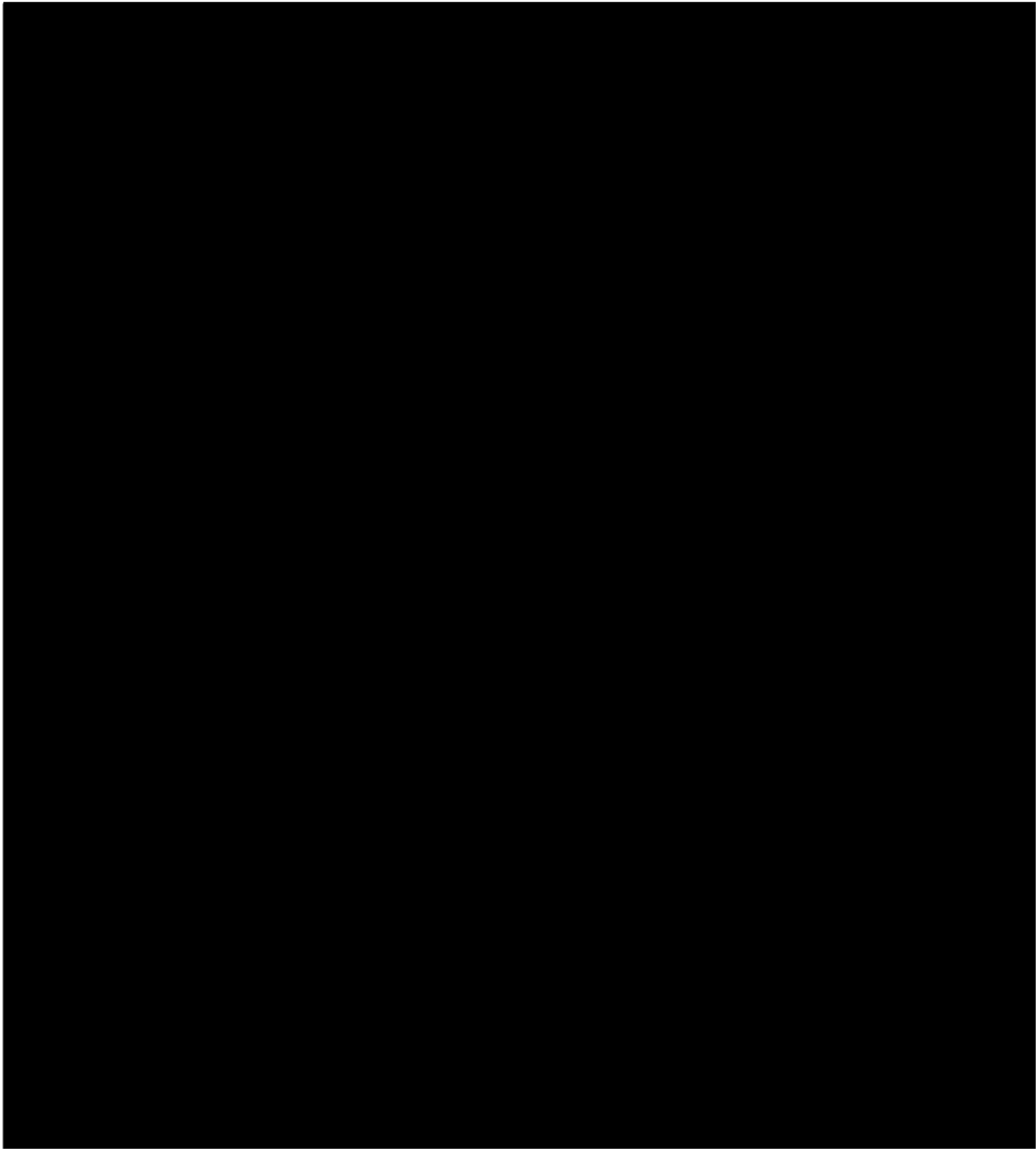
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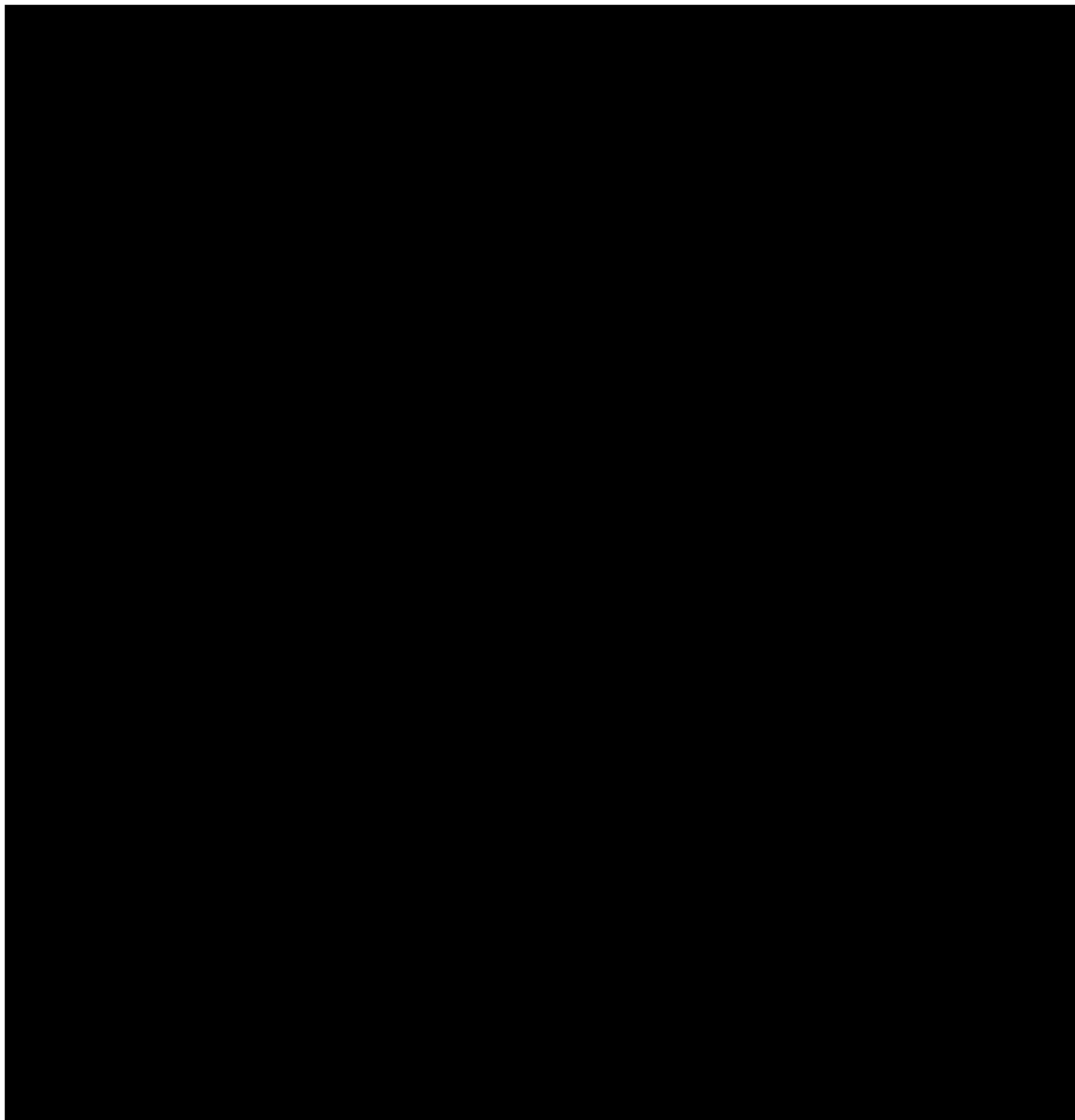
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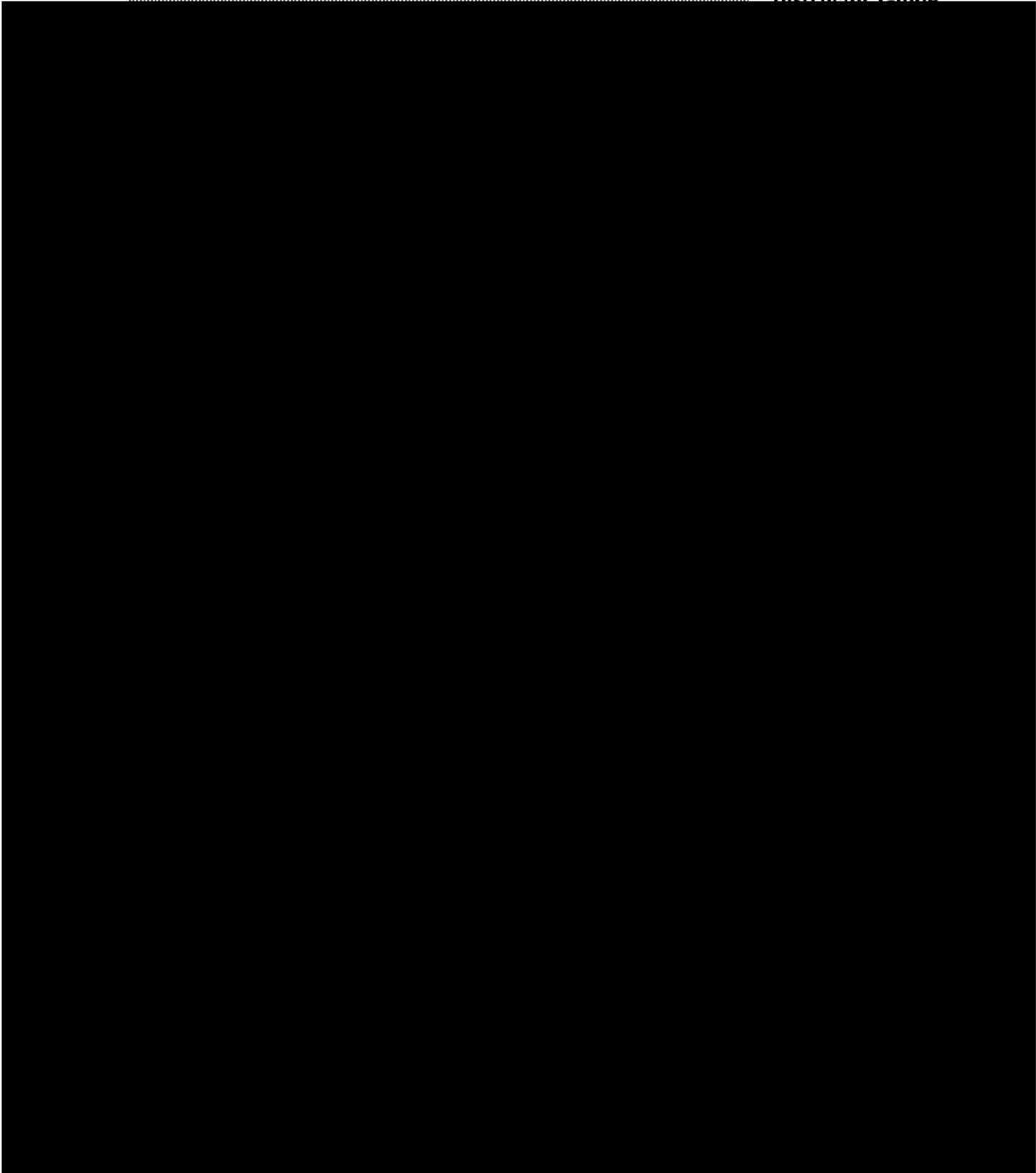


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**USCIS ACADEMY
NATIONAL SECURITY**

**12
Version 1.1**

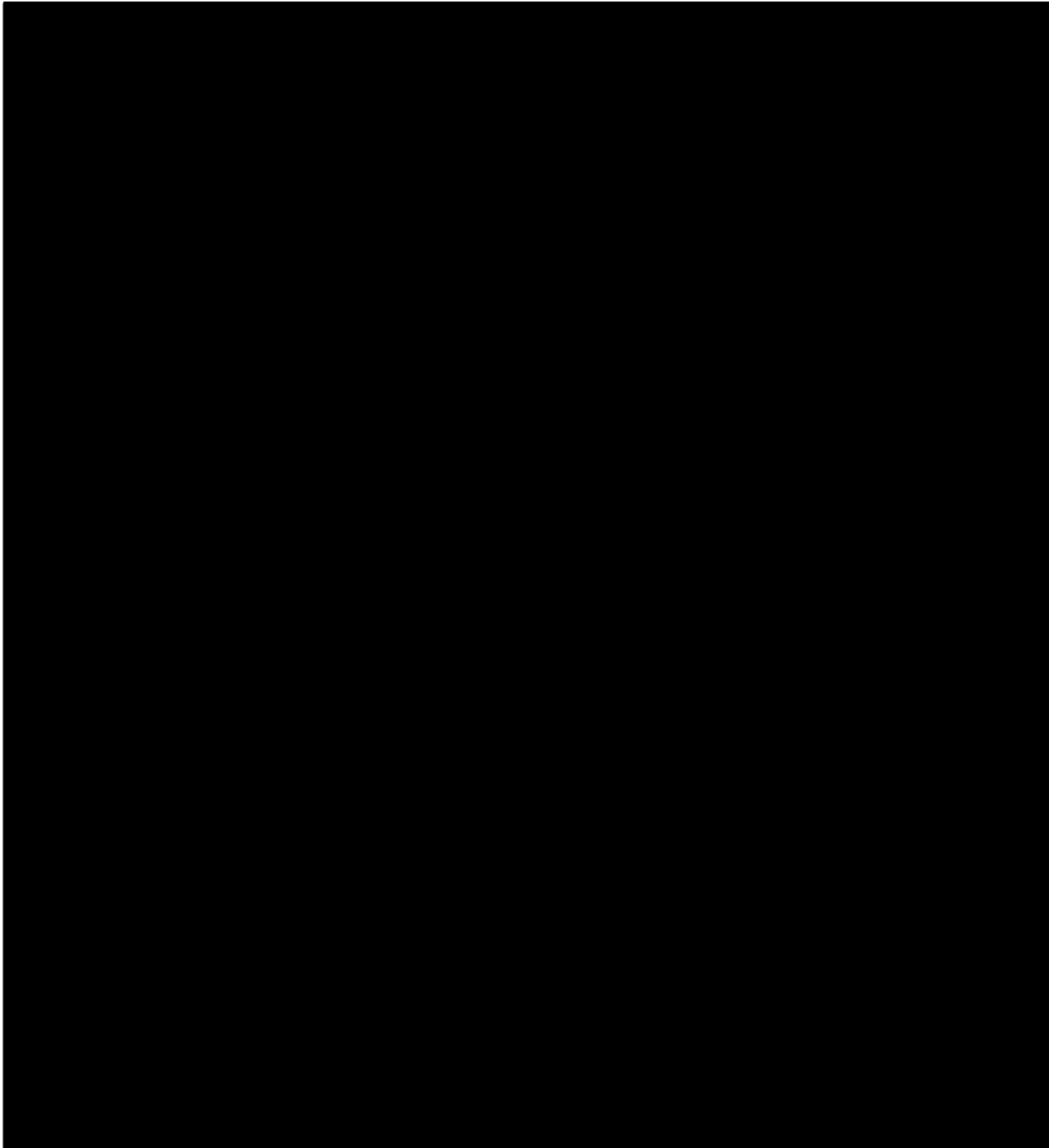


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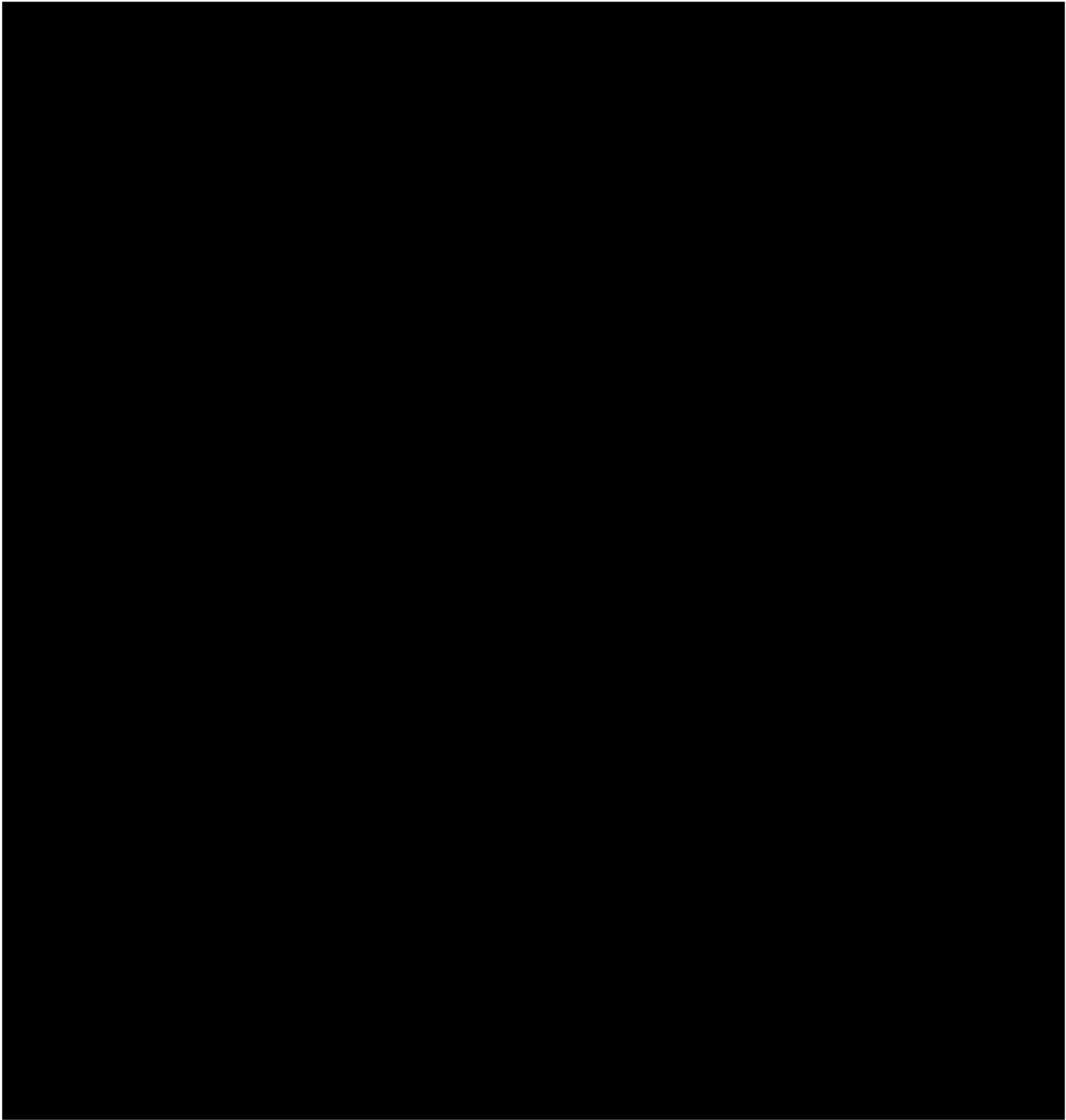
**USCIS ACADEMY
NATIONAL SECURITY**

**13
Version 1.1**



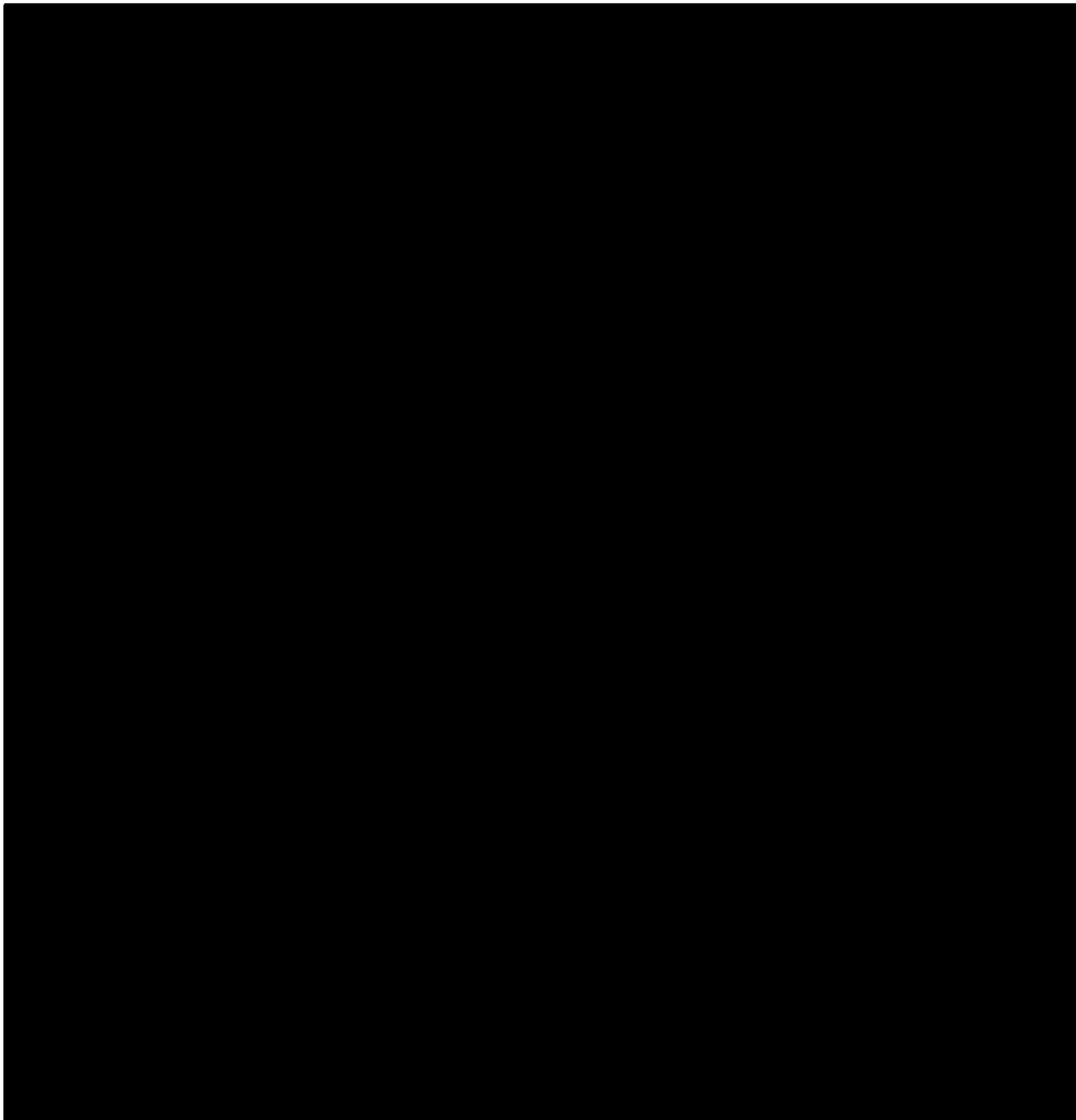
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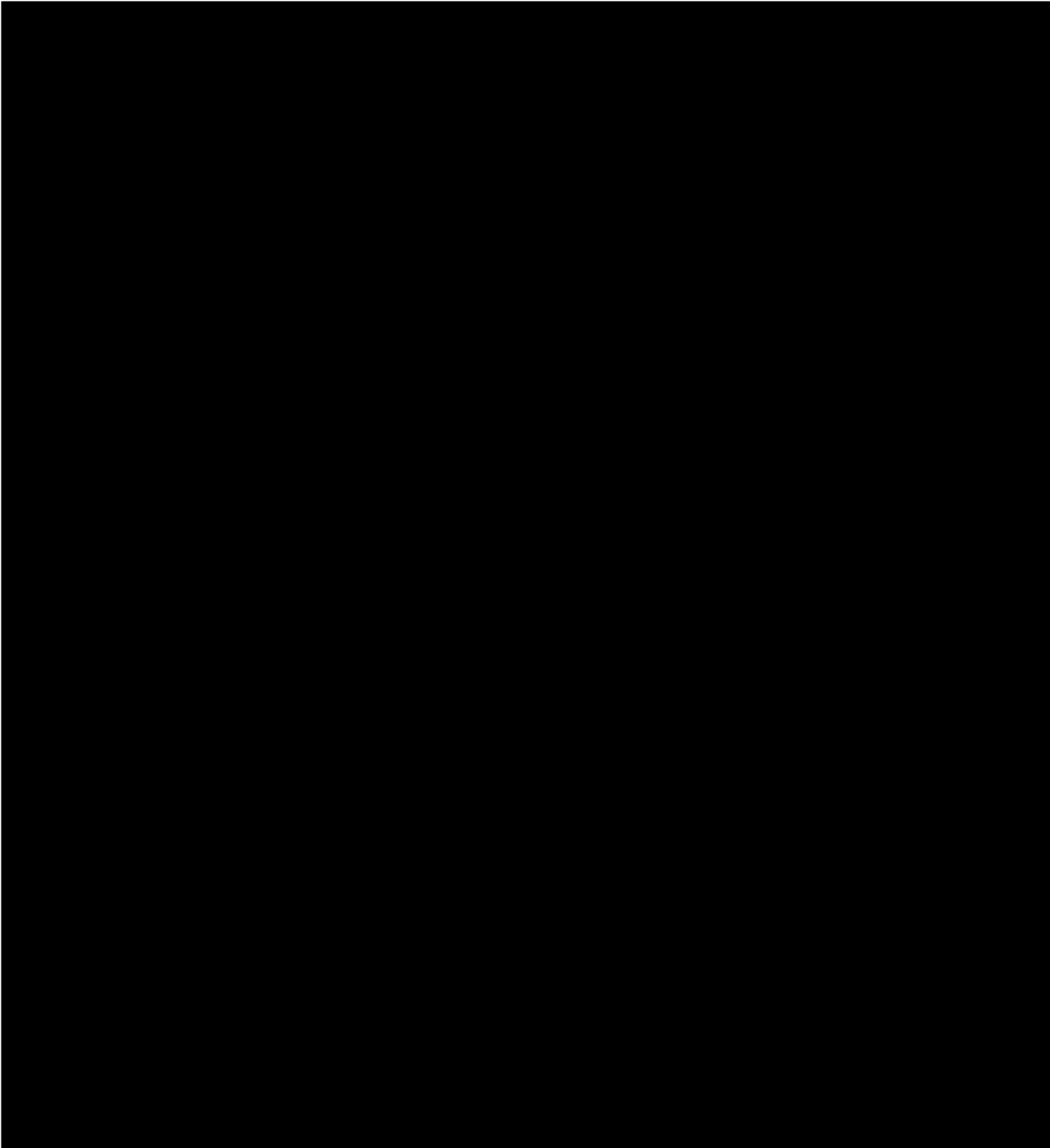
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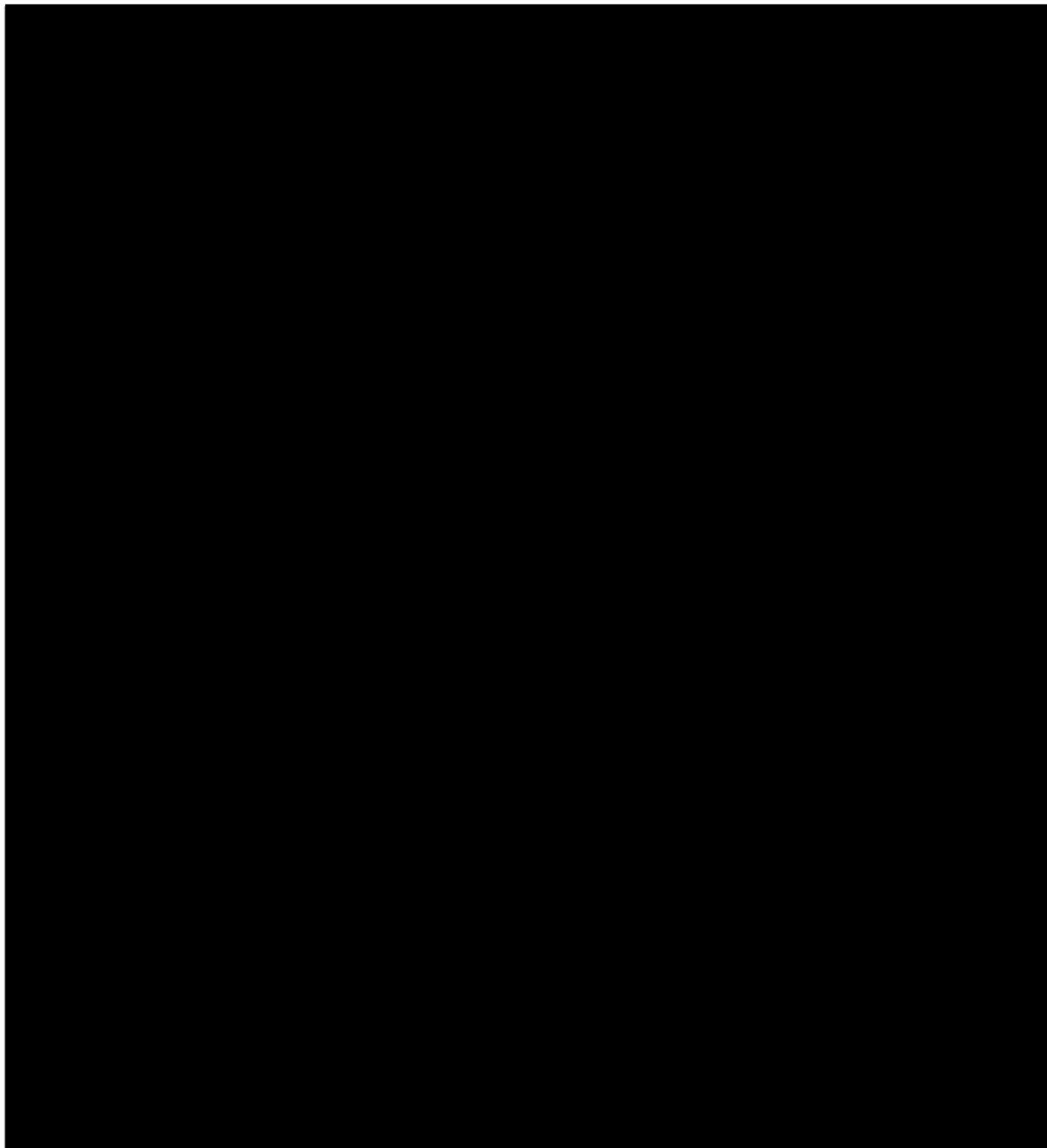
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Instructor's note: Other Techniques or Tools? Open it up to the students. What techniques/tools have they used that have been successful in obtaining information on a subject or organization.

n. CBP's Special Interest Alien Handbook

Instructor's note: A copy of the Special Interest Alien Handbook should be included in the students' electronic reference material.

o. Site Visits: May occur during eligibility assessment as part of the internal vetting

What should I do if I have officer safety concerns relating to a site visit for an application or petition with a NS concern?

Officer safety is always paramount. If an FDNS Officer has safety concerns regarding a site visit, the Officer should consult the Fraud Detection SOP and contact the local ICE office or law enforcement office. The Officer should also notify the Administrative Site Visit Verification Program at HQFDNS. Send an e-mail to Mary Ann Case, Supervisory Immigration Officer, and Adrian Bittner, Immigration Officer regarding the concerns.

In all field inquiries, the officer should not enter any area that appears threatening. They should promptly remove themselves from any situation that appears threatening or potentially unsafe and immediately report the situation in accordance with their established chain of command.

9. Other Considerations

Instructor's note: When reviewing security check results, classified or unclassified. Students should understand that NS information may result from either a criminal investigation or an intelligence operation and there are different methods that may be used to gather information. A basic understanding of this may assist when discussing cases with law enforcement and intelligence analysts.

a. Criminal investigations vs. Intelligence (FI & CI) Operations

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- i. Criminal
 - A. Collection of Evidence
 - B. Objective: identifying and prosecuting criminals
 - C. Limited protections of sources
 - D. Legal tools: Subpoenas, Grand Jury, Search Warrants, Wiretaps (Title III)
 - E. Constitutional protection via public, adversarial criminal process

- ii. Intelligence
 - A. Collection of Information
 - B. Objective: detecting, monitoring and disrupting activities of foreign powers
 - C. Secrecy to protect sources and methods
 - D. Legal Tools: Executive authority - Foreign Intelligence Surveillance Act (FISA), National Security Letters
 - E. Constitutional protections via limitations of targets to foreign powers and their agents

Foreign Intelligence
Surveillance Act
(FISA) of 1978, Title
50 U.S.C. 1801

b. USPER

- i. Citizens of the U.S.;
- ii. Aliens lawfully admitted to the U.S. for permanent residence;
- iii. Any unincorporated associations, a substantial of which are comprised of U.S. citizens or aliens lawfully admitted for permanent residence;
- iv. U.S. corporations.

Instructor's note:

Students may encounter an LHM, TECS or NCIC record, or intelligence report that indicates an individual or organization is a USPER.

Under the statute for Foreign Intelligence Surveillance Act (FISA) of 1978, Title 50 U.S.C. 1801 foreign power, agent of foreign power, and U.S. Person is defined. Permits law enforcement and intelligence agencies to domestically gather foreign intelligence information without requiring probable cause for a crime.

USPER would indicate that the individual may be fall into any of the four categories listed above and as defined in FISA. A USPER does not

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automatically mean the individual is US citizen and in some cases the individual may have been erroneously categorized as a USPER.

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IV. External Vetting

EPO #3: Discuss the purpose of external vetting and the roles and responsibilities of external vetting KSTs and non-KSTs.

A. External Vetting Overview

1. Consists of inquiries to record owners in possession of the national security information to identify: (a) fact or fact patterns necessary to determine the nature and relevance of the NS concern, including status and results of any ongoing investigation and the basis for closure of any previous investigation; and (b) information that may be relevant in determining eligibility, and when appropriate, removability.
2. Used as a last resort since obtaining information about the national security concern is limited to those individuals who have a need to know to perform their official duties and requires security clearances when handling classified information.
3. For KSTs, HQFDNS has sole responsibility for external vetting
4. For Non-KSTs, the field is responsible for external vetting by Designated Officers
 - i. Generally BCU and FDNS IOs
 - ii. For Overseas Offices, IO HQ

Domestic Operations:
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International Operations: See page 8 “Guidance for International Operations Division on the Vetting, Deconfliction, and Adjudication of Cases with National Security Concerns” dated April 28, 2008, signed by Alanna Ow.

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signed by Barbara Strack.

B. External Vetting of KST NS Concerns

1. HQFDNS has sole authority to conduct KST external vetting
2. Request for assistance to [REDACTED]
3. All activities (eligibility assessment/internal vetting/deconfliction) should be documented in FDNS-DS.
4. Local senior-level official must review the case to confirm that no grounds of ineligibility have been identified.
5. Supervisory and senior-level official concurrence should be obtained and documented in FDNS-DS.
6. The sending office must confirm that the subject remains on the Terrorist Watch List. (Query TECS/NCIC hot files)

Note:

A KST hit can be added or removed during any stage of the CARRP process. In an instance where the KST hit has been removed:

If the individual was previously identified as a KST NS concern but the record is removed and there are no other indicators of a NS concern, the individual is no longer a KST NS concern. You can confirm that the individual has been removed from the watch list by conducting a query in TECS/IBIS. You may wish to reach out to your local ICE/JTTF to determine if there are any other issues. For any further assistance, you may send a request for assistance to the FDNS-NSB mailbox.

To document the previously identified KST NS concern, update FDNS-DS to indicate that an NS concern was identified but no longer exists and include any follow up actions that were taken.

C. External Vetting of Non-KST NS Concerns

Instructor's Note: During the process of external vetting of Non-KSTs, the Vetting Officer must seek to obtain additional information that may be

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relevant to a determination of eligibility. Officers should note that actions that do not meet the threshold for criminal prosecution (e.g., indicators of fraud, foreign travel, and information concerning employment or family relationships) may be relevant to a benefit determination. The Officer must make every effort to clearly articulate these facts or fact patterns for final adjudication.

Non-KST external vetting is completed by a designated officer in the Field. Primarily FDNS IOs in asylum/field offices and BCUs in the service centers conduct external vetting of non-KSTs. For overseas offices, HQ International Operations conducts non-KST external vetting.

External vetting of non-KST requires contact with the case agent or record owner and affords an opportunity to share information that may assist each party to complete their mission.

Foster communication whenever possible.

1. Preparation for Non-KST External Vetting
 - a. Be familiar with the individual's immigration status, pending applications
 - b. Be familiar to the extent the information is available (e.g. results of IBIS hit);
 - c. Develop lines of inquiry for case discussion with record owner
 - d. Have readily available the ORI# for the originating agency (found in the upper left of an NCIC hit), the TECS ID#, and the case record number when discussing the case with the originating agency

2. Outreach
 - a. Be aware that the outside agency may not know who USCIS is or understand what USCIS does
 - b. Be prepared to explain in layperson's terms why you are calling
 - c. Avoid using immigration jargon when discussing the immigration history of the individual
 - d. Elicit information regarding the nature of the concern, the extent of the concern, and the status of the investigation
 - e. Ascertain from the outside agency any information that may affect the individual's eligibility for the benefit sought, such as use of aliases, family relationships, residence within or outside

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- the U.S., membership or involvement with organizations, military training, and foreign travel
- f. Obtain information relating to any criminal activity for which the individual has committed or was or will be detained, charged, or arrested.
 - g. Educate the agency about how USCIS may be of assistance to them, such as access to and information available in the A-file; ability to interview and issue Requests for Evidence (RFE), Notices of Intent to Deny/Terminate (NOID/NOIT).
 - h. Explain that evidence which may not support a criminal indictment or conviction may be legally sufficient to sustain a denial under immigration law.
 - i. Be mindful that the information may be classified and if not it is likely Law Enforcement Sensitive and labeled FOUO or Sensitive but Unclassified (SBU).
 - j. Due to the sensitive nature of external vetting, a secure telephone conversation with a case agent or record owner may yield far more information than over an open line. Be prepared to offer to discuss the case over a secure line and to take classified notes.
 - k. If classified information must be transmitted, the classified information must be transmitted over secure means such as over secure phone or fax.
 - l. Remember that transporting classified information requires special permission and requirements as does mailing classified.

USCIS Office of
Security & Integrity
intranet site.

<http://osi.uscis.dhs.gov/>

Instructor's Note: *The Officer must have a need to know for access to the FOUO or SBU information and must have a need to know AND the proper clearance for access to classified information.*

Section 291 of the INA states in pertinent part, "Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not inadmissible under any provision of this Act, and, if an alien, that he is entitled to the nonimmigrant, immigrant, special immigrant, immediate relative, or refugee status claimed, as the case may be."

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3. Other Considerations when Externally Vetting Non-KSTs

- a. Understand the importance to law enforcement agencies of the chain of custody of evidence in criminal proceedings.
- b. Be aware that agencies post hits in TECS for a variety of reasons. The objective of the conversation with the record owner is to determine if the reason the hit was posted was based on an articulable concern.
 - i. Gather information and evidence for criminal prosecution
 - ii. Informational and historical purposes
 - iii. Intelligence collection which may support investigative initiatives or may be for targeting or pattern analysis.
- c. Note-taking

Take clear notes during the conversation with the record owner and ensure that the answers to questions asked are accurately documented. In some instances, the Officer may need to take notes pertaining to classified information. The classified notes page must adhere to the protocol for derivative information from a classified source and must be protected accordingly.

4. Liaisons with DHS Components

- a. In accordance with DHS policy, all DHS components are considered one agency. Information from these components is oftentimes “Law Enforcement Sensitive” and must be protected regardless.
- b. All DHS components are considered part of one "agency" for purposes of the Privacy Act 5 U.S.C. § 552a(a)(1), (b)(1).
- c. No DHS component should consider another DHS component to be a separate agency for information-sharing purposes.
- d. Absent any legal prohibitions as set forth by the Department's General Counsel, information shall be shared within DHS

See “DHS Policy for Internal Information Exchange and Sharing” dated February 1, 2007.

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whenever the requesting officer or employee has an authorized purpose for accessing the information in the performance of his or her duties, possesses the requisite security clearance, and assures adequate safeguarding and protection of the information.

- e. From this point forward, information-access and -sharing agreements with outside entities will be negotiated and entered into on behalf of the Department as a whole, not on behalf of an individual DHS component.
- U.S. Secret Service (USSS)
 - U.S. Coast Guard
 - U.S. Immigration and Customs Enforcement (ICE)
 - U.S. Customs and Border Protection (CBP)
 - Transportation Security Administration (TSA)
 - U.S. Citizenship and Immigration Services (CIS)
 - Federal Emergency Management (FEMA)
 - Directorate for National Protection Programs
 - Directorate for Science and Technology
 - Directorate for Management
 - Office of Policy
 - Office of Health Affairs
 - Office of Operations Coordination
 - Office of Intelligence and Analysis
 - Federal Law Enforcement Training Center (FLETC)
 - Domestic Nuclear Detection Office

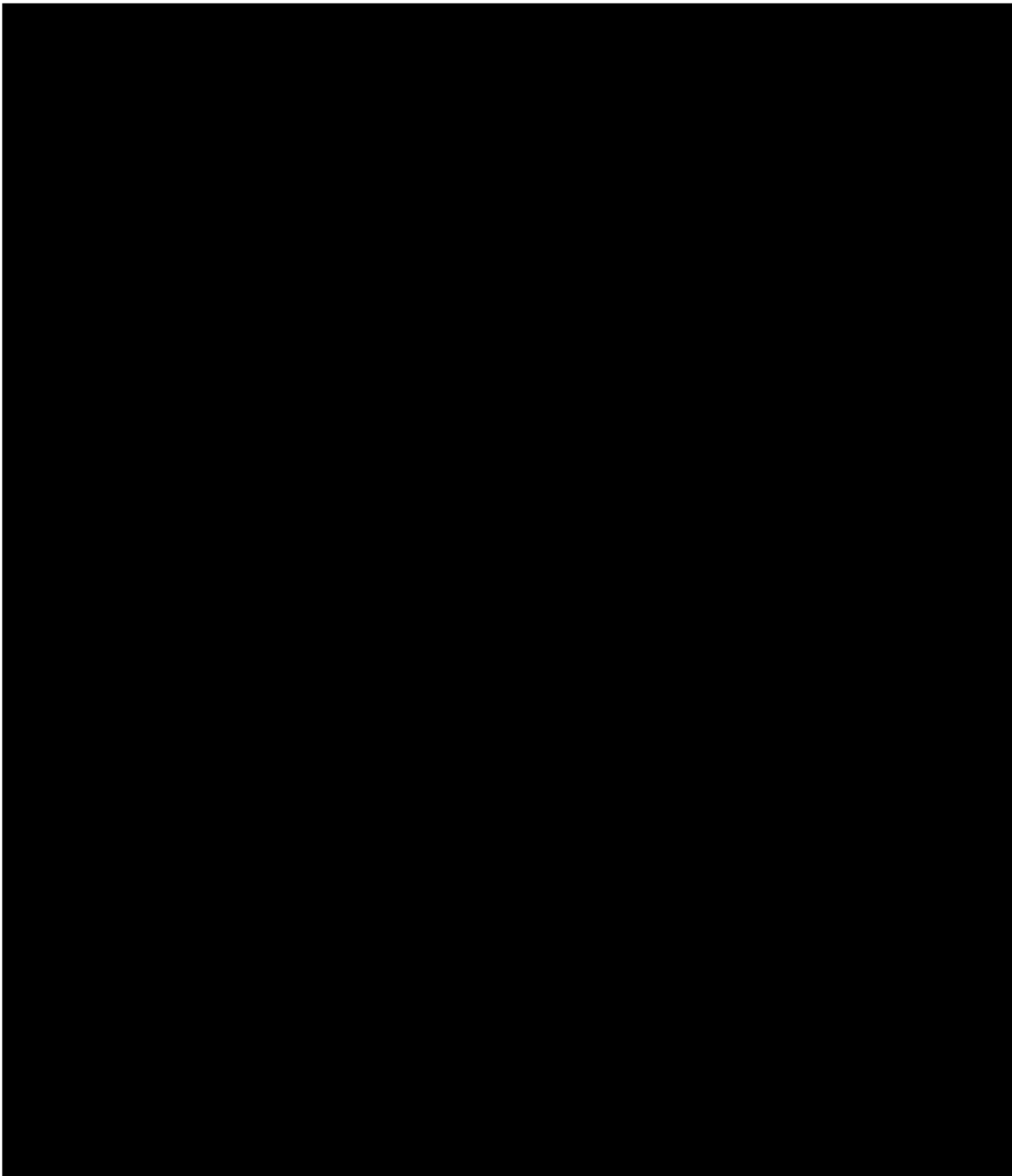
5. Liaison with CBP's National Targeting Center (NTC)

Instructor's note: Advise students that each office has its own policy on who is responsible for conducting an IBIS query and who is responsible for resolving an IBIS hit. Service Centers often rely on the BCU to resolve IBIS hits and some field offices have IBIS Triage Units to resolve IBIS hits.

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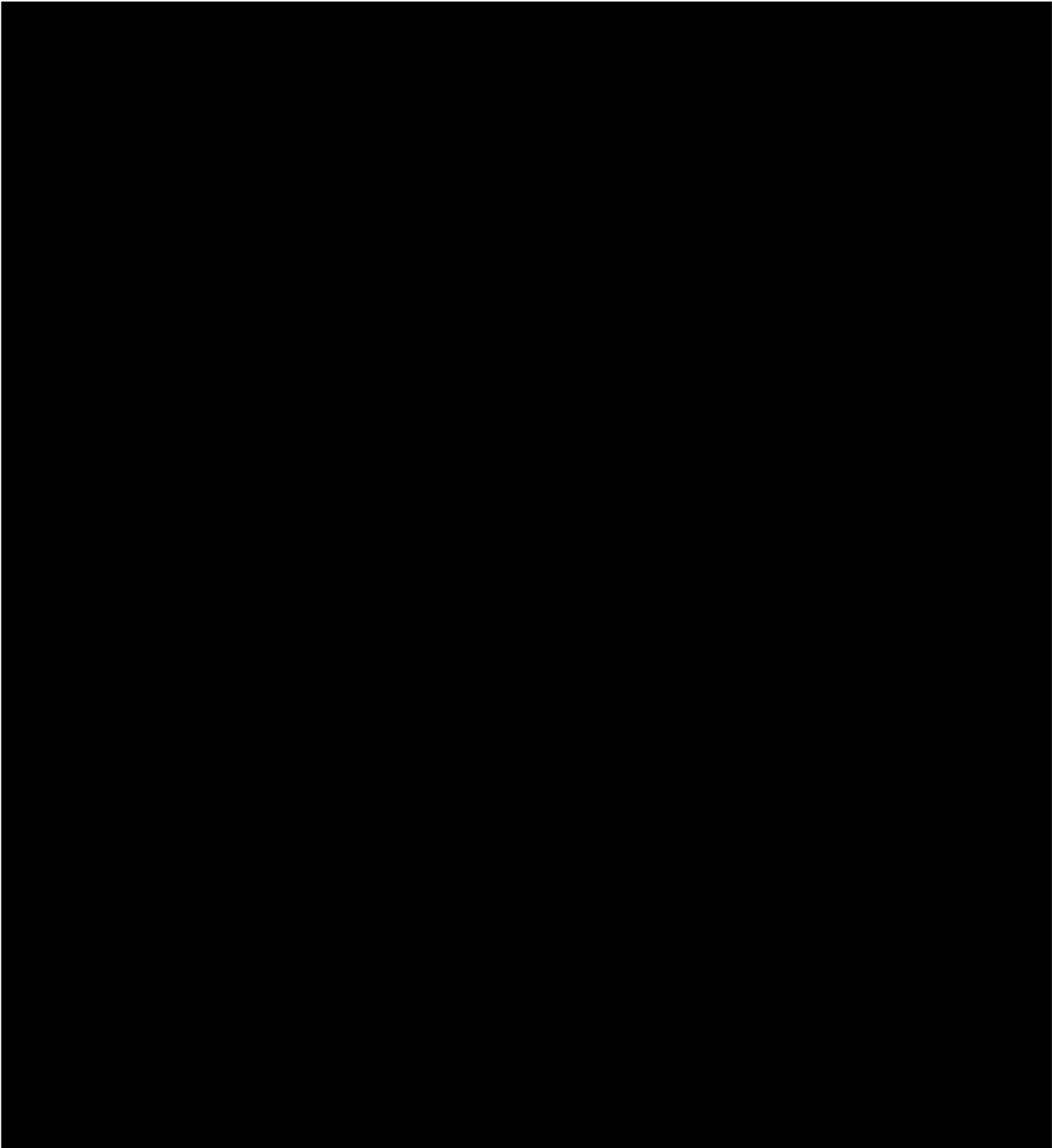
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<http://www.fbi.gov/page2/dec04/jttf120114.htm>

They are our nation's front line on terrorism: small cells of highly trained, locally based, passionately committed investigators, analysts, linguists, SWAT experts, and other specialists from dozens of U.S. law enforcement and intelligence agencies. **When it comes to investigating terrorism, they do it all:** chase down leads, gather evidence, make arrests, provide security for special events, conduct training, collect and share intelligence, and respond to threats and incidents at a moment's notice. **Where are they based?** In 100 cities nationwide, including at least one in each of our 56 field offices. Sixty-five of these JTTFs were created after 9/11/01. **How many members?** 3,723 nationwide—more than four times the pre-9/11 total—including 2,196 Special Agents, 838 state/local law enforcement officers, and 689 professionals from other government agencies (the Department of Homeland Security, the CIA, and the Transportation Security Administration, to name a few). **The first JTTF?** New York City, established way back in 1980. **The newest?** Actually, there are 16 of them: in Montgomery, Alabama; Fayetteville, Arkansas; Fresno, California; Colorado Springs, Colorado; West Palm Beach, Florida; Bloomington, Indiana; Covington, Kentucky; Portland, Maine; Grand Rapids, Michigan; Helena, Montana; Erie, Pennsylvania; Providence, Rhode Island; Midland, Lubbock, and Plano, Texas; and Everett, Washington. **How do these JTTFs coordinate their efforts?** Largely through the interagency National Joint Terrorism Task Force, working out of FBI Headquarters, which makes sure that information and intelligence flows freely among the local JTTFs.

- a. JTTF was established in the 1980s.
- b. The FBI is the lead agency for terrorism investigations and the JTTFs.
- c. JTTFs serve three main purposes:
 - i. prevent terrorist attacks;
 - ii. respond to and investigate terrorist incidents or terrorist-related activity; and
 - iii. identify and investigate domestic and foreign terrorist groups and individuals targeting or operating within the U.S.
- d. The National JTTF (N-JTTF) located at FBI headquarters, includes representatives from a number of other agencies.

Retrieved on 4/15/08
from
<http://www.fbi.gov/page2/dec04/jttf120114.h>

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- e. The task forces are composed of federal, state, local agencies and are located in over 100 locations throughout the U.S.
- f. USCIS liaises with JTTF through the ICE representative on JTTF. The following list of agencies are full-time members of JTTFs:
- Air Force Office of Special Investigations (AFOSI)
 - Bureau of Alcohol, Tobacco, and Firearms (ATF)
 - Central Intelligence Agency (CIA)
 - Customs and Border Protection (CBP)
 - Defense Criminal Investigative Service
 - Department of Interior's Bureau of Land Management
 - Diplomatic Security Service (DSS) (within DOS)
 - Federal Protective Service (FPS) (within ICE)
 - Immigration and Customs Enforcement (ICE)
 - Internal Revenue Service (IRS)
 - Naval Criminal Investigative Service (NCIS)
 - Postal Inspection Service
 - Treasury Inspector General for Tax Administration
 - U.S. Border Patrol (within CBP)
 - U.S. Park Police
 - U.S. Army
 - U.S. Marshall Service (USMS)
 - U.S. Secret Service (USSS)

Instructor's note: Officers should note that DHS has full-time members from ICE, CBP/Border Patrol, FPS, USSS

7.

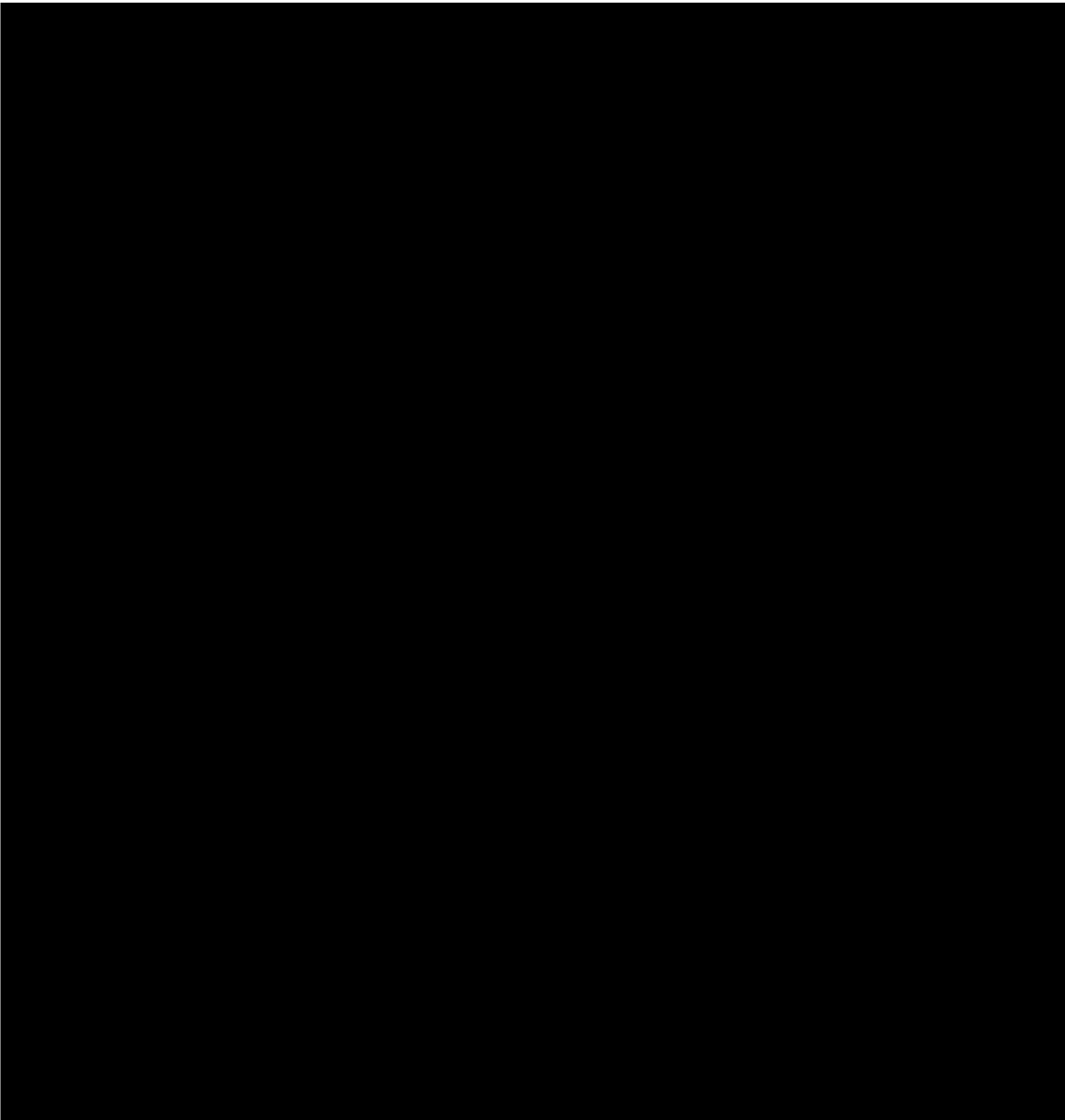
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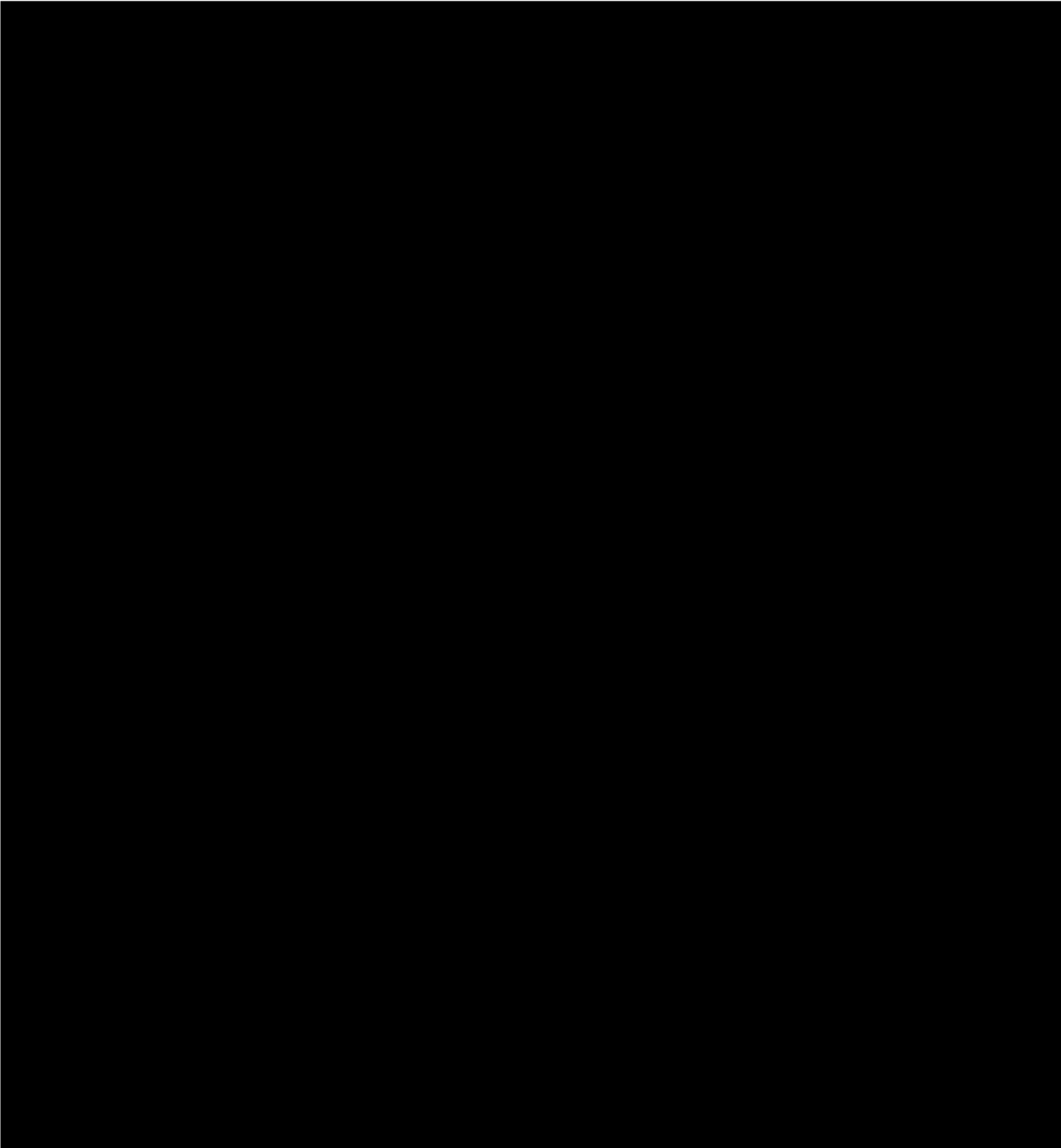
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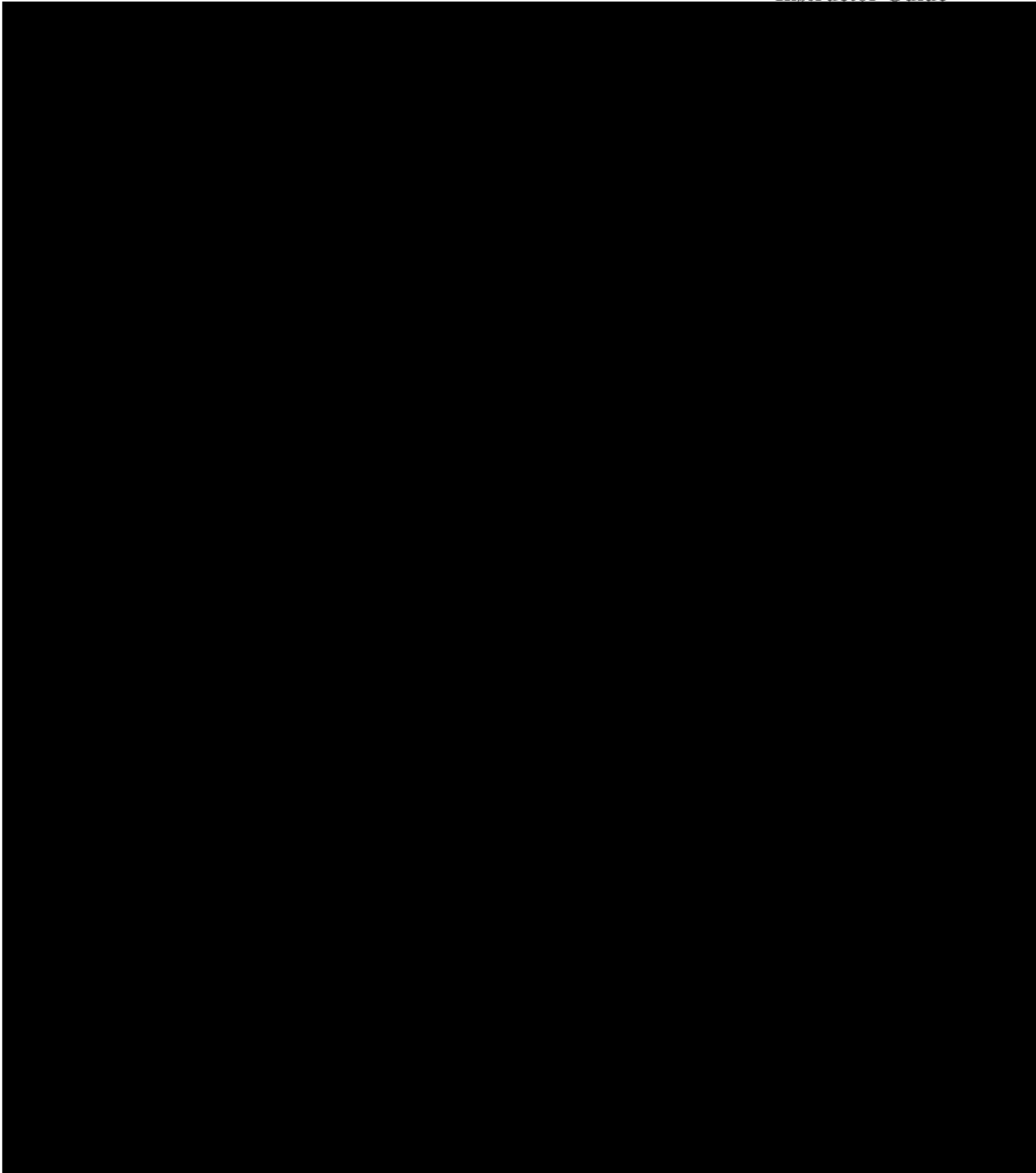
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**USCIS ACADEMY
NATIONAL SECURITY**

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Version 1.1



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V. Documenting

EPO#4: Identify standards for documenting deconfliction and vetting activities.

Results of vetting and deconfliction must be documented timely on the designated worksheet(s) on the non-record side (right-side) of the file and in the appropriate tabs of FDNS-DS.

1. Outlines a set of facts that can be used to determine whether a national security concern exists, existed at one time but is no longer present or has not yet been eliminated to the satisfaction of the investigating agency.
2. Provides a record of the status and results of security and systems checks, as well as results of inquiries to and responses from offices within USCIS, components within DHS and external agencies which provides information relevant to USCIS' determination of eligibility.
3. **No classified information** can be entered into the designated worksheet(s) or FDNS-DS.
4. Annotate source of information and date information was retrieved to protect against any unauthorized disclosure, to eliminate duplication of effort, to ensure an accurate and historical record is maintained.
5. Ensure that the appropriate caveats are on the prepared documents (memoranda to file, e-mail correspondence).

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Add below to FOUO caveat when TECS/IBIS information is present:

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

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Communications System (TECS).

Instructor's note:

Be careful what you put in emails...they travel fast and to people you didn't intend.

Do not write CIA in emails or discuss on phone. Very sensitive information if not classified. Refer as OGA if must.

Do not write case agent, contact information in emails along with individual's names.

6. Remember the sensitive nature of national security cases and the information surrounding them.
 - Other Government Agency (OGA)
 - Case agent name, contact information and case # (FBI, ICE, or other LEA)

7. Realize what is documented may end up in discovery.

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VI. Information Sharing and Confidentiality**EPO#5: Identify Information Sharing & Confidentiality Rules and Provisions**

All DHS components are considered part of one “agency” for information sharing purposes. As such, there is no restriction on internal (within DHS) information exchange and sharing provided the person has an authorized purpose for accessing the information in the performance of his or her duties (i.e., a valid need-to-know), possesses the requisite security clearance (there is no requirement for a security clearance to access sensitive but unclassified (FOUO) information), and assures adequate safeguarding and protection of the information.

See “DHS Policy for Internal Information Exchange and Sharing” dated February 1, 2007.

Sensitive but unclassified (FOUO) information may be shared with other agencies or organizations outside of DHS, provided: a need-to-know has been established; the information is shared in the furtherance of a coordinated and official governmental activity, to include homeland defense; and if the information requested or to be discussed does not belong to USCIS, comply with the originating agency’s policy concerning third party discussion and dissemination.

Classified information originated by another DHS component, or classified information originated by another government agency shall not be further disseminated outside of DHS without prior approval of the originator.

Instructor’s Note: Much of the information contained in USCIS systems and files is confidential and the disclosure and use of the information is governed by laws and regulations relating to sensitive but unclassified (i.e., For Official Use Only and/or Law Enforcement Sensitive (FOUO/LES)) information.

- a. Privacy Act, 5 U.S.C. 552(a)
 - i. Protection against unauthorized disclosure of information collected and maintained in USCIS systems of records both in the electronic and paper

[http://\[REDACTED\]](http://[REDACTED])

A contact list of FOIA/Privacy Officers is also provided on the

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form.

website.

- ii. Restricts disclosure of information relating to U.S. citizens and LPRs in the absence of a written waiver from the individual to whom the information pertains or a routine use contained in a DHS SORN.
- iii. By policy, DHS has extended the protections afforded by the Privacy Act to personally identifiable information contained in mixed records systems (i.e., systems containing information on visitors and aliens as well as on LPRs and U.S. citizens).

b. Confidentiality Provisions

- i. Sections 210 and 245A of the Immigration and Nationality Act limit the use and disclosure of information provided by “amnesty” applicants under the 1986 Immigration Reform and Control Act.
- ii. Section 384 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, as amended, 8 U.S.C. 1367, limits the use and disclosure of information relating to aliens seeking protection under the Violence Against Women Act (VAWA), as amended, or as T or U non-immigrants.
- iii. Under 8 C.F.R. § 208.6, information regarding an individual’s status as an asylum seeker or asylee, information contained in or pertaining to his or her application, and records pertaining to any credible fear or reasonable fear determination generally must not be disclosed without the written consent of the applicant or a waiver from the Secretary of DHS. By policy, the confidentiality provisions of 8 C.F.R. § 208.6 have been extended to information contained in or pertaining to refugee applications.

See Memorandum entitled “Confidentiality of Asylum Applications and Overseas Verification of Documents and Application Information” dated June 21, 2001 and Fact Sheet: Federal Regulations Protecting the Confidentiality of Asylum Applicants dated June 3, 2005

c. Records Sharing

- i. Part I, Section 14 of the Records Handbook addresses

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- how to handle requests from outside agencies to review USCIS files.
- ii. Outside agencies may be permitted to review a USCIS file for law enforcement purposes and under the routine use provision described by the specific Privacy Act notice for the type of record requested.
- iii. State or local agencies who want access to records for reasons other than law enforcement or a routine use purposes described by the Privacy Act notice may file a Freedom and Information Act (FOIA) request.
- iv. Any questions regarding the sharing of files should be addressed to the Records section of USCIS.

The Record Handbook can be found on the DHSONLINE Portal, at the USCIS Office of Records Services website:
http://ors.uscis.dhs.gov/pol_imp/roh/index.htm

d. Other Considerations

- i. Other Government Agency (OGA)
- ii. **DO NOT PARAPHRASE** classified information!!
- iii. Case agent name and contact information
- iv. Case # (FBI, ICE, or other LEA)
- v. How do you ensure that someone has the appropriate clearance? Send an email to Office of Security and Integrity (OSI) Personnel Security Customer Service using the following:

USCIS-OSI-PERSEC-Customer Service (in Outlook)
 OR



Include First Name, Middle Initial, Last Name and agency about individual you are seeking security clearance verification

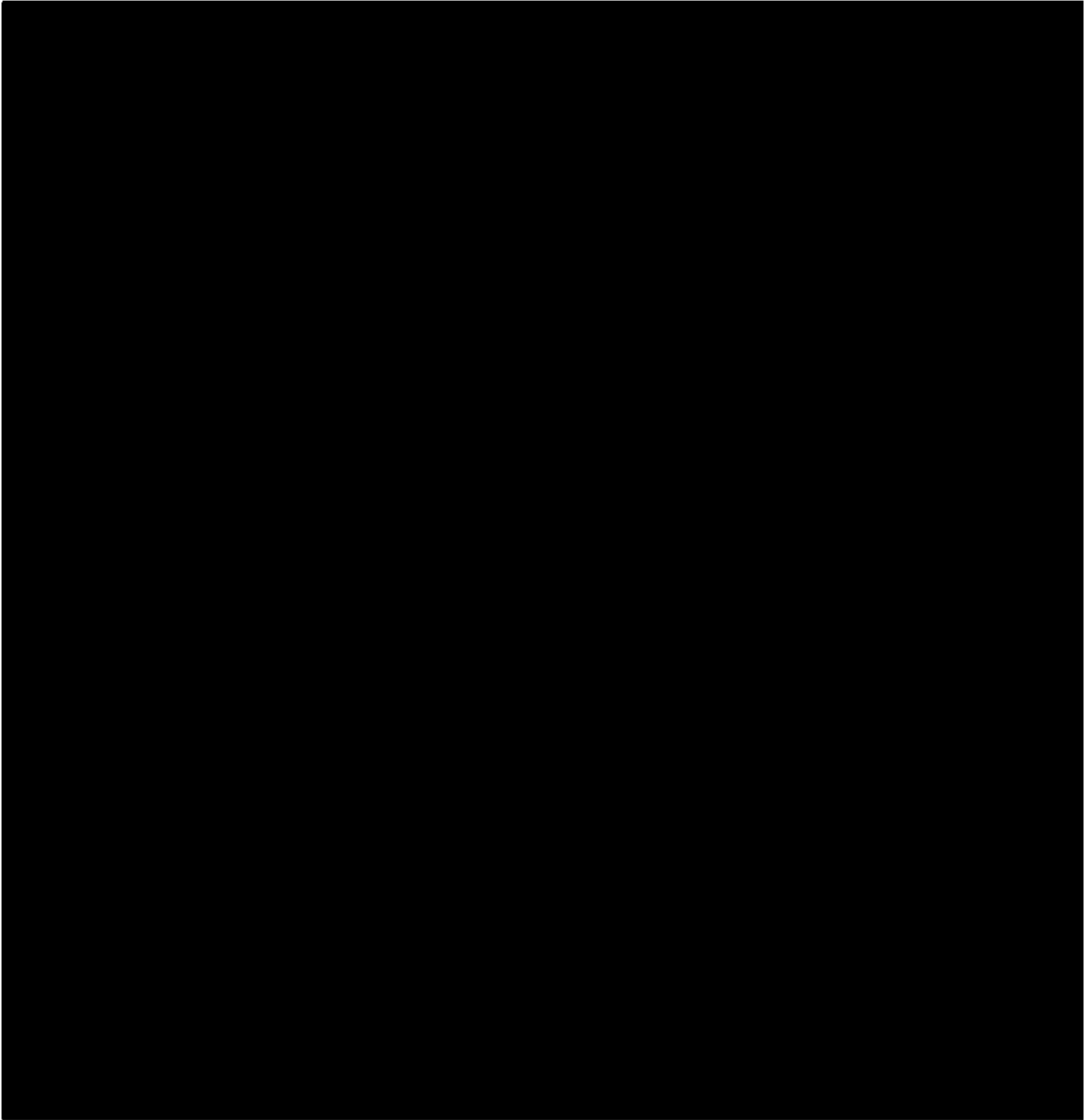
VII. APPLICATION

A. In-Class Exercises

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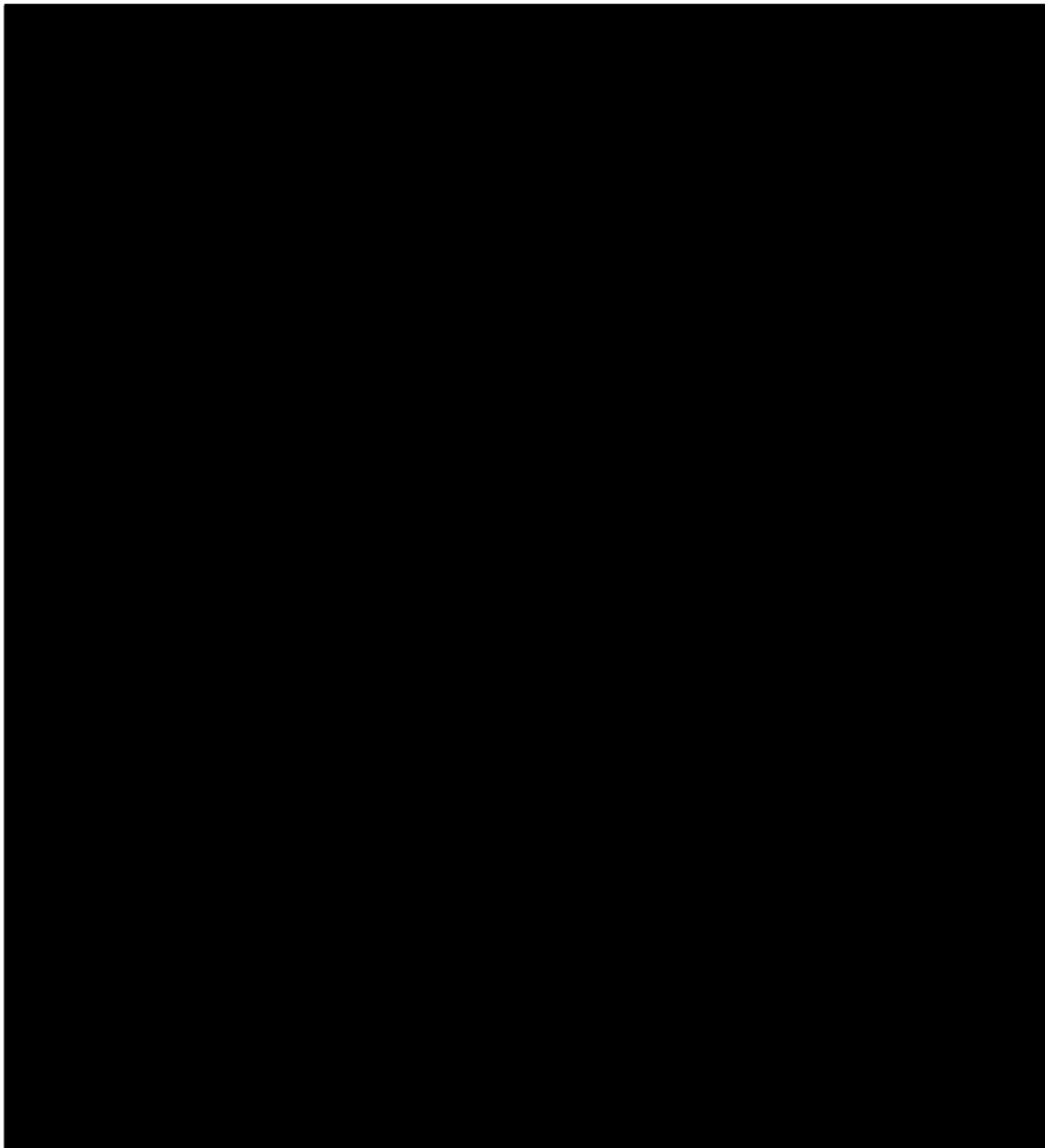
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- **10 Scenarios – Internal/External Vetting**



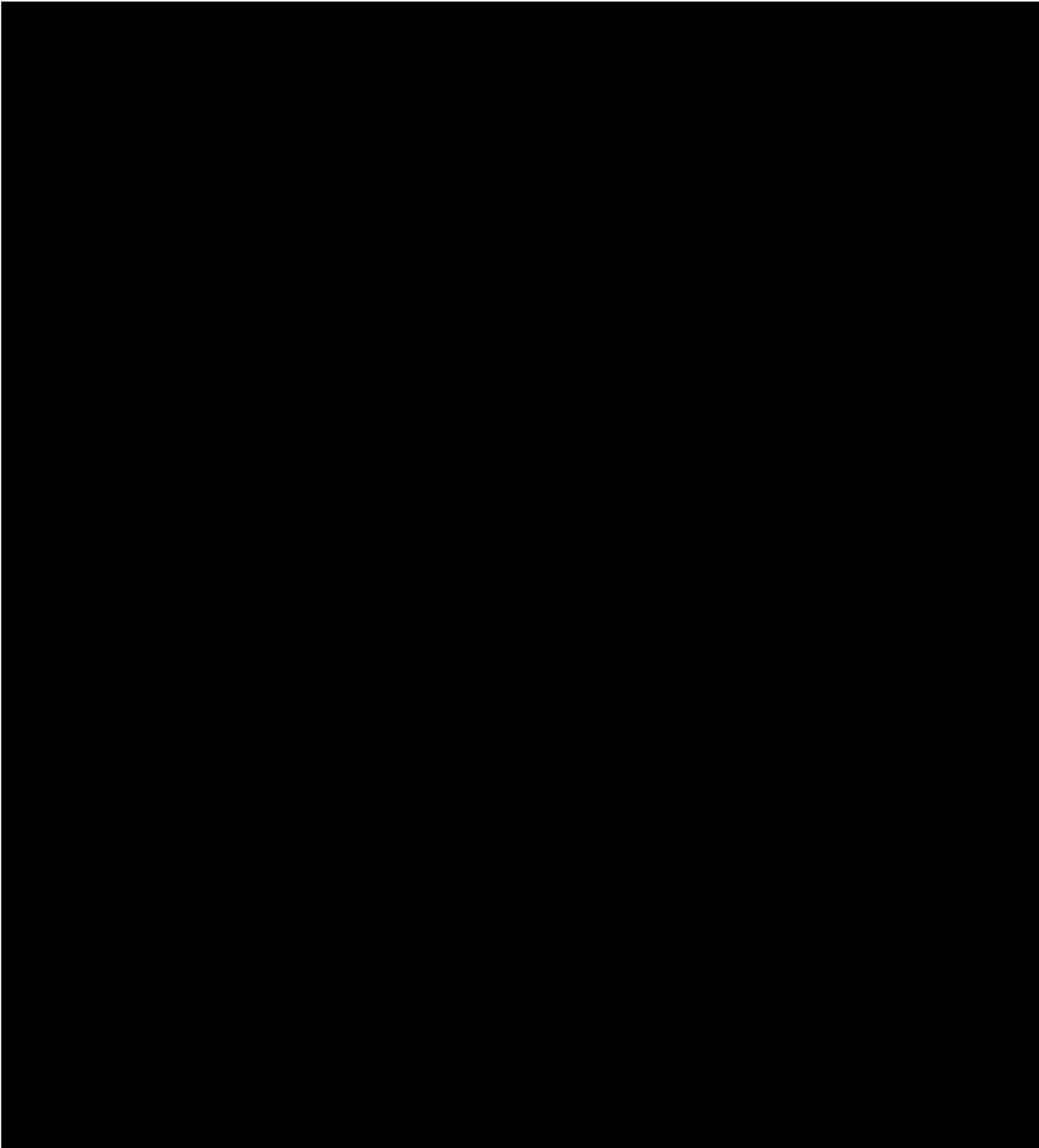
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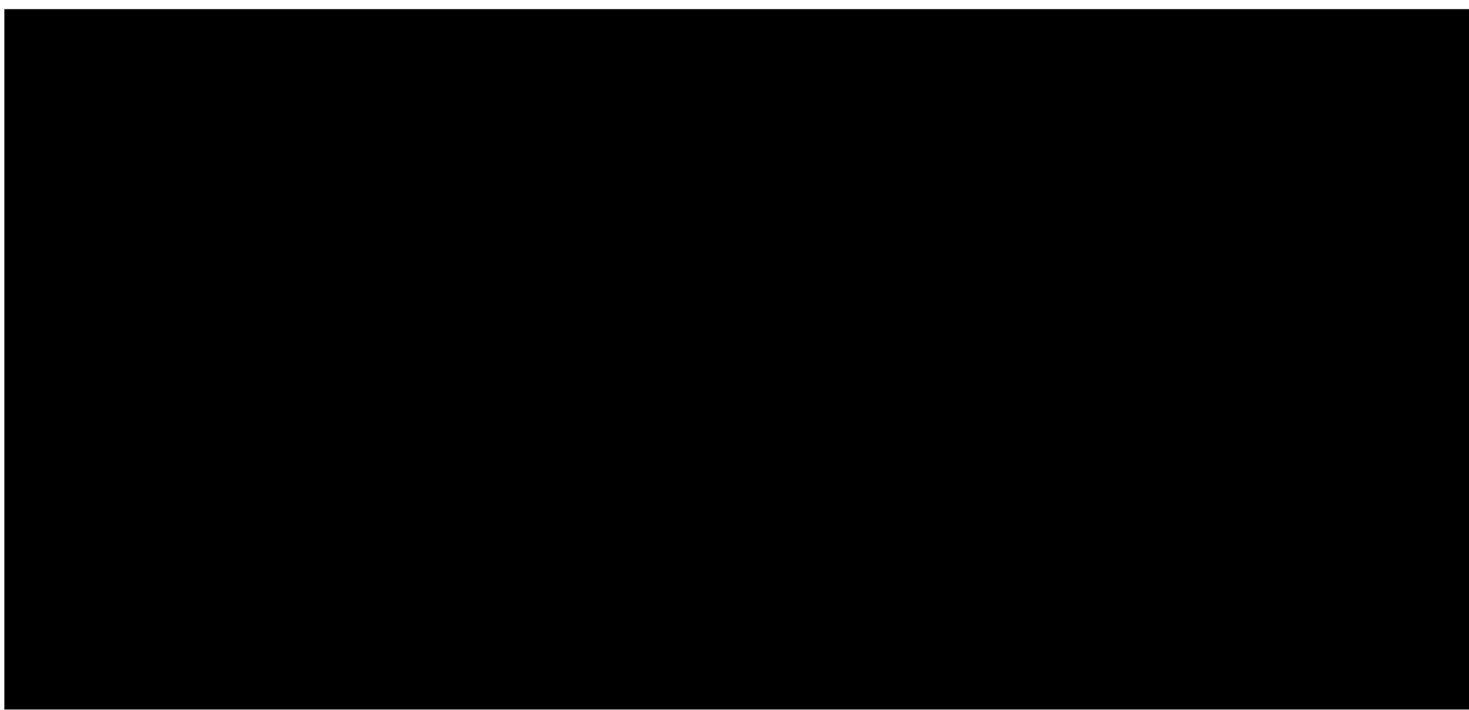
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