

EXHIBIT 31

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U.S. Citizenship and Immigration Services
Fraud Detection and National Security Directorate



STANDARD OPERATING PROCEDURES

Senior Leadership Review Board

July 2017

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I. PURPOSE

The purpose of this Standard Operating Procedure (SOP) is to outline the process for conducting headquarters (HQ) senior leadership review of high priority national security (NS) cases, including guidelines for case submission and prioritization. It also serves to delineate the roles and responsibilities of the Senior Leadership Review Board (SLRB) and the SLRB-Working Group (SLRB-WG).

II. SCOPE

U.S. Citizenship and Immigration Services (USCIS) HQ leadership cannot review all cases with NS concerns.¹ Cases should be submitted for HQ senior leadership review only as required by USCIS policy.²

The primary mission of the HQ senior leadership review process is to ensure that USCIS leadership has visibility to high priority NS cases prior to an adjudicative decision. To accomplish this, the SLRB-WG and SLRB work to ensure: (1) that each case reviewed under this SOP is fully developed from a legal and factual perspective; (2) that, whenever possible, each case is adjudicated consistent with USCIS policy by the relevant operational directorate without the need for review by the USCIS Director or Deputy Director; and, (3) that, when a case is elevated to their attention, the USCIS Director, or Deputy Director, are provided with a clear and complete understanding of all aspects of the case.

Cases subject to review by the SLRB are evaluated and adjudicated according to the statute and regulations as other cases, applying the same standards of proof. The statute mandates a higher level of supervisory review, due to the potential risks they present to the national security of the United States.

III. ROLES AND RESPONSIBILITIES

The process outlined in this SOP does not alter the roles and responsibilities of the affected USCIS operational directorates and program offices. The SLRB-WG and the SLRB do not adjudicate the cases before them. At all times, the adjudicative responsibility remains with the operational directorate with jurisdiction over the pending benefit request. When the operational directorate with jurisdiction over the pending application determines that the case is ready to raise to the SLRB, working group activities will cease and the case will be briefed to the SLRB.

¹ Defined as cases where an individual or organization has been determined to have an articulable link to prior, current, or planned involvement in or association with an activity, individual, or organization described in 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Immigration and Nationality Act (INA).

² February 6, 2009 Memorandum: *Additional Guidance on Issues Concerning the Vetting and Adjudication of Cases Involving National Security Concerns*.

A. Fraud Detection and National Security Directorate (FDNS)

HQFDNS serves as Chair of the SLRB-WG for purposes of coordination and scheduling among the applicable Directorates. In this capacity, HQFDNS is responsible for leading the HQ senior leadership review process and managing SLRB-WG activities in coordination with participating operational directorates and the Office of the Chief Counsel.

HQFDNS is responsible for specific types of additional vetting which can only be completed by HQFDNS. HQFDNS will also summarize and analyze security and intelligence information relevant to the case; request declassification if necessary; and present any concerns in the case to the adjudicating directorate for consideration in the adjudication of the pending benefit request. HQFDNS also acts as the primary liaison to national-level law enforcement and intelligence communities to ensure the receipt of all relevant information and to deconflict cases while they are being worked by the SLRB-WG and prior to a final adjudicative decision.

B. Operational Directorate (Field Operations Directorate, Service Center Operations Directorate, Refugee, Asylum and International Operations Directorate)

Typically, only one operational directorate within USCIS is responsible for adjudicating a pending benefit request. That operational directorate must conduct vetting and initial deconfliction with appropriate law enforcement agencies. The directorate must analyze all relevant facts and law, consider information from other operational directorates and program offices, and prepare an eligibility assessment finding insufficient grounds to deny the benefit being sought. The operational directorate is responsible for drafting decisions and may consult with other operational directorates and program offices as appropriate. Also, the operational directorate will determine, when all fact-finding has been completed, the next steps. When more than one operational directorate is responsible for adjudicating a benefit request, the operational directorates will decide when fact-finding has been completed and will use the SLRB-WG forum to coordinate multiple adjudicative decisions.

C. Office of the Chief Counsel (OCC)

OCC is responsible for providing legal advice with respect to the cases before the SLRB-WG and the SLRB, and will designate a lead attorney on each case. In addition, OCC will provide a written summary of applicable statutory, regulatory, and other law relevant to each case with appropriate citations to legal authority. As applicable, OCC will review the legal sufficiency of proposed decisions or other adjudicative actions as well as identified risks associated with pending or potential litigation in each case and provide its opinion to the SLRB-WG and SLRB. OCC will also coordinate with the Department of Justice on any case in litigation.

IV. OVERVIEW

The HQ senior leadership review process comprises two entities: the SLRB and the SLRB-WG. After the operational directorate having jurisdiction over the pending benefit request determines a case warrants referral, high priority NS concern cases, described above, are first reviewed by the SLRB-WG. If the derogatory information that led to the referral to senior leadership cannot be resolved and there is no clear path to adjudication identified by the SLRB-WG, or if the operational directorate requests, a case shall be presented to the SLRB.

A. Senior Leadership Review Board

The SLRB is a USCIS executive management team composed of the Director or Deputy Director of USCIS and the Associate Directors, Deputy Associate Directors, or heads of:

- Field Operations Directorate (FOD);
- FDNS;
- Refugee, Asylum, and International Operations (RAIO) Directorate;
- Service Center Operations (SCOPS) Directorate; and
- OCC.

The Director or Deputy Director of USCIS chairs the SLRB. The SLRB composition for each particular case will be composed of the Associate Director or Deputy Associate Director of FDNS, the Associate Director or Deputy Associate Director of the operational directorate responsible for adjudicating the pending benefit request, the Chief Counsel or a Deputy Chief Counsel, and other Associate Directors or Deputy Associate Directors that may have equities in the case, such as adjudicative responsibility for a previously adjudicated immigration benefit.

B. Senior Leadership Review Board-Working Group

The SLRB-WG is chaired by HQFDNS and is composed of HQ representatives from:

- FOD;
- FDNS;
- RAIO;
- SCOPS; and
- OCC.

Before a case may be presented to the SLRB, the working group is responsible for reviewing the case and assisting the Field³ with identifying possible areas of inquiry or issues that require further analysis. Cases may be resolved by the operational directorate after referral to the SLRB-WG without further need for submission to the SLRB, unless USCIS policy requires concurrence

³ For the purposes of this document, “Field” refers to Field Offices, Service Centers, the National Benefits Center, and equivalent HQ Division within RAIO.

by the Deputy Director. The operational directorate Deputy Associate Director with jurisdiction over the pending benefit request will determine when SLRB-WG fact-finding efforts have been exhausted and should be halted, grounds of ineligibility or inadmissibility have been identified or resolved, and the case adjudication and any necessary related actions are the next appropriate steps.

As the SLRB-WG Chair, HQFDNS will work directly with the operational directorate who presented the case to determine which members of the SLRB-WG will be involved in reviewing the case. Along with HQFDNS, the reviewing team will be composed of the operational directorates that have direct equities in the case, including OCC, such as adjudicative responsibility for a previously adjudicated immigration benefit, including relevant Field-based and HQ participants.⁴ Other operational directorates will provide assistance, as needed, at the request of the SLRB-WG Chair and relevant operational directorate who presented the case.

V. LINES OF COMMUNICATION

Clear and consistent communication is needed to effectively administer the HQ senior leadership review process. Below are guidelines for communications between the SLRB-WG and the Field. Members of the Field will continue to discuss cases at the local level to ensure all relevant partners (Management, Adjudications, FDNS, and OCC) are involved in the process.

A. Field to SLRB-WG

Potential SLRB cases cannot be submitted directly from the Field to the SLRB-WG. After obtaining appropriate concurrence, a submitting Field Office will communicate with their HQ operational directorate, in accordance with component guidance. Field management and component chain of command outside of headquarters (such as District or Regional points of contact) should be included in this communication as directed by the relevant component. Representatives of that operational directorate will triage incoming cases, verify that they require SLRB handling, and initiate communication with the SLRB WG. Direct person-to-person communication, via designated points of contact, will usually develop in the course of the review process.

B. SLRB-WG to Field

SLRB-WG members will communicate to the Field through established points of contact in the corresponding HQ operational directorate. Points of contact (POC) will be determined on a case-by-case basis. If the SLRB-WG needs to contact the Field directly for information, the relevant operational directorate POC must be notified and will remain involved on in all meetings or correspondence.

⁴ If an operational directorate does not have a direct equity in the case, but desires to be part of the reviewing team, they should consult with the SLRB-WG Chair.

VI. SENIOR LEADERSHIP REVIEW PROCESS

Once a case is determined to need senior leadership review and is submitted per existing policy, the following steps will be taken:

SLRB Process Overview

Step 1: Field Submission	Step 2: HQ Operational Directorate Review	Step 3: SLRB-WG Review	Step 4: SLRB Review	Step 5: Post-SLRB D1/D2⁵ Decision
<ul style="list-style-type: none"> - Ensure that the NS concern is unresolved, all other remedies have been exhausted, including vetting and deconfliction, and no adjudicative decision can be reached. - Request HQ Operational Component review and triage for submission of the case to the SLRB. 	<ul style="list-style-type: none"> - Review and triage all potential SLRB cases from the respective component. - Verify that the request meets SLRB review standards. 	<ul style="list-style-type: none"> - Accept fully prepared cases for SLRB-WG handling. - Prioritize caseload. - Suggest lines of inquiry, etc. as necessary in each case. - Discuss legality of adjudicative options. - Recommend ways forward and prepare component principles (ADs) for the SLRB. - The AD of the operational directorate adjudicating the case will decide when a case will be elevated to the SLRB. - SLRB-WG Chair, in coordination with the AD of the operational directorate adjudicating the case, requests the SLRB be called into session. - Deconflict as necessary with U.S. Government stakeholders. 	<ul style="list-style-type: none"> - D1/D2 Chairs the meeting. - The AD of the Operational Directorate leads the brief to the SLRB, including D1/D2. - Execute SLRB instructions regarding next steps. 	<ul style="list-style-type: none"> - Communicate the SLRB decision to the adjudicating office with appropriate documentation. - Deconflict as necessary with U.S. Government stakeholders.

A. Step 1: Field Submission

Per USCIS policy, before a case can be submitted to the SLRB-WG, the Field must demonstrate to the relevant HQ operational directorate that it has taken the appropriate steps to exhaust all capabilities, including but not limited to:

1. Performing deconfliction;

⁵ D1 and D2 refer to the Director and Deputy Director of USCIS, respectively.

2. Completing vetting;
 - a. If the vetting produces classified information, reviewing and analyzing the information to determine if it might affect eligibility should the information be declassified;
 - b. Filing a Request for Assistance with HQFDNS to pursue declassification of the information or obtain additional high side information not accessible in the field;
3. Conducting a thorough search of open source information (e.g. websites, state/local government records, court filings, archived Internet pages and domestic and, if possible, foreign news media);
4. Considering additional Requests for Evidence (RFE), administrative subpoenas, interviews, or site visits;
5. Ensuring local FDNS has reviewed the case in its entirety, and identified any potential criminal or fraud concerns;
6. Ensuring local OCC has reviewed the case; and
7. Documenting the case in the FDNS Data System (FDNS-DS), including any abeyance requests, deconfliction and vetting results, and POCs with vetting partners.

Conducting an interview on the pending benefit request is not a requirement prior to submitting for SLRB review. Once all remedies have been exhausted, Field management, after consultation with the local OCC office, should submit the following to their corresponding HQ operational directorate:

1. Checklist: Case Submission for Senior Leadership Review (Appendix B);
2. Interoffice Memorandum requesting Senior Leadership Review (Appendix C);
3. Case Summary (Appendix D); and
4. Hard copy duplicate of the entire A-file (the original A-file should not be sent to HQ). Mailing instructions will be provided by the relevant HQ Operational Directorate.

The Case Summary will provide a detailed overview of the individual's immigration history and information associated with the case. A sample case summary can be found in Appendix E.

Non-Field Component Referrals

Sometimes a USCIS component outside the Field identifies a case for referral to the SLRB-WG. The identifying component must coordinate with the adjudicating office and the relevant HQ operational directorate (FOD/SCOPS/RAIO) to submit the referral to the appropriate directorate mailbox. In order to ensure efficient, thorough, and transparent communication with the adjudicating office and full preparation of SLRB cases, submission to the SLRB-WG review must be reviewed, triaged, and presented by the relevant HQ

operational directorate regardless of litigation, high side derogatory information, or other non-field identification scenarios, such as management or law enforcement interest.⁶

B. Step 2: HQ Operational Directorate Review

After the Field submits a case to the relevant HQ operational directorate to be considered for SLRB-WG review, the relevant HQ operational directorate reviews the case, determines whether it can or cannot be adjudicated by the Field, and verifies the case meets the following requirements for the SLRB process:

1. Case presents a KST concern or extraordinary Non-KST NS concern that, per the Controlled Application Review and Resolution Program (CARRP) policy, is eligible for SLRB handling;
2. The Field has exhausted all capabilities, including thorough open source⁷ searches, vetting, and deconflicting the case;
3. The Field has completed an Eligibility Assessment;
4. A Request for Assistance (RFA) has been submitted through FDNS-DS through the Special Actions tab of the NS concern;
5. Administrative investigation is complete;⁸
6. The Field has obtained and thoroughly analyzed all case-related information. Any information discovered in the SLRB-WG process will be shared with the Field for further analysis, either by providing the new information directly or, if the information is classified or otherwise restricted, by providing a tearline, synopsis, or other summary;
7. Requirements in the "[Checklist: Case Submission for Senior Leadership Review](#)" are met and case summary is completed; and
8. Further adjudicative review completed by the HQ operational directorate, in consultation with OCC, supports the Field's conclusion.⁹

Failure to meet these requirements will result in the case being returned to the Field. Further, if the HQ operational directorate determines that the case can be handled by the Field, then it will not be submitted for consideration to the SLRB process.

⁶ Cases that are in litigation may still be presented expeditiously to the SLRB in order to meet court mandated deadlines; however, cases must still be triaged and brought to SLRB by the adjudicating component.

⁷ Open source searches include state level records, business records, Google searches, and any other search not conducted in a government or contracted commercial database (CLEAR/Accurint). Open source searches may vary depending on the facts of the case.

⁸ FDNS Immigration Officers (IOs), Background Check Unit (BCU) ISO's, and other personnel handling national security concerns should, to the best of their ability, complete the administrative investigation as far as they are able. As part of their investigation, they may be working with other Law Enforcement Agencies (LEAs) and third agencies and investigations may be ongoing. If there is an LEA or third agency investigation, the FDNS IO, BCU ISO, or other personnel must maintain contact with the POC to ensure any actions taken by USCIS do not interfere with the investigation.

⁹ Further evaluation must be completed by subject matter experts (SMEs) assigned to the Adjudication programs within the HQ operational directorates.

C. Step 3: SLRB-WG Review

The SLRB-WG will review and prepare each case, prioritize by potential threat level based on intelligence information and/or litigation status and present it to the SLRB for review as determined by the relevant HQ operational directorate. Through its review process, the SLRB-WG develops a comprehensive picture of the facts of the case to inform HQ senior leadership.

The SLRB-WG Chair will convene regular meetings to discuss cases submitted for SLRB review. HQ-based representatives from FDNS, OCC, FOD, SCOPS, and RAIO, will participate in these meetings. Once the relevant HQ operational directorate's designated primary lead determines the acceptance of a case, stand-alone meetings involving the adjudicating office in the Field will be scheduled to review the case in detail. Agendas for these meetings will be the SLRB-WG Chair in advance. Stand-alone meetings will be held at the working level only. Any decisions about the direction of a case made in a stand-alone meeting must be briefed to the full SLRB-WG.

HQFDNS and the relevant HQ operational directorate with direct equities in the case will decide which HQ and Field-based representatives will participate in the case review process. For each case, SLRB-WG participants will identify a point of contact (POC) who will serve as the primary lead for their respective directorate. The primary lead will be responsible for reviewing the case fully, and serving as the "action officer" for the case. Each operational directorate, which has previously adjudicated immigration benefit filings associated with the case, will provide timely assistance to the operational directorate with jurisdiction over the pending benefit request.

To assist with case review, HQFDNS will assemble copies of classified derogatory information associated with the case in a C or B-LAN shared drive folder. Each HQ component (FOD/SCOPS/RAIO/FDNS/OCC) must ensure a representative with an appropriate clearance and computer access reviews this material once the case is accepted by the relevant HQ operational directorate for SLRB-WG review.

The SLRB-WG review process includes the operational directorate consulting with HQFDNS and OCC to:

1. Verify any necessary and/or required interviews have been conducted and documented in compliance with the INA, the regulations, and any applicable policies and procedures, prior to submission to the SLRB process;
2. Explore additional potential ineligibility grounds and develop lines of questioning for future interviews if appropriate;
3. Determine whether additional information is necessary, to include if an administrative subpoena is appropriate and should be issued; and
4. Review external vetting results.

All adjudicative responsibilities will be determined by the relevant HQ operational directorate.

Concurrently, HQFDNS will take the following steps:

1. Gather, analyze, and summarize security and intelligence information and relevant facts in the case and provide the directorate responsible for adjudication;
2. Provide the operational component with HQFDNS' assessment of the NS issue and other areas of concern in the case through an HQFDNS finding; and,
3. Liaise with national level law enforcement and intelligence community members to ensure the receipt of all relevant information.
4. Document relevant activities in FDNS-DS.

FDNS may, if necessary, take additional steps, including:

1. Request declassification of information from the FDNS National Security and Public Safety Division (NSPSD);
2. Request a formal Intelligence Threat Profile (ITP) from the FDNS NSPSD Case Analysis Branch (CAB). NSPSD/CAB will determine the need or viability for preparing an ITP based on the available intelligence information;
3. Request additional deconfliction, to include determining status of law enforcement or other government agency investigations; and
4. Monitor subject's watchlist status for changes, such as dewatchlisting or upgrade.

Throughout the review process, the SLRB-WG and the submitting Field office will maintain contact through the appropriate HQ operational directorate. The HQ operational directorate will ensure that the submitting Field office is aware of any developments as well as of any additional steps that they may need to take (such as additional interviews). The submitting Field office will continue to work the case during the review process, and will ensure their corresponding HQ operational directorate is aware of any local developments or any assistance the Field requires. The corresponding HQ operational directorate will then inform the SLRB-WG of the local developments.

Note to the Field: Where there are upcoming events, such as a litigation deadline or interview, the Field offices must inform their corresponding HQ operational directorate of such dates through the respective HQ mailbox mailbox:

(FOD: [REDACTED]@uscis.dhs.gov; RAIO: [REDACTED]@uscis.dhs.gov
SCOPS: [REDACTED]@uscis.dhs.gov).

SLRB-WG Case Prioritization

The SLRB-WG will prioritize those cases which present the most serious national security concerns, and/or are the subject of time-sensitive federal litigation, such as a writ of mandamus.

Managing SLRB-WG Caseload

The SLRB-WG will utilize a dedicated ECN page to manage its caseload.¹⁰ As part of presenting a case to the SLRB, HQFDNS will assemble an unclassified binder on the subject, which will generally include the:

- Executive Summary;
- Case Summary;
- HQFDNS Finding;
- Written positions from relevant HQ operational directorates with equities in the case;
- A copy of the A-file, if appropriate;
- Synopsis of any derogatory information; and
- Any other pertinent information.

The SLRB-WG Chair, in consultation with the operational directorate responsible for adjudication, will remove cases from the SLRB-WG process based on disqualifying circumstances including, but not limited to:

- Petition or application abandonment or withdrawal;
- Law enforcement action;
- Drafting of a legally sufficient Notice of Intent to Deny or Denial;
- Downgrade of status (NS concern to Non-NS concern);
- Dewaterlisting; or
- Other extenuating circumstances.

The SLRB-WG Chair will draft the letter using the template provided in Appendix G. The Chair will then forward the letter to the corresponding HQ operational directorate for delivery to the affected field office.

After the SLRB-WG reviews a case, the operational directorate responsible for the adjudication of the case will determine next steps, which may include:

1. Referring the case to the Field for adjudication, if information has been developed that will support a legally sufficient decision that comports with agency policy; and
2. Presenting the case for SLRB review.

¹⁰ Available online at .

D. Step 4: SLRB Review

When the HQ operational directorate determines the case must be elevated to the SLRB, the SLRB-WG Chair will schedule a time to present the case to the SLRB as soon as possible, considering all factors, including litigation deadlines. In preparation for the presentation, the SLRB-WG Chair will coordinate materials to be presented, including an Executive Summary with a recommendation from the HQ operational directorate to:

1. Approve the case despite the NS concerns. It is then up to the discretion of the USCIS Director/Deputy Director to concur with the approval; or
2. Deny the case with the findings that are available.

Although desired, there is no requirement for there to be a consensus from the SLRB-WG members prior to the case being elevated to the SLRB.

During the presentation to the SLRB, the operational directorates will provide an overview of the case, including specific details of the case; HQFDNS will provide a briefing on the derogatory information and the NS risk; and OCC will present its assessment of the legal sufficiency of the proposed course of action and litigation risk. The lead HQ operational directorate Deputy Associate Director may invite Field-based SMEs to call in to the SLRB meeting. The Director and/or Deputy Director will either: 1) authorize approval; or 2) indicate that the case should be denied on existing grounds; or 3) send the case back to the SLRB WG to obtain additional information necessary for the Director and/or Deputy Director to make a determination on the matter.

E. Step 5: Post-SLRB – D1/ D2 Decision

After D1 or D2 has made a determination, the SLRB-WG will make the following notifications:

1. Notify the referring office, through the operational directorate, of the SLRB determination; and
2. Notify the derogatory record owner of the USCIS decision using the template in *Appendix H*.

Notification of the course of action determined by agency leadership will be provided via the Executive Summary template (*Appendix F*). This document will be used to inform the adjudicator in the field. The Executive Summary should be shared with the adjudicator making a decision on the case, but should not be placed in the A-file. Instead, the Executive Summary should be uploaded to FDNS-DS.

VII. CONTACT INFORMATION

Questions or suggestions regarding these SOPs should be addressed to the HQFDNS/National Security and Public Safety Division, which serves as chair of the SLRB-WG.

APPENDIX A. REFERENCES

CARRP definition [INA § 212\(a\)\(3\)\(A\), \(B\), or \(F\)](#), or [INA § 237\(a\)\(4\)\(A\) or \(B\)](#).

Senior Leadership Review Board – Working Group [ECN Site](#).

Policy Memorandum (July 26, 2011) [Revision of Responsibilities for CARRP Cases Involving Known or Suspected Terrorists](#).

Memorandum (February 6, 2009) [Additional Guidance on Issues Concerning the Vetting and Adjudication of Cases Involving NS Concerns](#).

APPENDIX B. CHECKLIST FOR CASE SUBMISSION**CHECKLIST FOR THE FIELD: Case Submission for Senior Leadership Review**

This checklist is intended for the adjudicating office submitting a case for senior leadership review. All applicable boxes should be checked. This checklist must be completed and submitted along with the other attachments outlined below.

Interoffice Memorandum

Case has been nominated by USCIS Field Management/RAIO HQ Division.

Email

Email is directed to appropriate Headquarters operational directorate:

FOD: Email [REDACTED]@uscis.dhs.gov

RAIO: Email [REDACTED]@uscis.dhs.gov

SCOPS: Email [REDACTED]@uscis.dhs.gov

Subject line: (1) States "URGENT - For Senior Leadership Review" (2) identifies your office, and (3) states FDNS-DS case number.

Body of the email:

Identifies that the case is submitted for consideration for senior leadership review;

Identifies litigation type and status, and media/congressional interest, if any; and,

If applicable, identifies any dates of upcoming events that the review team should be aware of (e.g., litigation deadlines, scheduled interviews with the applicant, etc.).

Encrypted and **unclassified** attachments:

Interoffice Memorandum requesting Senior Leadership Review.

Case Summary, including eligibility assessment, completed by the field office.

FDNS-DS

Case has been updated in FDNS-DS to reflect the following:

Relevant information has been entered into FDNS-DS, to include: A-number, RFA, Deconfliction status, Nature of the NS concern, Pending applications/petitions.

Case status as "Open."

Request for Assistance (RFA) submitted through the Special Action sub-tab.

NS Concern Urgency status as "Fed Lit-Mandamus" (if applicable).

Updated KST case information under the NS Concern tab.

Completed Background Check Adjudicative Assessment (BCAA) uploaded via Attachments sub-tab.

Annotations in appropriate sub-tabs that internal/external vetting and deconfliction are completed.

Annotation in Activities sub-tab that a request for SLRB review was sent.

Appropriate HQ personnel are listed in Team tab, when identified.

Signed Interoffice Memorandum uploaded in the Attachments tab.

No classified documents have been attached.

A-file: A complete, duplicate hard copy of the A-file, including but not limited to applications, petitions, interview notes and transcripts, and supporting documentation has been made and forwarded (either physically or electronically) to the HQ operational directorate POC.

APPENDIX C. INTEROFFICE MEMO

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Fraud Detection and National Security (FDNS)
Washington, DC 20529



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

Interoffice Memorandum

URGENT

TO: HQ Operational Directorate

DATE: [REDACTED]

FROM:

RE:

In accordance with the 2017 *Standard Operating Procedures: Senior Leadership Review Board*, please process this case for senior leadership review. Our office has followed required standards for referral, including completion of the Case Summary and the Case Submission for Senior Leadership Review checklist, and has taken the appropriate steps to exhaust all other remedies. However, this case continues to pose national security concerns and according to USCIS Policy, cannot be adjudicated in the field at this time.

USCIS Field Management Title (District or Field Office Director/Service Center
Director/Asylum Chief)

Date:

APPENDIX D. CASE SUMMARY

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Fraud Detection and National Security (FDNS)
Washington, DC 20529



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

CASE SUMMARY

Date: USCIS Component:

Subject: A#:
DOB: FDNS-DS#:
COB:

**THIS SECTION IS TO BE COMPLETED BY THE LOCAL FIELD OFFICE
(FOD, SCOPS, RAIO)**

I. IMMIGRATION TIMELINE

This section should include a summary of the following: (A) Alien's Country of Birth or country of origin, entry date, and any status granting benefits (visas, adjustment of status, naturalization), including date granted, date denied, or if it is still pending; (B) Summary of grounds for any refugee, asylum or withholding claim; (C) Status of benefit currently at issue (e.g., if there has been an interview, RFE, denial, appeal, etc.)

Prepared by Local Field Office (Name, title): , ***Date:***

II. SUBJECT HISTORY

*This section should include: (A) **Family History:** Family members in U.S. and their immigration statuses; Additional information on any relatives that served as the basis for alien's immigration status (if marriage based, then note briefly if any fraud suspected); Brief summary of immediate family members that have been listed on any immigration documents, including if any of them have **LE** ; (B) **Education History;** (C) **Employment /Financial History:** Additional information if employment based benefit; Brief summary of work history; List financial materials provided; information regarding fee waivers for current and/or past benefit requests, and note any notable discrepancies, potential tax or banking issues (e.g., foreign wires, etc.); (D) **Travel History;** (E) **Criminal History.***

Prepared by Local Field Office (Name, title): _____, *Date:* _____

III. LIST OF DISCREPANCIES

This section should include any and all discrepancies in the application materials whether material or not for the benefit sought.

Prepared by Local Field Office (Name, title): _____, *Date:* _____

IV. SUMMARY OF ALL ELIGIBILITY/INELIGIBILITY FACTORS CONSIDERED

This section should include any and all eligibility and ineligibility factors considered by the field office. It should also provide an analysis of each factor.

Prepared by Local Field Office (Name, title): _____, *Date:* _____

V. FRAUD ASSESSMENT

Prepared by Local FDNS Officer or CARRP ISO (Name, title): _____, *Date:* _____

VI. LEGAL ANALYSIS

This section should include legal analysis of the case by the local OCC office, including potential ineligibility factors.

Prepared by Local OCC Office (Name, title): _____, *Date:* _____

VII. OTHER COMMENTS

This section should include any other comments not previously mentioned in this Case Summary, but may be relevant to the review of this case.

Prepared by Local OCC Office (Name, title): _____, *Date:* _____

VIII. SIGNATURE

USCIS Field Management Title (District or Field Office Director/Service Center Director/Asylum Chief)

Signature: _____ **Date:** _____

APPENDIX E. CASE SUMMARY SAMPLE

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Fraud Detection and National Security (FDNS)
Washington, DC 20529



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

Date: October 6, 2015 USCIS Component: FOD

Subject: XXX XXX A#: XXX
DOB: XXX FDNS-DS#: XXX
COB: XXX

**THIS SECTION IS TO BE COMPLETED BY THE LOCAL FIELD OFFICE
(FOD, SCOPS, RAIO)**

VIII. IMMIGRATION TIMELINE

Prepared by Local Field Office (Name, title): XXX Date: October 1, 2015

01/01/1950 - Born in [City/Country]. (A)
01/20/2007 - Refugee case created based on fear of being killed for religion and political opinion. (B)
04/01/2008 - Interviewed in [City/Country].
05/01/2008 - Approved for RE1 status.
06/01/2008 - Admitted to the US through POE as a refugee.
05/01/2009 - Filed Form I485 to adjust as a refugee.
07/04/2009 - Form I485 approved preference RE6.
04/01/2013 - Filed Form N400 and received at NBC. Currently pending (C)
09/11/2014 - Identified as a KST in TECS/IBIS.
09/20/2014 - Terrorist Screening Center confirmed positive match.
10/01/2014 - File transferred to FOD.
11/01/2015 - Abeyance hold lifted by FBI/JTTF, XXX remains watchlisted.
02/13/2015 - Eligibility assessment/ case summary by Adjudications.
03/01/2015 - RFA sent to Headquarters.
03/30/2015 - Headquarters RFA closed.
04/27/2015 - File forwarded to Adjudications for CARRP adjudication.

IX. SUBJECT HISTORY

Prepared by Local Field Office (Name, title): XXX

Date: October 1, 2015

Family History

Family members in the US:

XXX XXX (daughter, status admitted RE8)

XXX XXX (daughter, status admitted RE8)

Immediate family members:

XXX XXX (Father, deceased)

XXX XXX (Mother, resides in Bagdad, Iraq)

XXX XXX (Spouse, separated, LE, Bagdad, Iraq)

XXX XXX AKA XXX (Former spouse, divorced Nov. 1984)

XXX XXX, AKA XXX (Child, resides in [City/State/Country])

XXX XXX, (Child, resides in [City/State/Country])

XXX XXX, (Child, resides in [City/State/Country])

Education History

Primary School [City/Country/State] Sept. 1960-June 1966.

XXX Intermediate School [City/Country/State] Sept 1967-June 1969.

Employment/ Financial History

The subject has been unemployed since her arrival in the United States. She currently receives SSI, low income housing, and Medicare.

Travel History

10/01/2010-10/20/2010 Travel to XXX and XXX

07/04/2011-07/20/2011 Travel to XXX

Criminal History

Traffic citation for unsafe lane change 06/30/2010, \$100 fine paid.

X. LIST OF DISCREPANCIES

Prepared by Local Field Office (Name, title): XXX

Date: October 1, 2015

Subject's DOB is listed as 01/01/1950 throughout the subject's file but listed a DOB of 01/01/1952 on Form N-400.

determine whether XXX was firmly resettled in Jordan. Notably, XXX has two children who lived in Jordan at that same time and continue to live there today.

XXX claims her DOB as January 1, 1950 on her Form N-400; however, she has previously, consistently claimed her DOB as January 1, 1952 on forms she has completed and signed, including Form I-485, Form G-325A, her [State's] driver's license, etc. While this inconsistency does not immediately indicate ineligibility to naturalization, OCC recommends pursuing clarity on this issue during the N-400 interview.

XXX began receiving public benefits on or about Feb. 1, 2009. XXX has consistently disclosed such benefits to USCIS. XXX was neither inadmissible, nor ineligible for naturalization by receiving these benefits. *See* INA § 209(c) (INA 212(a)(4) – public charge – does not apply to refugee AOS); *see generally*, INA § 316(a) (void of any naturalization ineligibility for receiving public benefits); 8 CFR § 316.10 (same). XXX has 7 years from the time of being granted refugee status to attain citizenship or risk losing her public benefits.

XXX is the second spouse to her only husband, XXX XXX. Because XXX has only one spouse, she is not “practicing polygamy” for purposes of precluding a finding of GMC. *See* 8 CFR 316.10(b)(2)(ix); USCIS Policy Manual, Vol. 12, Part F, Ch. 5(H) (“Polygamy is the custom of having more than one spouse at the same time.”).

XIV. OTHER COMMENTS

Prepared by Local OCC Office (Name, title): _____, *Date:* _____

VIII. SIGNATURE

USCIS Field Management Title (District or Field Office Director/Service Center Director/Asylum Chief)

Signature: _____ **Date:** _____

APPENDIX F. EXECUTIVE SUMMARY TEMPLATE

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Fraud Detection and National Security (FDNS)
Washington, DC 20529



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

EXECUTIVE SUMMARY

I. REASON FOR PRIORITY

Prepared by HQ Operational Directorate in Consultation with Office of Chief Counsel

Litigation Status and Deadlines

- Settlement agreement or order to adjudicate
- Risk to agency (litigation, court order)

Congressional or Media Interest

Reason for Delay of Adjudication

- Why adjudication in the field is not possible (e.g., other policy, no ground of denial)

****Optional**** *Interagency History and Coordination*

- Prior history with other agencies (e.g., DOS, etc.)

II. NATIONAL SECURITY CONCERNS

Prepared by Fraud Detection & National Security Directorate

Summary of Derogatory Information

- Unclassified references to Intelligence Threat Profile or to separate FDNS documents
 - Summarize/timeline of any HQ coordination with any other agencies, including requests to declassify or use information
 - Include definitions of any terminology or designations used
-

APPENDIX F (cont.). EXECUTIVE SUMMARY TEMPLATE

III. LEGAL ANALYSIS

Prepared by Office of Chief Counsel

- Description of litigation posture
 - Deadline for adjudication, and legal risk of not meeting that deadline, including relevant statute or regulations
 - Legal analysis of proposed options considered in the case.
-

IV. OPTIONS

Prepared by SLRB-WG Chair in coordination with SLRB-WG members

- Include brief summary of options and analysis

SENIOR LEADERSHIP REVIEW BOARD RECOMMENDATION

Option 1:

Option 2:

Field Operations Directorate

Option 1

Concur Non-concur

Option 2

Concur Non-concur

Signature: _____

Date: _____

Fraud Detection & National Security Directorate

Option 1

Concur Non-concur

Option 2

Concur Non-concur

APPENDIX F (cont.). EXECUTIVE SUMMARY TEMPLATE

Signature: _____

Date: _____

Refugee, Asylum and International Operations Directorate

Option 1

Concur Non-concur

Option 2

Concur Non-concur

Signature: _____

Date: _____

Service Center Operations Directorate

Option 1

Concur Non-concur

Option 2

Concur Non-concur

Signature: _____

Date: _____

Office of Chief Counsel

Option 1

Legally Sufficient Not Legally Sufficient

Option 2

Legally Sufficient Not Legally Sufficient

Signature: _____

Date: _____

DECISION:

Option 1:

Option 2:

USCIS Deputy Director

Signature: _____

Date: _____

APPENDIX G. REMOVAL FROM SLRB-WG NOTIFICATION LETTER TEMPLATE

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Fraud Detection and National Security (FDNS)
Washington, DC 20529



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

[Date]

[Name of Field Point of Contact]
[Title, Organization of Field Point of Contact]
[Address of Point of Contact]

Dear [name of point of contact]:

We are writing to inform you that the [form type] filed by [alien, FDNS-DS#] has been reviewed by the by United States Citizenship and Immigration Services (USCIS) Senior Leadership Review Workgroup (SLRB-WG). The SLRB-WG Chair, in consultation with other members of the SLRB-WG decided to remove this case from the process due to:

[Enter reason case is being removed from SLRB process consideration: Petition or application abandonment or withdrawal; law enforcement action; drafting of a legally sufficient Notice of Intent to Deny or Denial; Downgrade of Status (e.g., NS Concern to Non-NS Concern); Dewatchlisting; and/or other extenuating circumstances]

As the originating office, you are to resume working the case in accordance with agency policy. Upon request, and if jointly agreed upon by HQFDNS Chair and the responsible HQ operational directorate, the SLRB-WG may continue to assist (but not have jurisdiction over) the vetting and adjudication of the case as resources permit. This is predominantly to be used for cases where much time and effort has been expended by the SLRB-WG such that they have an intricate understanding of the case that is invaluable to the Field's continued processing of the case. In addition, as a recommendation, the SLRB suggests the following actions be taken by the originating field office:

[List any recommendations/suggestions]

Please feel free to contact me should you require further information.

Sincerely,

Chief, National Security and Public Safety Division
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
Contact Information: PH: Email:

Copy to: HQ Operational Directorate

APPENDIX H. NOTIFICATION LETTER POST-SLRB

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Fraud Detection and National Security (FDNS)
Washington, DC 20529



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

[Date]

[Name of Record Owner]
[Title, Organization of Record Owner]
[Address of Record Owner]

Dear [name or record owner]:

We are writing to inform you that the [form type] filed by [alien] has been approved by United States Citizenship and Immigration Services (USCIS). Throughout the adjudication of this application, USCIS was in contact with [name of record owner organization] regarding the [reason for NS concern]. [If applicable, provide any additional case identifying information that may be of use to the record owner (e.g., case number)].

The alien is a native and citizen of [country]. [He/She] was first admitted to the United States as a [entry status] on [date of entry]. On [date application/petition filed], [alien] filed [form type] with the [USCIS FOD, SCOPS, RAIO office].

[Note any relevant legal proceeding and/or immigration background information.]

During the adjudication of [form type], USCIS determined that a legally sufficient denial could not be made on this case. As such, USCIS approved the alien's [form type] on [date].

[Insert what benefits will be afforded by grant. Samples may include:

- A pathway to United States Citizenship;
- Permission to reside permanently in the United States provided he does not abandon his Lawful Permanent Resident status or commit any actions that would make him removable under immigration law;

- Authorization to accept any lawful employment for which he is qualified with any employer anywhere in the United States (with the exception of certain jobs limited to United States Citizens for security reasons); and/or
- The ability to travel abroad and re-enter the United States, provided that he complies with all applicable requirements (maintaining an un-relinquished domicile in the United States, not remaining abroad for more than 180 days, etc.).]

Given the national security concerns connected with [alien], USCIS respectfully requests that the [name of record owner organization] inform our agency of further investigation, criminal prosecution, or if further derogatory information develops in regards to this case.

Please feel free to contact me should you require further information.

Sincerely,

Chief, National Security and Public Safety Division
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
202- xxx-xxxx