

EXHIBIT 34

~~FILED UNDER SEAL~~

EVIDENTIARY STANDARDS

A guide for weighing Evidence in NS CONCERNS



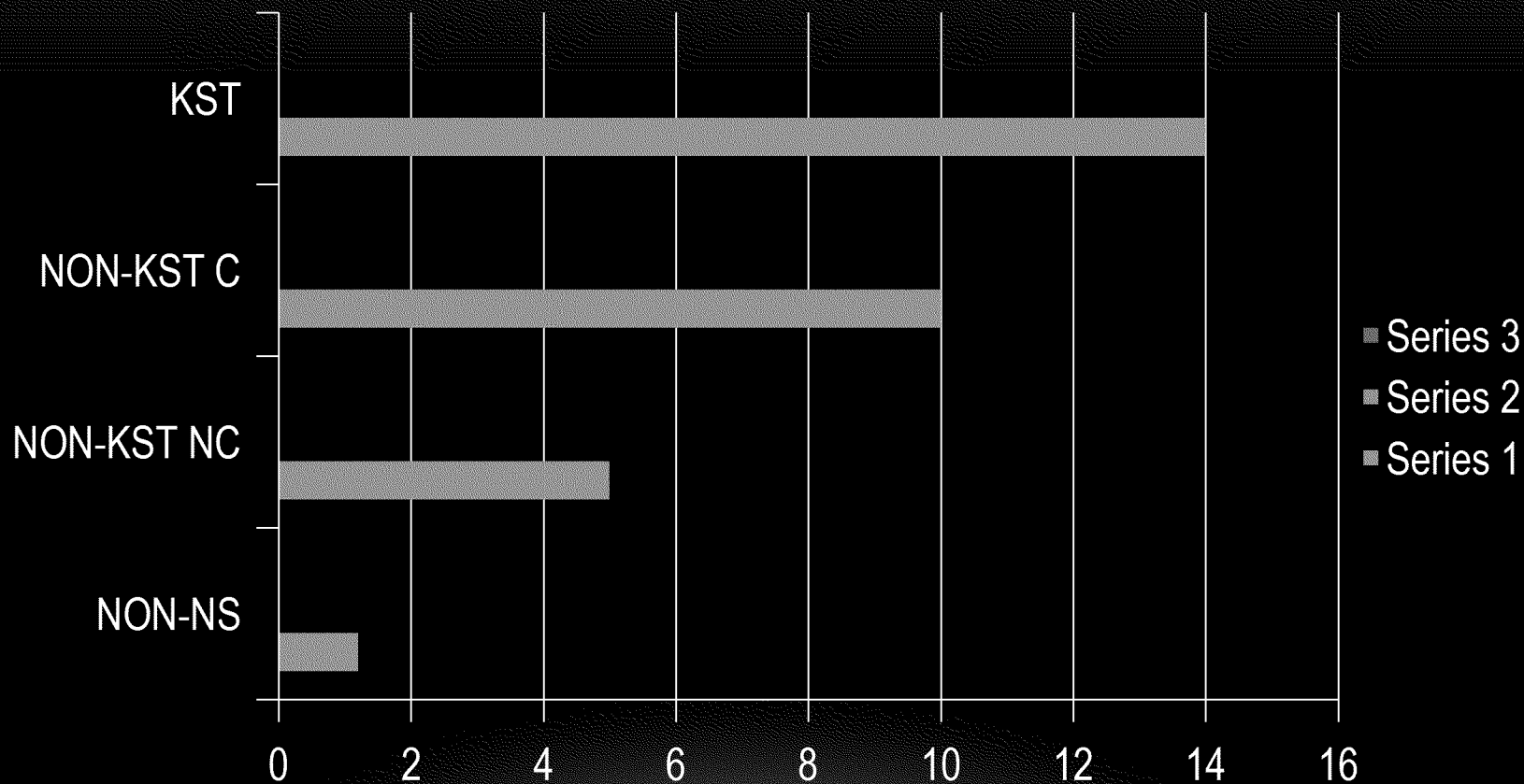
EVIDENCE -DEFINED

- The process of evaluating and according weight to sources of information which when combined lead a fact finder to a reasonable conclusion based on the totality of the circumstances.
- Evidence should be relevant and material

EVIDENTIARY STANDARDS

- Beyond A Reasonable Doubt [Criminal Law standard [not applied in immigration proceedings]
- Reasonable Possibility Standard [1 in 10 chance] (Lowest standard)
- Clear and Convincing Standard [Substantially More likely than not 51%] Less than beyond a reasonable doubt but greater than the Preponderance of the Evidence (Highest standard)
- Preponderance of the Evidence [Greater than Reasonable possibility standard but less than Clear and convincing standard.

LEVELS OF EVIDENCE TO CONSIDER IN THE ANALYSIS OF NS CONCERNS



KST—TO NON-NS SAMPLE FACT PATTERNS

- **KST:** [REDACTED] [Beyond a reasonable doubt]
- **NON-KST Confirmed:** [REDACTED] -[Clear
and convincing Standard].
- **NON-KST—not confirmed:** [REDACTED] [Between
reasonable possibility and Preponderance of the Evidence] Indicators exist but
does not rise to the level of a “clear and convincing” Articulate Link.
- **NON-NS:** [REDACTED] [Less than a reasonable possibility]

DISCLAIMER

- No rule, guideline, or law presently exists for application of specific evidentiary standards in the analysis of identifying NS concerns for CARRP adjudication.
- This Information is presented for training exercise purposes only and meant to be utilized as a guide in the process of weighing evidence based on the totality of circumstances.