

EXHIBIT 40

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U.S. CITIZENSHIP AND IMMIGRATION SERVICES



Fraud Detection and National Security Directorate National Security Division

Executive Summary: CARRP Enforcement Practice Proposal

November 5, 2012

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**CARRP Policy Enhancement:
Proposal to Mitigate the Risk Posed by Individuals with National Security Concerns**

Overarching Strategic Purpose: Ensure that USCIS effectively and expeditiously identifies, processes, and refers for removal persons associated with an immigration benefit that pose a serious national security threat to the United States.

1. **Goal 1.** To identify those CARRP cases posing the most serious threat to the United States by applying a risk-based prioritization process as soon as possible after an NS concern is identified.
2. **Goal 2.** To establish a comprehensive enforcement practice that not only ensures USCIS denies the immigration benefit, but also actively advocates that other agencies pursue criminal prosecutions, NTA issuances, and removals, as standard operating procedure for all identified high-risk cases.

EXECUTIVE SUMMARY OF PROPOSAL

Background:

CURRENT CARRP MANAGEMENT – EQUAL TREATMENT DESPITE UNEQUAL RISK: In its current iteration, CARRP policy permits only broad categorization of casework: NS concerns are either Known or Suspected Terrorists (KST), or Non-KST NS concerns. KST cases are generally given priority over Non-KST NS concerns. KSTs with no clear grounds of ineligibility must be elevated for Headquarters review while Non-KSTs require no such Headquarters review. **Currently, KSTs and Non-KSTs can be identified with [REDACTED] LE records¹.** This Non-KST caseload, as well as the significant number of KST cases with still pending applications, is not handled according to the risk each case warrants. USCIS must develop a more accurate and developed national security risk classification to actively manage this caseload. FDNS proposes to assign an individual risk-based prioritization to each CARRP case as soon as possible after it is identified as a national security concern.

THE NEW PARADIGM – INDIVIDUALIZED RISK ASSESSMENTS AND COMPLETE FOLLOW-THROUGH: Due to broadened watchlisting criteria and information sharing, the risk level presented by individuals cannot simply be measured by their designation as a KST or Non-KST. The old paradigm that assumes KSTs are high-risk individuals and Non-KSTs are low-risk individuals is no longer true. Overlapping KST and Non-KST NS concerns mandates a new approach and requires a USCIS response commensurate with the level of risk posed by an individual. This new approach builds on current CARRP policy, which focuses on denying benefits on eligibility grounds, and encourages coordination with other agencies to ensure proper enforcement follow through in prosecuting and removal of these individuals when warranted.

¹ Until recently, KSTs were those cases identified as being on the Terrorist Screening Database through a TECS record ending in [REDACTED] LE. Being placed on the TSDB required reasonable suspicion that the individual had ties to international terrorism. However, recent changes instituted in the wake of the attempted December 2010 bombing have seen a number of non-KST [REDACTED] LE records added to TECS, for immigration screening purposes, based on standards less stringent than the “reasonable suspicion” required for KSTs. These changes are discussed in PM-602-0063, “Updated Instructions for Handling TECS [REDACTED] LE Records.”

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CURRENT PROPOSAL:

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Conclusion:

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LE, DP This approach is a more targeted, strategic and comprehensive approach to the management of national security cases and a natural evolution of the current CARRP process. This approach will bring adjudication into synch with the broader DHS commitments and strategies in terrorism and national security matters, leading not just to the denial of a benefit, but prosecution and removal of the threat.

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