

EXHIBIT 46

~~FILED UNDER SEAL~~

Training Points of Emphasis

- 1. CARRP is how we *work* national security cases.** It is not about the adjudicative outcome of those cases. It is not a denial program. It does not target particular groups. It is how we identify, work, and resolve NS cases.
- 2. It is a process.** It is designed to structure your thinking. It should be replicable and consistent. By considering the same questions in the same order every time, the labels and definitions of CARRP can function as a design tree.
- 3. But it is *not* neat and linear.** All of the charts and process flows describing CARRP are 2-dimensional outlines. They provide a shell. Do not get overly married to a linear, sequential understanding of CARRP.
- 4. You are seeking information relevant to the adjudication of a benefit.** CARRP is not meant to turn USCIS into an investigative agency. The goal is to develop information that resolves the NS concern or contributes to an adjudicative outcome.
- 5. CARRP cases do get resolved.** CARRP is not a black hole. It takes cases in, but should also kick them out at some point. CARRP can produce quick resolutions. There are simple CARRP cases.
- 6. The two major benefits of CARRP** are that it provides additional resources to work a case and very good tracking / documentation of what we did on a case.
- 7. Benefit 1: CARRP results in very good documentation.** This is particularly important if something goes wrong (e.g. Boston). FDNS-DS is a strong tool for recording what actions USCIS has taken in working an NS case. Leveraging the DS user guide and consistently following DS procedures allows CARRP to protect USCIS officers.
- 8. Benefit 2: CARRP brings greater resources to bear on a case.** CARRP allows more time for a case; the ability to conduct more extensive systems checks, and the opportunity to reach out directly to LEA's and the IC.
- 9. Therefore, it is better to over-refer and resolve than not refer at all.** A subject (person or organization) and a national security ground are hard requirements for putting a case in CARRP. The connection between a subject and the NS ground is something that you can leverage the greater resources of CARRP to determine. You can over-refer because you need more info, or time, or systems access; but a CARRP case always requires a subject and an NS ground.
- 10. Think like an ISO1.** If you are considering whether something belongs in CARRP, think from the perspective of your ISO1. Is the concern in the case something that you think they can resolve in the 30 minutes they have with each file, while conducting 10 other interviews that day?
- 11. There are three major themes in CARRP policy** – decentralization, rising concern over non-KSTs, and the inclusion of new forms (EB5).
- 12. EVERY form type of person should be handled in CARRP.** At least as far as identifying and documenting the NS concern (Stage 1), and deconfliction. This includes ancillary benefits and non-status-granting benefits.
- 13. KSTs and non-KSTs are of equal concern.** A non-KST may pose a greater risk than a KST in certain circumstances. Do not automatically conclude that KSTs are the “worst” cases and that non-KSTs “aren’t as bad.”

14. **Not all information is derogatory.** Even if it is from a system or has a code that we typically associate with NS, it may not be a CARRP case. Cases on the watchlist are not subjective – an individual is on the list (as confirmed by TSC) or not. **Non-watchlisted NS concerns each require an independent judgement by the officer.**
15. **Indicators and articulable link are simply different levels of evidentiary standards.** How strong the connection is between a subject and an NS ground is a matter of evidence. **No indicators – one indicator – multiple indicators – articulable link – KST.**
16. **Weighing the totality of circumstances is a judgment call.** Determining what level of connection a subject has to an NS ground is a matter of judging the evidence. **It is a subjective decision for which there may be multiple, equally valid, assessments. But it must be based on evidence, not instinct.**
17. **Deconfliction and vetting are chances to educate law enforcement.** USCIS possesses a great deal of information that is voluntarily provided by our applicants. Do not assume that law enforcement agencies are even aware of a subject's immigration status or that they're filing for a benefit.
18. **There are a lot of areas of national security concern that do not relate to terrorism.** E.g. espionage, sabotage,
19. **Many elements of CARRP leave room for some local adaptation.** Processing timelines, how early OCC is involved, how cases are assigned, who can sit on interviews, even upfront-screening to identify concerns can vary by component, by region, and by office or center.
20. **EVERYONE in USCIS has a role in CARRP, and everyone (all the components) follow national CARRP policy.** There may be variations in *how* everyone follows CARRP, but the elements of the process are agency-wide. And the process starts with everyone in the agency being able to identify and refer potential NS casework using the same criteria.

CARRP Training Exercise: Student Teachers

Group 1: I've described CARRP as a yellow traffic signal that allows an officer to slow down. Decide if this is a valid interpretation of how the agency uses CARRP. Design a slide for the PowerPoint presentation that explains the concept, and brief the class on whether you feel this is how CARRP should be used.

Group 2: I've also stated that CARRP is more flexible than a simple 4-box flow chart can capture. Develop a new, creative way (a new slide, a good metaphor, an exercise) to explain that CARRP can be compressed, expanded, reordered, or overlapping. Think about the military cliché that "no battle plan survives first contact with the enemy."

Group 3: One of the first slides in my presentation was CARRP vocab terms. Develop a list of other words that are confusing or have multiple meanings (*Deconfliction* vs. *Vetting*; *Confirming* a KST with the TSC vs. an *NS Confirmed* case with an articulable link) and design a creative way to present them.

Group 4: Develop a role playing exercise to emphasize the role of education as part of the vetting and external deconfliction conversations. Write story lines for several pairs of USCIS officers and law enforcement officers having a conversation about a national security concern. Include all the information that USCIS would need to convey to a law enforcement agent, and account for some of the questions and requests that law enforcement officers frequently have for USCIS officers.

Group 5: We discussed the different evidentiary levels for tying a subject to an area of NS concern (a single fact, several indicators, an articulable link). Create a powerpoint slide to describe how an officer would weigh the totality of circumstances and decide what level of evidence is present. Consider employing examples from the field of criminal law and evidence.

Group 6: I argued that one policy trend was the realization that KSTs and non-KSTs are equally significant, and one concern should not be prioritized over the other. Read back through the CARRP

policy memos that were presented and think of your own cases to find examples of this, then develop a powerpoint slide to illustrate the point.

Group 7: Recall our discussion of the two major benefits of CARRP. Do you agree with this? Is CARRP actually useful in these areas? Are there other benefits that we did not discuss? Design a powerpoint slide to illustrate the strengths of CARRP. Present to the class, and also explain a few areas where CARRP is *not* designed to do certain things.

Group 8: Develop a new fake form (I-485, I-924, I-589) with indicators of an NS concern. The NS information on the form should not be explicit, and should require some level of subjective judgment. Present the form to the class in a manner similar to my N-400 example.