EXHIBIT D
FILED UNDER SEAL

Identifying and Documenting National Security (NS) Concerns

Updated December 2017

Updated September 2020

Identifying Non-KST NS Concerns

Non-KST NS Concern Recap:

- Non-KSTs can come from anywhere, not just records / hits or law enforcement
- The information in a record or in testimony is what's important – *not* the mere existence of a hit or a record
- Testimony and / or what's in the immigration record is just as important as law enforcement records
- Non-KSTs can be subjective, especially when they're *not* coming from TECS, the FBI, or fingerprint records – Therefore, properly weighing the evidence is critical

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2017 Training Material, Module 3: Identifying and Documenting NS Concerns, DEF-00429634

Identifying Non-KST NS Concerns: Recap

Non-KST NS Concern Recap:

- Non-KSTs can come from anywhere, not just records/hits or law enforcement
- The information in a record or in testimony is what's important – not the mere existence of a hit or a record
- Testimony and/or what's in the immigration record is just as important as law enforcement records.
- Non-KSTs can be based on the officer's judgment in the totality of the circumstances, especially when they're not coming from TECS, the FBI, or fingerprint records – Therefore, properly weighing the evidence is critical

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Say:

Let's recap Non-KST Concerns. Non-KSTs can come from anywhere, not just records or hits, or law enforcement. The information in the record or testimony is what's important, not the mere existence of a hit or record. Non-KSTs can be subjective, especially when they're not coming from TECS, the FBI or fingerprint records. It is critical that the evidence is weighed based on the totality of the circumstances.
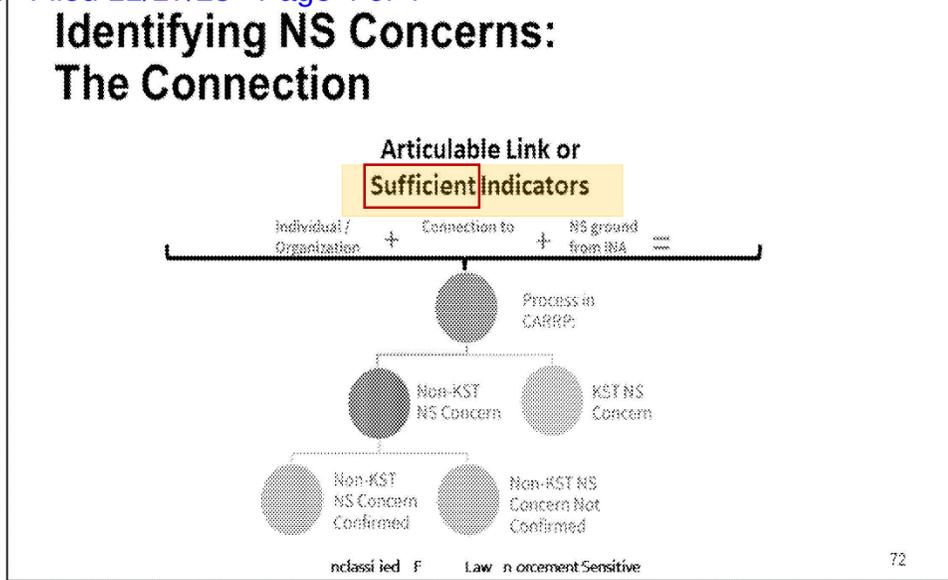
Let's do a knowledge check.

[Instructor: Randomly call on students to answer the questions one by one. The selected student can place the answer in the chat box. Process the response and add the script below.]

True or False: An LHM makes a subject a KST. *[False. KSTs must have TECs hits. An LHM with derogatory information that relates to NS information may indicate that the subject is a non-KST.]*

Are all LHMs derogatory? *[No].*

LE

2020 Training Material w/ Instructor Notes, Module 3: Identifying and Documenting NS Concerns, DEF-00431393

Identifying NS Concerns: The Connection

Articulable Link or Indicators

NS Concern

Individual / Organization + **Connection to** + **NS ground from INA** =

Non-KST NS Concern

KST NS Concern

Non-KST NS Concern Confirmed

Non-KST NS Concern Not Confirmed

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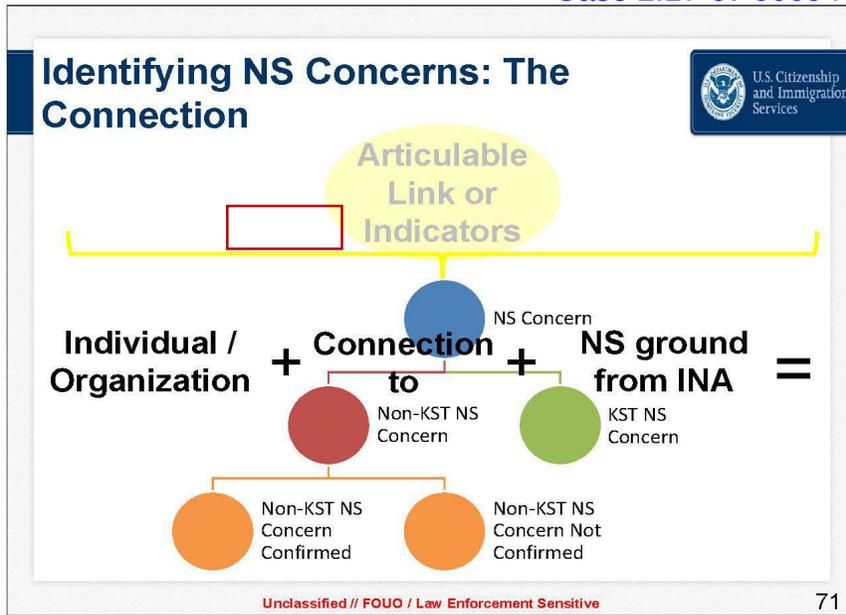
So this is the chart where it starts to come together
We've been talking about the equation, and how those three elements make an NS concern
What was the summation of the equation? If you have all three elements, you have an NS concern
This is how the two models fit together
Every time, you should think to yourself:
Do I have an individual or organization?
Do I have an NS ground?
Do I have a connection between them?
If I do, is my NS concern a KST or non-KST?
If it's non-KST, is it confirmed or not confirmed?
Now, we've covered the individual / organization part
And we've covered the NS grounds
But we've left the middle part deliberately vague
The connection to the NS ground is really either an articulable link or indicators (and / or both)
And that's what we're going to talk about a some length in the next two sections
And please note the placement of the equation – it's BEFORE you determine KST vs. non-KST and BEFORE you determine Confirmed or Not Confirmed

2017 Training Material, Module 3: Identifying and Documenting NS Concerns, DEF-00429647

Identifying NS Concerns: The Connection

Articulable Link or Sufficient Indicators

Individual / Organization + Connection to + NS ground from INA =

Process in CARRP

Non-KST NS Concern

KST NS Concern

Non-KST NS Concern Confirmed

Non-KST NS Concern Not Confirmed

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Say:

So this is the chart where it all starts to come together We've been talking about the equation, and how those three elements equal an NS concern. What was the summation of the equation? If you have all three elements, you have an NS concern. This is how the two models fit together

Every time, you should think to yourself and ask these questions:
• Do I have an individual or organization?
• Do I have an NS ground?
• Do I have a connection between them?
• If I do, is my NS concern a KST or Non-KST?
• If it's Non-KST, is it confirmed or not confirmed?

Now we've covered the individual / organization part. And we've covered the NS ground. The connection to the NS ground is really either an articulable link or sufficient indicators (and / or both). And that's what we're going to talk about at some length in the next two sections. Please note the placement of the equation – it's BEFORE you determine KST vs. Non-KST and BEFORE you determine Confirmed or Not Confirmed

2020 Training Material w/ Instructor Notes, Module 3: Identifying and Documenting NS Concerns, DEF-00431411