

# **Exhibit 10**

~~**-- Filed Under Seal --**~~

The Honorable Richard A. Jones

**United States District Court  
Western District of Washington  
at Seattle**

ABDIQAFAR WAGAFE, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, PRESIDENT OF THE  
UNITED STATES, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

EXPERT REPORT OF KELLI ANN  
BURRIESCI

**I. Background**

1. My name is Kelli Ann Burriesci. I am a Senior Executive with 16 years of employment in the U.S. Government (USG), including thirteen years in the Department of Homeland Security (DHS). I have experience in leadership roles in security-focused federal agencies, and I am familiar with the laws and regulations governing such agencies. I have been responsible for leading international and national programs, spanning 38 countries and all U.S. states and territories. I have implemented DHS priorities covering complex national security and counterterrorism topics including transportation and aviation security, screening, vetting, watchlisting, biometrics, visas, and redress.

2. I am currently the Transportation Security Administration (TSA) executive responsible for leading TSA's enrollment services and vetting programs across aviation, air cargo, maritime, and surface transportation. I supervise over 20 enrollment and vetting programs impacting the transportation system, as well as the implementation of corresponding policies and programs. These programs include the recurrent vetting of over 21 million credentialed individuals, and the vetting of every commercial passenger each day. I joined TSA in June 2019.

3. From March 2017 to June 2019, I served as the Principal Deputy Director of the FBI's Terrorist Screening Center (TSC) as the DHS Senior Executive. As the Principal Deputy Director, my responsibilities included information sharing of terrorism data, the physical and

personnel security of the TSC, redress operations, stakeholder outreach, and the resource management of the Center, as well as being the liaison back to DHS.

4. From December 2007 to March 2017, I served in a variety of roles at the DHS Office of Policy. The most recent position I held in that office was as Principal Deputy Assistant Secretary, where I was responsible for leading and supporting the development of policy across all DHS mission areas related to preventing terrorism and enhancing security, securing and managing our borders, enforcing and administering immigration laws, safeguarding and securing cyberspace, and ensuring resilience to disasters. I also served in DHS Policy as the Acting Assistant Secretary for Threat Prevention and Security Policy, where I led the Information Sharing, Law Enforcement, and the Screening Policy offices. In that capacity, I regularly coordinated and engaged with senior officials from across the USG including the White House, Executive Branch Departments, Congress, law enforcement and intelligence community agencies. I represented DHS at international and domestic forums on a variety of topics, including screening and vetting. Additionally, I served as the Deputy Assistant Secretary for the Screening Coordination Office. During that time, I acted as the DHS policy lead on Department-wide screening and information sharing programs and policies—domestic and international—covering watchlisting, vetting, biometrics, visa policy, and redress. In sum, over the course of a decade, I led the development of a variety of highly complex policies, with a domestic and international nexus, to support the DHS mission, vision, and strategic direction. Each effort involved intense collaboration with interagency partners and an understanding of the operational, legal, and national-security interdependencies. I regularly worked with sensitive national security and intelligence information, and maintained awareness of domestic and international threat streams, including those related to aviation security.

5. From 2002 to 2005, I worked at the U.S. Government Accountability Office (GAO) assessing the effectiveness and efficiency of federal programs. I supported engagements on the federal government's role in achieving national objectives, including performance accountability, strategic planning and budget alignment, enterprise acquisition, and consolidation of government agencies. I was also an agency representative on international engagements with the European Union and multiple individual countries. My resume is attached as Exhibit A.

6. I have not authored any publications in the last 10 years, and I have not testified as an expert witness at deposition or trial in the past 4 years. I am not receiving any compensation for my testimony in this case.

7. I have been asked to review reports submitted by Marc Sageman, Jeffrey Danik, and Christopher Burbank and to respond to their conclusions regarding the Terrorist Screening Database (TSDB) and the Controlled Application Review and Resolution Program (CARRP). The TSDB is a database that integrates terrorist identity information from across the federal government to support government agencies' screening and vetting. CARRP is the United States Citizenship and Immigration Services (USCIS) policy to identify, process and adjudicate immigration benefits that involve national security concerns. I understand the plaintiffs in this litigation are challenging the lawfulness of CARRP, but not the TSDB. However, USCIS utilizes the TSDB as one way to identify national security concerns under the CARRP policy.

## II. Opinions

8. The opinions that I am providing are based on my thirteen years of experience overseeing governmental vetting efforts and my review of the documents attached as Exhibit B. As set forth below, Dr. Sageman and Mr. Danik criticize various aspects of the TSDB, including the accuracy of the information maintained in the TSDB. In my opinion, the USG takes appropriate measures to ensure the reliability of the information housed in the TSDB through robust checks and balances. The use of information in the TSDB by government agencies, like USCIS, as one screening tool to assess an applicant's eligibility for a USG benefit or credential, is completely reasonable.

9. Dr. Sageman, Mr. Danik, and Mr. Burbank also challenge various features of the CARRP policy. It is my opinion that the CARRP policy employs best vetting practices that are consistent with those used in other federal screening programs. These vetting practices have been continuously developed and improved across the USG in response to various terrorist attacks, and particularly in response to the terrorist attacks on 9/11.

10. Dr. Sageman, Mr. Danik, and Mr. Burbank also claim that CARRP serves no legitimate national security purpose. To the contrary, CARRP serves an important function in protecting national security. CARRP enables USCIS officers to gather and understand national security information from other agencies to make more informed decisions on individual applications. It further ensures that USCIS officers share relevant information with other agencies and do not inadvertently disrupt investigations or intelligence gathering activities.

## III. The Terrorist Screening Database is a Reliable and Valuable Tool for Preventing Terrorism

11. Both Dr. Sageman and Mr. Danik spend significant time criticizing the TSDB. As discussed further below, I disagree with their criticisms.

### A. *TSDB Background and Nomination Process*

12. The USG has provided an Overview of the USG's Watchlisting Process and Procedures as of January 2018 ("Overview"), which sets forth an accurate summary of the process. The Overview states:

Following the attacks of September 11, 2001, to further protect the homeland, the President of the United States, through Homeland Security Presidential Directive-6 (HSPD-6), September 16, 2003, directed the USG to consolidate its approach to terrorism screening and watchlisting, facilitate information sharing, and called for the protection of privacy and civil liberties while managing the process. Thereafter, Congress likewise mandated greater sharing of terrorist information among federal departments and agencies, while still protecting privacy and civil liberties. As part of this effort, to facilitate information sharing, the USG integrated terrorist identity information from federal departments and agencies into a single database – the Terrorist Screening Database (TSDB) - for use by various government agencies in

support of their screening and vetting activities. The TSC was established to manage the TSDB.

...

The overall watchlisting processes and procedures are the subject of continual internal reviews by agency officials charged with ensuring overall fairness and effectiveness, a process that includes review by legal counsel and agency privacy and civil liberties officers. In addition to these internal agency reviews, the overall watchlisting processes and procedures are also evaluated by external authorities on a regular basis, to include the Offices of Inspectors General, the Government Accountability Office, Congress, and independent bodies, such as the Privacy and Civil Liberties Oversight Board.

...

The procedure for submitting information about individuals for inclusion into the TSDB is referred to as the nomination process. Inclusion on the watchlist results from an assessment based on analysis of available intelligence and investigative information that the individual meets the applicable criteria for inclusion on the watchlist. The standard for inclusion in the TSDB is generally one of **reasonable suspicion**.

...

Before an “identity” is added to the TSDB, the nomination undergoes a multi-step review process at the nominating agency, at the National Counterterrorism Center (NCTC) or FBI (as appropriate), and then again at the TSC to ensure compliance with interagency standards for inclusion . . . to include a known or suspected terrorist nomination in the TSDB. The nomination must include enough identifying information to allow screeners to be able to determine whether the individual they are screening is a match to a record in the TSDB, and enough information to establish a reasonable suspicion that the individual is a known or suspected terrorist.

...

To meet the reasonable suspicion standard for inclusion in the TSDB as a known or suspected terrorist, the nominator must rely upon articulable intelligence or information which, based on the totality of the circumstances and, taken together with rational inferences from those facts, creates a reasonable suspicion that the individual is engaged, has been engaged, or intends to engage, in conduct constituting in preparation for, in aid or in furtherance of, or related to, terrorism and/or terrorist activities.

Mere guesses or “hunches” or the reporting of suspicious activity alone are not sufficient to establish reasonable suspicion.

Nominations must not be based solely on the individual's race, ethnicity, or religious affiliation, nor solely on beliefs and activities protected by the First Amendment, such as freedom of speech, free exercise of religion, freedom of the press, freedom of peaceful assembly, and the freedom to petition the government for redress of grievances.

Overview of the U.S. Government's Watchlisting Process and Procedures, as of January 2018.

13. Individuals are nominated for inclusion in the TSDB through a multi-level process. Overview, pages 3-4. As explained above, nominations to the TSDB are made by USG agencies and foreign partners based on credible information from law enforcement, immigration records, homeland security and intelligence communities, the Department of State through U.S. embassies and consulates abroad, and foreign partners with which the USG has arrangements to share terrorist screening information. It is explicitly prohibited to base a nomination solely on an individual's race, ethnicity, or religion.

14. Contrary to Dr. Sageman's statement that "quality control over the origin of the watchlist nomination is weak" (Sageman report ¶ 70), and as discussed further below, the NCTC and TSC conduct a multi-step review of each nomination put forward, and as intelligence agencies, they have the knowledge to do so. The nomination undergoes a multi-step review process at the nominating agency, the NCTC or FBI as appropriate, and then again at the TSC to ensure compliance with interagency standards for inclusion.

15. In my opinion, the reasonable suspicion standard that governs the inclusion of an identity in the TSDB is the proper standard to effectively further the purpose for which the TSDB was created. It requires a nominator to look at the totality of the circumstances and information, to include articulable intelligence and facts, that would lead to a reasonable suspicion that an individual is engaged, has been engaged, or intends to engage in conduct constituting, in preparation for, in aid or furtherance of or related to terrorism or terrorist activities.

16. The reasonable suspicion standard was adopted by the USG after input from senior officials across the USG who are involved in watchlisting and screening policy, process and operations, including privacy officials, civil rights and civil liberties officials and lawyers. "The USG continuously evaluates its standards for inclusion in the TSDB with its subsets." Overview, page 4. The reasonable suspicion standard is also reviewed regularly and any recommendation to change the watchlisting standard or policies is reached through interagency consensus.

17. The reasonable suspicion standard purposely allows for trained individuals to exercise judgment. A watchlisting system with only known terrorists, such as people who have already committed attacks, would serve little purpose in detecting and preventing future attacks. It is hard to stop the "unknown." It is hard to identify individuals planning, inspiring others, and recruiting with the intent to harm the United States and its interests here and abroad. And yet, that is the mission of the USG.

18. Narrowing the standard or prescriptively scoping the standard would have the unintended consequence of the USG missing the planning and potential implementation of terrorist activities.

19. Dr. Sageman takes issue with the TSDB nomination process, asserting that watchlist nominations amount to predictive judgements about who is likely to commit a terrorist attack in the future and then arguing the USG should use scientific principles to better predict whether someone may commit an act of terrorism. Sageman report ¶¶ 43-66. Dr. Sageman's starting premise is wrong. "The watchlisting system combines intelligence analysis with policy-based criteria" and "relies on informed judgment by experienced analysts who evaluate watchlist nominations based on individual circumstances, taken into account the particular intelligence that distinguishes the individual under review." Giacalone Decl. ¶ 8. Each nomination is considered in the context of the same reasonable suspicion standard.

20. Dr. Sageman suggests that the TSDB should be eliminated because, unlike predicting the weather, there is no scientifically valid way to predict who is likely to commit a terrorist attack. Sageman report ¶ 51. In my opinion, this is both an unacceptable and unrealistic viewpoint. There is simply no valid comparison between predicting rain from humidity and endeavoring to protect the nation from an act of terrorism. The TSDB is one of the most important tools for preventing terrorism, and it would be unreasonable and potentially disastrous to eliminate it.

21. The USG uses experience, knowledge, intelligence, policy, processes, procedures, training, guidance, lessons learned, authorities, privacy and civil liberty protections, standards and oversight, to responsibly prevent and deter terrorism.

22. I agree with FBI Executive Assistant Director Giacalone. He explains that "attempting to incorporate or rely on a predictive model about how likely a person is to commit a terrorist attack would present significant challenges.... People who plan to commit terrorist attacks take every precaution to hide and obscure information about their activities." Giacalone Decl. ¶ 8. No predictive modeling can substitute for trained and experienced officials. Additionally, the predictive model does not consider that the layers of security in place in the USG's vetting process, including background checks and use of the TSDB, are themselves a deterrent for some people that may otherwise have carried out an operational action if those layers of security were not in place.

23. Similarly, the purpose of vetting programs such as CARRP is not to make predictions—so drawing analogies to a model designed to make predictions is wholly inappropriate. The ultimate purpose of vetting programs is to save lives by depriving potentially dangerous people from gaining access to, among other things, government benefits that will afford them greater opportunities to cause harm.

*B. TSDB Review and Redress*

24. As explained in detail in the Overview, the USG has made significant efforts to ensure

quality assurance review and the removal of identities from the TSDB.

Quality control measures include reviews and evaluations by the nominating agency, NCTC, and TSC to verify that each nomination meets the appropriate criteria for inclusion in the TSDB and any appropriate subset list prior to an identity being added to the TSDB. These reviews and evaluations also provide a means to identify any changes to the information over time that could affect inclusion.

For example, nominating agencies conduct annual reviews of all nominations of U.S. persons to the TSDB. Nominations of non-U.S. persons receive reviews, as well. Each nominating agency must have internal procedures to prevent, identify and correct any errors. These procedures include the review of retractions and/or corrections of information that may have been used to support a nomination.

Additionally, the TSC regularly reviews data in the TSDB to ensure that the underlying information supports the nomination and performs audits to confirm the data in the TSDB is thorough, accurate, and current. The TSC also conducts a biannual review for all U.S. person records in the TSDB, to include all U.S. persons on the Selectee List or No Fly List. Additionally, for all persons, there is a review following each screening encounter when there is a potential match to an identity in the TSDB. Available information is reviewed to evaluate that the record still meets the standard for inclusion and to determine an appropriate encounter response, when applicable.

At any time, a USG agency (whether or not it is the nominator) that identifies new or updated information about a watchlist record, may make a request to NCTC/TSC to modify or remove that record.

The multiple reviews described above conducted by the nominating agencies, NCTC, and TSC help ensure that terrorist identity information used to support the law enforcement and screening functions is thorough, accurate, and current.

- If it is determined during the quality assurance reviews that a change should be made to a record in the TSDB, the TSC, coordinating with the nominating agency and any other relevant agencies, takes steps to clarify the record. Additions, modifications, and removals are executed to ensure that the watchlisting process and procedures remain compliant with applicable law. Examples of situations where a record may be removed from the TSDB in the normal course of business include: When there is a misidentification,
- To promptly adjust or delete erroneous information,
- When new information becomes available to update the record including information that refutes or discredits the original information that supported the individual's watchlist status.

Overview, pages 6–7.

25. The Overview further describes the redress process put in place by the USG and managed as a shared service by DHS, called the DHS Traveler Redress Inquiry Program (DHS TRIP). DHS TRIP is a single point of contact for individuals who have inquiries or seek resolution regarding difficulties they experience during their travel screening at transportation hubs. For example, someone who was denied or delayed boarding commercial aircraft, or denied or delayed entry into the U.S at a port of entry, may file an inquiry through DHS TRIP for redress. When a traveler’s inquiry may concern data in the TSDB, DHS TRIP works with the TSC Redress Office to determine if the individual is a positive match to an identity in the TSDB. The redress process provides the traveler with a mechanism to submit any information that may be relevant to the travel difficulties experienced. The DHS TRIP process provides additional information that can assist the USG in making a determination. If a DHS TRIP inquiry is referred to the TSC Redress Office and the individual submitting the inquiry is a positive match to the TSDB, the TSC Redress Office reviews the inquiry. It will then coordinate with the nominating agency and any other appropriate agency, which could ultimately lead to the removal of that identity. Overview, page 7.

26. To maintain thorough, accurate, and current terrorism information, the TSDB is subjected to rigorous and ongoing quality control measures to ensure that nominations continue to satisfy the criteria for inclusion, and information offered in support of the nomination is reliable and up-to-date. Overview, page 6. In my opinion, these quality control measures are necessary and appropriate as the USG uses the information to inform determinations to approve or deny benefits.

27. Overall, the USG provides a single one-stop shop for redress with respect to travel-related difficulties, including those related to the TSDB. At DHS, I was the senior redress official for redress policy. At TSC, I was the TSC senior redress official for policy and operations. Changes are regularly made to the TSDB to ensure the list remains accurate.

#### **IV. CARRP is Consistent with Best Practices in Other Federal Screening Programs**

28. USCIS is charged with ensuring that individuals only obtain immigration benefits for which they are eligible. Adjustment of status applicants must demonstrate that they are admissible to the United States, among other criteria. Naturalization applicants must demonstrate that they lawfully adjusted status, possess good moral character, and are attached to the U.S. Constitution, among other criteria. An important part of both determinations is identifying whether an individual poses a national security concern to the United States, and if so, whether the individual is therefore ineligible for the benefit. CARRP is USCIS’ policy to ensure that national security concerns are consistently identified, processed, and adjudicated throughout the agency.

##### *A. Vetting Applicants for Benefits is Not Like Policing a Community*

29. Mr. Burbank and Mr. Danik both criticize CARRP from a law enforcement perspective. Reports of Burbank ¶¶ 30-38; Danik ¶ 60. In my opinion, the criticisms are fundamentally

misplaced because adjudicating applications for benefits is not similar to policing a community.

30. Federal agencies conduct vetting of individuals who interact with those agencies on a daily basis, consistent with their legal authorities, to responsibly prevent and deter terrorism. An applicant for nearly every benefit or credential provided by the USG will be subject to some form of security vetting. USCIS is not unique in this regard. It is common practice for a federal screening agency to develop a mechanism or process to identify applicants that may present a national security concern.

31. Mr. Burbank seems to equate CARRP with identity-based profiling by law enforcement officers. Burbank report ¶ 35. In my opinion, he is comparing apples and oranges. USCIS does not arrest, prosecute, or imprison individuals. Furthermore, an applicant for a USG benefit or credential, such as lawful permanent residence (LPR) or citizenship, necessarily consents to the benefit granting agency scrutinizing his or her application in exchange for the potential to receive the benefit. Law enforcement officers are typically investigating people who did not generally volunteer to be vetted.

*B. USCIS Appropriately Conducts Security Checks on Applicants for Benefits Because Interagency Information Sharing is Crucial*

32. Dr. Sageman and Mr. Danik broadly criticize USCIS' practice of checking if applicants are listed in the TSDB or mentioned in the records of the FBI before making a decision on a benefit. However, it is common practice for federal agencies to conduct security checks such as these to help assess the eligibility of an applicant before potentially granting a benefit. In my opinion, it would be irresponsible for USCIS to *not* conduct these checks because it could lead USCIS officers to make uninformed decisions and potentially harm national security.

33. Timely information sharing is key to identifying and preventing and terrorist attacks. Consolidating what may be perceived as fragmented information, which meets the reasonable suspicion standard in the totality of the circumstances, may prevent a horrific event from occurring to U.S. citizens and residents.

34. Dr. Sageman characterizes intelligence agencies as dealing with fragmented and therefore unreliable information. It is true that prior to 9/11, much of the intelligence community did deal with fragmented information. However, Dr. Sageman's testimony does not account for the last 19 years of progress across the USG, including the government's ability to take fragmented pieces of information from across different agencies, and compile a full picture of facts, circumstances and/or intelligence. The USG, through the partnerships that have transpired and grown over the last two decades, is able to make connections today it never could prior to 9/11.

35. Within that context, Dr. Sageman's criticism of USCIS for conducting terrorism checks (using the TSDB) for individuals applying for USCIS-issued benefits is misplaced. Many individuals who interact with the USG will be vetted against the TSDB if they seek to travel via commercial aircraft, want secure access to critical infrastructure, or seek admissibility to the United States. Federal, state and local agencies use the TSDB to check applicants for potential

or known ties to terrorism. For example, TSA conducts security threat assessments on individuals with privileged access to the transportation sector, such a HAZMAT driver or a maritime worker (i.e. Transportation Worker Identification Credential [TWIC]). 49 CFR § 1572. TSA eligibility determinations draw from multiple federal databases, including the TSDB.<sup>1</sup> The Aviation and Transportation Security Act (ATSA) provides TSA authority to conduct background checks on its employees hired as screeners at airports, and on individuals traveling and directs TSA to identify individuals on passenger lists who may be a threat to civil aviation or national security. 49 USC § 114(h)(3). It provides TSA authority to work with other federal agencies as well to identify individuals known to pose, or who are suspected of posing a risk of air piracy or terrorism or a threat to airline or passenger safety. The statute does not require TSA to identify individuals nearly “known” but also “suspected” terrorists and those who “may” pose a risk or security threat. Additionally, the State Department vets all visa applicants, prior to making a decision on the issuance of a visa, against the TSDB. U.S. Customs and Border Protection (CBP) vets all individuals seeking admissibility into the United States against the TSDB. CBP also vets all applicants applied to its Trusted Traveler Program (NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), and Fast and Secure Trade (FAST)) against the TSDB. The Department of Defense vets individual visitors seeking access to military bases against the TSDB. State and local law enforcement also incorporate a check for ties for terrorism as part of its National Crime Information Center checks. These types of checks are important tools available to law enforcement and screening agencies of the USG to protect the public.

36. In my opinion, USCIS should know relevant information available from other federal agencies about an applicant before making a decision on the application. If such information were unavailable to USCIS, USCIS could unintentionally grant a benefit to someone who is ineligible and intends to harm the United States.

*C. USCIS’ Guidance on Identifying National Security Concerns is Logical and Appropriate.*

*1. Placement in the TSDB is a Reliable Indication that an Applicant Poses a National Security Concern.*

37. Dr. Sageman states that placement in the TSDB is not a reliable indication that an individual constitutes a national security threat. Sageman report ¶ 45. I disagree.

38. The TSDB is the most fundamental USG security check to identify a potential national security concern. The TSDB is operated and maintained by the TSC on behalf of the USG and is the authoritative source for a check for ties to terrorism. In utilizing the TSDB in its vetting process, CARRP is consistent with uses of the TSDB by other federal agencies, programs, and processes.

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<sup>1</sup> An individual’s inclusion in one or more government database is not determinative of TSA’s eligibility determination and merely serves as a factor indicating that an individual requires further scrutiny.

39. Additionally, as I described above, the TSDB incorporates data from across the USG, and identities on the list have already gone through several steps of review and meet a USG standard of reasonable suspicion.

40. In my opinion, the TSDB is an appropriate indication that an individual poses a national security concern or potential national security concern. USCIS' decision to conduct security checks against TSDB information is therefore entirely appropriate. There would be little purpose to maintaining the TSDB if agencies like USCIS were not allowed to check against it.

*2. USCIS' Use of "Indicators" to Identify National Security Concerns is Appropriate*

41. Dr. Sageman, Mr. Danik, and Mr. Burbank all criticize USCIS' use of indicators to determine whether an applicant poses a national security concern. Again, I disagree. Utilization of indicators by USCIS to identify potential national security concerns is appropriate and not unique.

42. I cannot comment on the specific indicators that other agencies, aside from USCIS, may rely upon in their vetting programs, as that type of information is generally law enforcement sensitive. Similar to USCIS though, other government programs that aim to approve eligible applications, while considering national security, utilize indicators. This is true in the aviation sector, intelligence community, and most programs focused on preventing terrorism and national security threats. The USG uses patterns and trends of previous terrorists and acts of terrorism, both domestic and international, to generate indicators that could identify a person as a terrorism-related national security threat. Indicators in isolation do not generally provide sufficient information to make a decision, but placed in context with other facts and the totality of information available to the USG, indicators can be a valuable tool. An indicator is just that—an indication. It is not a decision. It tells the adjudicator or officer to take a closer look. The USG is mandated to balance privacy, civil liberties, and legal authorities while still ensuring that national security is maintained. The USG cannot effectively protect U.S. persons and interests from acts of terrorism if it does not consider information that indicates a national security concern, or if it recognizes that a national security indicator exists but ignores it.

43. This is why USCIS' use of indicators and articulable links in the CARRP process are important. Indicators are a reasonable tool to flag that a record may need further review or scrutiny. If there is an indication someone may be involved in terrorist activities or conspiring with others on terrorism related activities, or living with people that are involved in terrorist organizations or activities—that information must be considered in an application review.

44. The harsh reality is that there are many people who wish to do grave harm to the United States, and we do not know all of their names. It is for these reasons indicators are helpful pointers. Dr. Sageman lists examples of potential indicators discussed in USCIS' CARRP guidance with which he takes issue. Sageman report ¶¶ 25, 27, 29. Let's walk through some examples, and I can explain why these indicators are appropriate flags and consistent with other USG programs.

45. Proficiency and Technical Skills: The relevance of the indicator is dependent on the nature of the technical skill and circumstances in which it is applied. For example, an applicant applying for permanent residency in the United States who is an expert bomb maker possesses a technical skill USCIS should review further for potential national security issues. It could be that an applicant will use a specific skill set in favor of U.S. interests. Or, the applicant could be situating himself/herself into the community to plan an attack at a local government agency building. So, an applicant with that skillset is worth further review. USCIS would not know if the information is an indicator of a risk or not if it did not further review the application.

46. Travel Patterns: Travel to countries where there are known areas of terrorist activity is something a national security program should take very seriously. Knowing that a person traveled to a country of concern in and of itself may not ultimately impact whether a benefit is granted. Perhaps that person is a journalist for a reputable broadcast company. Or, perhaps that person traveled to a country of concern to receive training on how to harm U.S. citizens or interests, or to facilitate the illicit travel of others with the intent to do harm to the United States, or worse. USCIS would not know if the information is an indicator of a risk or not if it did not further review the application.

47. Family and Associates: It is possible that a person may not know a family member is involved in terrorist activities. However, a review of the circumstances may reveal that the family members live in the same house, work together, travel together, and have similar associates involved in terrorist activities. A review might also reveal that although there is a familial relationship via a blood relative, the family members do not live together, work together, travel together, or even communicate with one another. USCIS would not know if the information is an indicator of a risk or not if it did not further review the application.

48. While it is reasonable for a vetting program to consider these types of information as potential indicators of national security concerns, it is the manner in which the information is considered that is most important. Although any indicator by itself may be innocuous, it is still relevant to consider it in the context of available information to allow further fact finding if appropriate. This point is strongly emphasized in USCIS' CARRP training documents. For example, one training slide indicates that "these are all just indicators...they are a single fact that suggests there may be something worth looking deeper at...just because someone did something on this list does not mean they're an NS concern...there are plenty of valid reasons for doing any of these things." DEF-00429772. Another training slide states, "Disclaimer: None of These Indicators by Themselves Mean Someone is an NS Concern." DEF-00429651.

49. When Dr. Sageman, Mr. Danik, and Mr. Burbank discuss indicators, they also do not account for how USCIS applies those indicators in its end-to-end process. For example, they do not discuss the policies, procedures, oversight, and training that goes into each adjudicative decision. As such, it is my opinion that their discussion on USCIS' use of indicators should be discounted.

50. Dr. Sageman, Mr. Danik, and Mr. Burbank state that the indicators are too subjective Reports of Burbank ¶ 31; Danik ¶ 60; Sageman ¶¶ 12, 97. In my opinion, USCIS has taken

significant steps to limit subjectivity by providing training on when an individual should be identified as a national security concern, and by requiring supervisory review at all stages of the CARRP process. DEF-00429101-DEF-00429151.

51. Finally, Dr. Sageman, Mr. Danik, and Mr. Burbank state that the indicators USCIS use to identify national security concerns are overly broad and could be associated with an overwhelming number of people. Reports of Burbank ¶ 32; Danik ¶ 101; Sageman ¶ 92-95. But as discussed above, it is clear that USCIS does not apply indicators as broadly as Dr. Sageman, Mr. Danik, and Mr. Burbank claim. Their contention is further undermined by statistics that have been produced in this litigation. If USCIS applied the indicators so broadly, I would expect that nearly all or a majority of applications would be placed in the CARRP process. However, of 10,621,174 adjustments of status and naturalization applications received between Fiscal Years 2013-2019, 10,592,960 of those applications (99.73%) were not referred to CARRP. That means only .027% of all applications over a six-year period were reviewed through the CARRP process. 2020-06\_Wagafe\_Internal\_Data\_FY2013-2019. Based on these statistics, USCIS is judicious when determining whether an applicant poses a national security concern.

*D. CARRP Ensures that USCIS Officers Do Not Misunderstand or Misuse Information that Comes from Other Agencies*

52. Dr. Sageman and Mr. Danik claim that USCIS officers generally misunderstand or misuse information obtained by other agencies, such as information obtained from the TSDB or FBI National Name Check Program. Reports of Sageman ¶ 103, Danik ¶ 84. In my experience, federal employees are generally trained and experienced enough to understand information provided by other agencies and have the tools to clarify ambiguous information.

53. Furthermore, in my opinion, the CARRP process serves to ensure that USCIS officers do not misunderstand or misuse information obtained from other agencies. After identifying a national security concern based on a TSDB hit or other available information, USCIS directs its officers to engage in external vetting. External vetting is when “the officer confirms with the record owner the earlier USCIS identification of the NS concern ... and obtains additional information regarding the nature of the NS concern and its relevance to the individual.” CAR000005. USCIS also instructs its officers to deconflict throughout the process. Deconfliction describes “coordination between USCIS and another government agency owner of NS information (the record owner) to ensure that planned adjudicative activities (e.g. interview, request for evidence, site visit, decision to grant or deny a benefit, or timing of the decision) do not compromise or impede an ongoing investigation or other record owner of interest.” CAR000003. In my opinion, these processes ensure that USCIS appropriately relies upon and understands these security check results.

54. The USG conducts more effective vetting when agency officials go to the authoritative source of the data (i.e. “record owners”) to confirm that the potential derogatory information pertains the individual applying for a benefit, and that the potential derogatory information received by the vetting agency remains current. Many, if not all, federal vetting programs rely on data from across the federal government in making decisions based on the authorities

governing a specific agency. An agency contacting a record owner is an attempt to best understand the totality of the circumstances and confirm the information relayed via security check remains up to date and is associated with the applicant's identity.

55. USCIS follows USG best practices in its external vetting and deconfliction processes. For instance, USCIS officers are instructed to go beyond USCIS resources, reach out to record holders, talk to case agents, and ask why an individual is a subject of an investigation. DEF-00429736. In my opinion, USCIS' training effectively teaches officers to have useful conversations with record owners.

56. According to statistics produced in this litigation, with respect to the LPR and naturalization applications that were received between FY 2013-2019 and referred to CARRP, approximately 92% of CARRP applications were based on another agency's information. 2020-06\_Wagafe\_Internal\_Data\_FY2013-2019. Given that the vast majority of CARRP cases are based on another agency's information, the CARRP procedures for external vetting and deconfliction are even more crucial to allow USCIS to perform its mission. In my opinion, the procedures USCIS has developed through CARRP are appropriate and necessary.

*E. USCIS' Decision-making Authority*

57. Dr. Sageman and Mr. Danik assert that USCIS allows intelligence and law enforcement agencies to unduly influence decision making about immigration benefits. Reports of Sageman ¶ 14; Danik ¶¶ 90-101. Based on my review of the CARRP policy and training documents, I do not agree that USCIS allows this to happen.

58. In my opinion, an agency running a vetting program must maintain decision-making authority because it is experienced and trained on the authorities and statutes that govern that agency. This is typical for a federal agency vetting program. For example, the State Department utilizes DHS and FBI data, in addition to other data sets, to vet visa applicants (foreign nationals wishing to visit the United States). The decision to issue the visa is retained by the State Department, regardless of what information is provided to the State Department by other federal agencies to inform its decision. CBP uses data from FBI and the State Department, in addition to other data sets, to make admissibility decisions (for all persons seeking admission the United States). The decision remains with CBP, regardless of what information is returned by other federal agencies. TSA utilizes information from FBI, USCIS, and other federal agencies to make decisions for its credentialed populations. TSA is the decision-making authority when it comes to deciding if an application is approved or denied, regardless of what information is sent by other agencies. An individual's status in a government database does not alone determine TSA's eligibility decision, but rather serves as a factor that an individual requires further scrutiny.

59. Despite the assertions of Dr. Sageman or Mr. Danik, USCIS appropriately maintains the authority to grant or deny a benefit application. For instance, USCIS trains its officers that law enforcement will not know what is relevant to a USCIS adjudication. DEF00429746. While USCIS does permit law enforcement to request withholding of a decision on one of its applications, it has detailed procedures to make sure that it maintains the authority to accept or reject a third agency withholding request, limits the nature of qualified investigations, and

requires regular monitoring and supervisory review of cases accepted for withholding of adjudication. In this way, USCIS ensures that third agency investigations are taken into consideration while maintaining authority over its adjudications. CAR000000350-54.

*F. The CARRP Process is a Necessary Step in the USCIS Vetting Process*

60. KSTs and non-KSTs may be processed pursuant to CARRP. A non-KST is an individual who does not meet the definition of a KST, but still poses a potential national security concern CAR000001, FN3.

61. Dr. Sageman does not believe that non-KSTs should be subject to CARRP. Sageman report ¶¶ 90-97. However, a non-KST is just as important to resolve as a KST. Non-KSTs still have a connection to the Immigration and Nationality Act (INA) national security grounds. For example, espionage, sabotage, overthrowing the USG by force or violence, hijacking or sabotaging transportation, hostage-taking, using biological, chemical or nuclear weapons, using other weapons to harm people or cause damage (for means other than personal monetary gain, or persons the Secretaries of State or Homeland Security have found to be engaged in terrorist activity or associated with a terrorist organization) are activities that may lead an individual to be identified as a non-KST. Examples like espionage and improper transportation of hazardous materials are automatic disqualifying offense for applicants to some of TSA's programs, like the TWIC, Hazardous Materials Endorsement (HME), and PreCheck. *See* <https://www.tsa.gov/disqualifying-offenses-factors>. The CARRP process allows further review of applications of non-KSTs, and does not make a determination solely based on a concern being raised.

62. USCIS trains its officers to look at an applicant and assess if there are sufficient indicators and/or an articulable link between an application and an INA national security ground that makes the applicant ineligible for the benefit. With a non-KST, USCIS officers are not just looking at one piece of information and not working off of a "gut" feeling. Rather, the articulable link must be a clear connection. DEF-00429655. The CARRP process employs a framework to ensure consistent decision-making by USCIS officers, which benefits both the applicant and USCIS. This framework is documented in the CARRP policy, guidance, and training materials.

63. The USG cannot and should not approve an application with a national security concern without a sufficient review to determine how it affects the application at issue. By having trained USCIS officials take a closer look at an application with a flag, the agency is incorporating human reasoning and logic into the process. USCIS officers are trained to question if derogatory information exists, if the derogatory information relates to the subject, and if that information is applicable or relates to a national security ground from the INA. DEF-00429670. This allows the totality of the circumstances to be assessed when considering an individual's application against the national security concerns of the USG. This process does take more time and utilizes more resources by the agency, but is a valuable and appropriate approach that helps USCIS get to the right decision in the case.

*G. Harm if CARRP did not exist*

64. CARRP allows USCIS to make an insightful determination about how an application should be resolved. Based on my knowledge and experience, officers need guidance to work through the complicated issues that national security concerns present. I believe that without the CARRP process, there would likely be mass inconsistency within the agency on how applications are adjudicated and resolved, which would lead to individuals who are ineligible unintentionally having their benefit applications approved.

65. Dr. Sageman has the opinion that approving or denying an application does not make the person more likely to commit a terrorist act or engage in conduct threatening to national security, and that processing individuals through CARRP “serves no legitimate national security purpose.” Sageman report ¶ 13. Dr. Sageman does not consider that a nefarious actor may have far greater tools to harm the United States if granted LPR status or U.S. citizenship and may be willing to wait a long time to put a hostile plan into action. The attack on 9/11 provides relevant examples. Per the 9/11 Commission Report, as noted in the executive summary, “Until 1997, the U.S. intelligence community viewed Bin Ladin as a financier of terrorism, not as a terrorist leader. By late 1998 or early 1999, Bin Ladin and his advisers had agreed on an idea . . . called the ‘planes operation.’ It would eventually culminate in the 9/11 attacks.” Over 2,600 people died at the World Trade Center; 125 died at the Pentagon; 256 died on the four planes.

66. Dr. Sageman does not consider that some of the 9/11 hijackers were approved for an immigration benefit and lived in the United States for more than a year prior to the events of 9/11. Per the 9/11 Commission Report, individuals were sent to the United States and directed to study English, take flight training, and become pilots. Per the 9/11 Commission Report, “By the summer of 2000, three of the four Hamburg cell members had arrived on the East Coast of the United States and had begun pilot training.”

67. Dr. Sageman also criticizes the USG for conducting vetting on people already in the United States. Aside from the fact that USCIS is required by statute to conduct such vetting to assess benefit eligibility, this vetting serves important national security interests. LPR status and U.S. citizenship are the most precious benefits provided by the USG to a foreign national. Once an individual attains these statuses, additional USG protections and advantages are afforded to them. For one, LPR and U.S. citizenship status provide a sense of public trust. LPRs may physically remain in the United States, work, and importantly, apply for naturalization. U.S. citizens can remain in the United States and work, can apply to work for the USG, and can potentially have access to the government’s sensitive information and critical infrastructure. With respect to travel, both LPRs and U.S. citizens can more freely exit and enter the United States than a typical foreign national. For a U.S. citizen, the Constitution guarantees your entry back into the United States.

68. According to USCIS Associate Director Matthew Emrich of USCIS’ Fraud Detection and National Security Directorate, it is more difficult to remove a status of LPR or U.S. citizenship, even if a national security concern arises. Mr. Emrich stated, “If individuals obtain immigration benefits who may pose a risk to national security . . . the immigration benefits may allow them to remain in the United States to obtain positions of public trust, to become U.S. Government employees with security clearances. Additionally, if individuals are involved in some type of

terrorist activity, if they attain immigration benefits, then they may not be removable from the United States if they pose a threat to national security...If... individuals who pose a threat to national security... attain[ ] immigration benefits [it] may mean that they're no longer removable under various remova[bility] grounds [if made a citizen.]" Emrich Deposition, page 47:3-13.

69. Granting U.S. citizenship to a person who is or may be a national security concern could pose an insider threat risk if that person gained a position of public trust in the federal, state or local government, such as intelligence analyst or officer, law enforcement official, or national policy maker. Consistent with Executive Order 13587, DHS defines insider threat as the threat that an insider [employee or a contractor] will use his or her authorized access, wittingly or unwittingly, to do harm to the security of the United States. This threat can include damage to the United States through espionage, terrorism, unauthorized disclosure of national security information, or through the loss or degradation of departmental resources or capabilities. It is therefore even more important, that USCIS conduct thorough vetting and have all the information to make informed decisions on whether to grant or deny immigration benefits. If CARRP did not exist, I believe there is a greater potential that bad actors would exploit the U.S. immigration system and cause harm to the United States.

## V. CONCLUSION

70. It is my opinion that the CARRP process employs vetting practices common to other federal screening programs. It provides a framework to ensure consistent decision-making across USCIS. USCIS must ensure immigration benefits are provided only to eligible applicants and further to ensure that individuals with a national security concern and/or nexus to terrorism are not provided the opportunity to exploit the U.S. immigration system. Utilizing the TSDB, coordinating with law enforcement, and relying on indicators, and articulable links strengthens the integrity of USCIS. Without the CARRP process there would likely be mass inconsistency within the agency on how applications are adjudicated and resolved, which would result in individuals who are ineligible from an immigration benefit from unintentionally being approved. Overall, CARRP is an effective vetting process and plays an important role in ensuring the nation's security.

**KELLI A**

**BURRIESCI**

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KELLI A BURRIESCI

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Kelli Ann Burriesci

July 10, 2020

# EXHIBIT A

Kelli Ann Burriesci

## KELLI ANN BURRIESCI

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### PROFILE

A Senior Executive with 16 years in the U.S. Government, and thirteen years serving the Department of Homeland Security (DHS). Experience leading security-focused, complex organizations, and adhering to the laws and regulations governing the agency. Experience leading and providing strategic direction for international and national programs, spanning 38 countries and all U.S. states and territories. Implemented DHS priorities covering complex national security and counterterrorism topics to include transportation and aviation security, screening, vetting, watchlisting, biometrics, visas, and redress. Demonstrated record of industry engagement, as well as briefing Administration leadership and interacting with the Hill. Active TS/SCI Clearance.

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### WORK EXPERIENCE

#### **Operations Support, Transportation Security Administration**

*Assistant Administrator, Enrollment Services and Vetting Programs*

**Washington, DC**

*June 2019 – Present*

TSA executive responsible for the management of over 20 enrollment and vetting programs impacting the transportation system, as well as implementation of corresponding policies and programs. Provide oversight of TSA's enrollment services (over 400 enrollment centers nationwide), security threat assessments, credential vetting, and passenger pre-screening programs. These programs include the recurrent vetting of over 21 million credentialed individuals, and the vetting of nearly three million commercial passengers on a typical day. Lead external agency initiatives for vetting policies and requirements. Align TSA vetting initiatives with the larger DHS vetting enterprise, coordinating and integrating with the rest of the Federal Government, and other appropriate stakeholders.

#### **Terrorist Screening Center, Federal Bureau of Investigations**

*Principal Deputy Director, DHS Executive Position*

**Vienna, VA**

*March 2017 - Present*

The DHS Executive at the Terrorist Screening Center (TSC). Accountable for the day-to-day operation of the TSC and range of executive, managerial, and supervisory responsibilities. Responsibilities have included information sharing of terrorism data, the physical and personnel security of the TSC, redress operations, stakeholder outreach, and the resource management of the Center to include human resources, budget, finance, information technology (IT), contract management and facility management. Responsible to oversee the development and expenditures of the TSC's multimillion-dollar (classified) budget, which supports multiple contracts. Regularly works with national security and intelligence information to address threats facing the United States. Conducts outreach to federal, state, and local law enforcement, as well as international partners, to build mutually beneficial security partnerships. Hosted foreign partners at the TSC, as well as led or facilitated U.S. delegations to other countries, in support of terrorism data information sharing. Supported domestic engagements.

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**Office of Policy, U.S. Department of Homeland Security**

*Principal Deputy Assistant Secretary*  
*Assistant Secretary, Threat Prevent and Security Policy, Acting*  
*Deputy Assistant Secretary, Screening Coordination Office*  
*Director of Screening Framework and Investments*

**Washington, DC**

*June 2016 – March 2017*  
*March 2016 – March 2017*  
*February 2012 – March 2017*  
*December 2007 – February 2012*

Developed a variety of highly complex policies, with a domestic and international nexus, to support the DHS mission, vision, and strategic direction. Each effort involved intense collaboration with interagency partners, and an understanding of the operational, legal, and national security dependencies. Regularly worked with sensitive national security and intelligence information, and maintained awareness of domestic and international threat streams, to include those related to aviation security. Responsible for national and international operational security programs. Regularly advised DHS leadership.

While in the role of Principal Deputy Assistant Secretary, responsible to lead and support the development of policy across all DHS mission areas related to preventing terrorism and enhancing security, securing and managing our borders, enforcing and administering immigration laws, safeguarding and securing cyberspace, and ensuring resilience to disasters.

As the Assistant Secretary of Threat Prevention and Security Policy, led the Information Sharing, Law Enforcement, and the Screening Policy Offices for the Department of Homeland Security. Regularly consulted, coordinated and engaged with senior officials from across the U.S. Government, to include the White House, Executive Branch Departments, Congress, law enforcement and intelligence community agencies. Represented DHS at international and domestic forums on a variety of topics, including transportation security and vetting.

As the Deputy Assistant Secretary for the Screening Coordination Office. DHS policy lead on Department-wide screening and information sharing programs and policies, domestic and international, covering watchlisting, vetting, biometrics, visa policy and redress. DHS lead for the interagency effort to update the USG Watchlisting Guidance. Extensive experience coordinating across DHS Components to ensure DHS equities were considered during policy and solution development to real time security threats. Led two operational security programs, the Visa Waiver Program (VWP) and REAL ID, covering 38 countries and 56 U.S. jurisdictions respectively.

**BearingPoint**

*Senior Consultant, Security and Identity Management*

**Springfield, VA**

*February 2005-December 2007*

Developed business process recommendations for national credentialing programs (e.g. TSA's Transportation Worker Identification Credential). Worked with federal agencies to establish Federal Information Processing Standard Publication 201 (FIPS-201), compliant identification programs. Tracked budget and utilization for a project team of four managers and 60 consultants. Managed projects and supervised consultants to achieve objectives, client service, and deliver quality products to include standard operating procedures, training manuals, and security documentation.

**U.S. Government Accountability Office**

*Analyst*

**Washington, District of Columbia**

*February 2002 - February 2005*

Assessed the effectiveness and efficiency of federal programs. Supported engagements on the federal government's role in achieving national objectives, including performance accountability,

Kelli Ann Burriesci

strategic planning and budget alignment, enterprise acquisition, and consolidation of government agencies. Agency representative on international engagements with the European Union and multiple individual countries.

**Syracuse University, Office of Development**

*Manager of the Telefund*

*Assistant Manager of the Telefund*

**Syracuse, New York**

*May 1998 - May 2000*

*August 1997 - May 1998*

First Telefund Manager to exceed a \$1,000,000 fundraising goal for Syracuse University's annual fund; continued that success through subsequent years.

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**EDUCATION**

**Syracuse University, Maxwell School of Citizenship and Public Affairs** Syracuse, New York

Master of Public Administration, 2001

Concentrations: Public and Non-Profit Management; Alternative Dispute Resolution

**Binghamton University**

Bachelor of Arts, 1997

Double Major: Political Science; Philosophy, Politics, and Law

**Binghamton, New York**

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**EXECUTIVE TRAINING / CERTIFICATIONS**

2015 DHS Executive Capstone

2012 Senior Executive Service

2009 DHS Fellows Program

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**CONGRESSIONAL TESTIMONIES / PRESENTATIONS**

2020 *TSA PreCheck*, Better Identity Coalition

2019 *AAAE Security Summit*, panelist with TSA Operations Support, EAA

2018 *U.S. Government's Watchlisting Process*, Biometric Institute's U.S. Conference

2018 *International and Domestic Information Sharing of Terrorism Data*, various audiences

2017 *Watchlisting and Redress*, Department of Justice hosted U.S. community groups

2017 *International and Domestic Information Sharing of Terrorism Data*, various audiences

2017 *Sharing of Terrorism Data*, National Counterterrorism TIDE Conference

2017 *Terrorist Screening Center*, International Association of Fire Chiefs

2017 *Terrorist Screening Center*, National Homeland Security Conference

2016 *Social Media Vetting Panel*, DHS Privacy Workshop

2016 *National Security Risks Posed by Visa Overstays*, Testimony before the House Committee on Homeland Security, Subcommittee on Border and Maritime Security

2015 *Terrorism and the Visa Waiver Program*, Testimony before the House Committee on Oversight and Government Reform

2015 *Securing the Border: Biometric Entry and Exit at Our Ports of Entry*, Roundtable with the U.S. Senate Committee on Homeland Security and Governmental Affairs

2013 *U.S. and European Union Passenger Name Record Joint Review*, multinational

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- 2012 *Preventing Terrorist Travel*, Testimony before the U.S. House of Representatives Committee on Homeland Security Subcommittee on Border and Maritime Security
- 2012 *Transportation Worker Identification Credential*, Testimony before the House Committee on Transportation and Infrastructure
- 2012 *G6 and U.S. Smart Borders*, multinational meeting, Germany

# **EXHIBIT B**

## **Exhibit B – Documents Considered**

### Pleadings and Docket Materials – *Wagafe v. Trump*

- Plaintiffs’ Second Amended Complaint, ECF No. 47
- Defendants’ Answer to Plaintiffs’ Second Amended Complaint, ECF No. 74

### Documents produced by Defendants to Plaintiffs – *Wagafe v. Trump*

- CAR000001 4/11/08 Policy for Vetting and Adjudicating Cases with National Security Concerns
- DEF-00095009 04/24/08 Operational Guidance for Vetting and Adjudicating Cases with National Security Concerns (Guidance)
- CAR000058 06/24/08 USCIS DOMOPS CARRP Workflows
- DEF-00351980 02/06/09 Attachment A - Guidance for Identifying NS Concerns
- DEF-00132598 04/01/11 Fact Sheet -Frequently Asked Questions (FAQ) CARRP Policy and Operational Guidance
- CAR000342 07/26/11 Revision of Responsibilities for CARRP Cases Involving Known or Suspected Terrorists
- CAR00345 07/26/11 Supplemental Guidance: Revision of Responsibilities for CARRP Cases Involving Known or Suspected Terrorists
- CAR000349 10/28/13 The Withholding of Adjudication (Abeyance) Regulation Contained at 8 CFR 103.2(b)(18)
- DEF-00429503 CARRP Module 3 – CARRP Overview Lecture with Instructor Notes (Dec 2017)
- DEF-00429575 CARRP Module 4 – Identifying and Documenting NS concerns with Instructor Notes (Dec 2017)
- DEF-00429688 CARRP Module 5 – Determining Eligibility and Vetting NS Concerns with Instructor Notes (Dec 2017)
- DEF-00429804 CARRP Module 6 – Adjudicating National Security Concerns with Instructor Notes (Dec 2017)
- DEF-00429220 NaBISCOP-Handbook-Sections I-XI + Appendices
- DEF-0042866 FDNS-DS 16.2 User Guide
- 2020-06\_Wagafe\_Internal\_Data\_FY2013-2019

### Deposition transcripts – *Wagafe v. Trump*

- Transcript of Heffron, Christopher Deposition (Dec. 12, 2019)
- Transcript of Emrich, Matthew Deposition (Jan. 8, 2020)
- Transcript of Quinn, Kevin Deposition (Jan. 31, 2020)

### Additional Factual Information

- Briefing about the CARRP policy from USCIS officials.

### Additional materials, including from other litigation

- Declaration of John Giacalone, *Latif v. Lynch*, No. 3:10-cv-00750-BR (D. Or. Oct. 19, 2015), ECF No. 304-1
- *Latif v. Lynch*, No. 3:10-CV-00750-BR, 2016 WL 1239925 (D. Or. Mar. 28, 2016)

- Transcript of Timothy P. Groh, Designated Representative of Terrorist Screening Center, Elhady v. Kable, No. 1:16-cv-00375 (E.D. Va. Mar. 14, 2018), ECF No. 137-1
- Declaration of Timothy P. Groh, El Hady v. Kable, No. 1:16-cv-00375 (E.D. Va. Apr. 27, 2018), ECF No. 196-5
- Overview of the U.S. Government's Watchlisting Process and Procedures as of: January 2018, Elhady v. Kable, No. 1:16-cv-00375 (E.D. Va. Apr. 27, 2018), ECF No. 196-16
- Declaration of Timothy P. Groh, El Hady v. Kable, No. 1:16-cv-00375 (E.D. Va. Apr. 27, 2018), ECF No. 253-2
- Supplemental Briefing Regarding Redacted Documents, Elhady v. Kable, No. 1:16-cv-00375 (E.D. Va. Sept. 11, 2018), ECF No. 253-6
- Declaration of Hao-Y Tran Froemling, El Hady v. Kable, No. 1:16-cv-375, ECF No. 299-2
- Declaration of Timothy P. Groh, El Hady v. Kable, No. 1:16-cv-00375 (E.D. Va. Apr. 27, 2018), ECF No. 299-4
- The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States