EXHIBIT 50
FILED UNDER SEAL
CARRP

Identification of an NS Concern
Identification & Confirmation of an NS Concern

FIELD
IDENTIFYING NS CONCERN

FIELD
INTERNAL VETTING/ELIGIBILITY ASSESSMENT

EXTERNAL VETTING

CARRP ADJUDICATION

Based on: CARRP Memo on 4/11/08 and DOD/NSC Guidance 4/25/08

Confidential - Subject to Protective Order
DESCRIPTION

• Review definition of NS Concern

• Review statutory grounds of immigration law relating to national security.

• Provide a brief overview of the security checks conducted by USCIS and the results which may be indicators of a NS concern.

• Provide an understanding of how to identify a Known or Suspected Terrorist (KST) and a non-KST NS concern.
ENABLING PERFORMANCE OBJECTIVE (EPO)

• EPO #1: Discuss KST NS Concerns.
• EPO # 2: Discuss Non-KST NS Concerns.
  • Identify indicators
    • Statutory
    • Non-statutory
  • Security checks
National Security Concern Defined

NS concern exists when:

- an individual or organization has an articulable link to prior, current or planned involvement in, or association with, an activity, individual or organization described in 212(a)(3)(A), (B), or (F), 237(a)(4)(A) or (B)
- May be identified at any stage of the adjudication process
- “Guidance for Identifying National Security Concerns”
EPO #1 - KST NS Concerns

Known or Suspected Terrorist (KST)

• Has been nominated and accepted for placement in the Terrorist Screening Database (TSDB)

• Remains on the Terrorist Watch List until a nomination for removal has been approved
HSPD-6

- Homeland Security Presidential Directive-6 (HSPD-6)
- September 6, 2003
- Creation of Terrorist Screening Center (TSC)
- Consolidation of various watch lists
- Directs federal agencies to provide appropriate terrorist information to the NCTC, which in turn provides the TSC access to all appropriate terrorist information or intelligence.
Terrorist Identities Datamart Environment (TIDE)

- US Government’s central repository of information on international terrorist identities

- Supports the USG’s various terrorist screening systems or “watchlists” and the US Intelligence Community’s overall counterterrorism mission

- Includes, to the extent permitted by law, all information the U.S. government possesses related to the identities of individuals known or appropriately suspected to be or have been involved in activities constituting, in preparation for, in aid of, or related to terrorism, with the exception of Purely Domestic Terrorism information.
KST NS Concerns

• TECS/IBIS Record
  • Beginning with “P” (for person record) AND
  • Ending in LE
  • Lists status
    • “Suspected Terrorist”
    • “Known Terrorist”
  • Lists contact as NTC 24X7 Lookout Duty Officer
    • Don’t call the National Targeting Center (NTC).
    • Call the Terrorist Screening Center (TSC).
KST NS Concerns – cont’d

• NCIC Record (Hot Files)
  • Requests contact with Terrorist Screening Center (TSC)
  • Record in Violent Gang and Terrorist Organization File (VGTOF)

• Indicates subject is a possible terrorist organization member or international extremist. (Gang members excluded unless also a NS concern)

• Do NOT alert USCIS individual that they are on the watchlist.
Terrorist Screening Center (TSC)

- Designated Officers contact the Terrorist Screening Center to confirm whether a KST lookout is a match to a USCIS subject.

- TSC is only contacted by designated officers when a KST lookout exists.

- In other words, do not contact TSC unless there is a lookout.

- Do NOT contact Richard Kopel, Deputy Director at the TSC.

- TSC does not give adjudicative advice.

- TSC Contact: 866-
Terrorist Screening Center (TSC)

- TSC personnel
  - Confirm the match
  - If there is a match, information is provided to the Watch Commander within TSC and they forward the information to the Terrorist Screening Operations Unit (TSOU).
  - TSOU reaches out to the case agent and/or originating agency not the TSC.

- USCIS may or may not receive a call from the TSOU or case agent.

- If no response is received from case agent please contact your local JTTF not the TSC.

**Reminder: TSC only hold information so you cannot DECONFLICT with TSC, only confirm match.**
Terrorist Screening Center (TSC)

• **What will TSC need to confirm the match?**
  
  • Copy of applications (all pages) to include G-325A.
  
  • Copy of biographical page on passport
  
  • Photos (if not available in A-file it may be retrieved through ISRS, NSEERS, Avanlanche, etc.) to include any pictures provided by applicant in support of their application.
  
  • Any other identifying documents (ex. Driver’s license, SS#, birth certificate, marriage certificate, etc.)
QUESTIONS?
EPO # 2: Non-KST NS Concerns

All the remaining NS concerns

- Associates of KST(s),
- Unindicted co-conspirators,
- Persons involved with providing material support to terrorists or terrorist organizations,
- Agents of foreign governments
Identifying Non-KST NS Concerns

Non-KST ≠ Not Dangerous

KST + Non-KST = Terrorist Cell
Identifying Non-KST NS Concerns

- Security Check Results
- Review of the petition or application, supporting documents, the A-file, or related files;
- Testimony elicited during an interview;
- Leads from other US Government agencies or foreign governments;
- Other sources, including open source research.

“Guidance for Identifying National Security Concerns”
  - Use as a Reference Tool
  - Also known as Attachment A
Identifying Non-KST NS Concerns

Statutory Indicators

- 212(a)(3)(A), (B), or (F)
- 237(a)(4)(A) or (B)
- Other

Non-Statutory Indicators

- Employment, Training, Government Affiliations
- Other Suspicious Activities
- Family Members or Close Associates

Security Check Results

****Officers must look at the whole picture and consider the facts of each individual case.*****
Statutory Indicators
Statutory Indicators of Non- KST’s

NS Grounds of Inadmissibility - 212(a)(3)

• (3)(A) – espionage, sabotage, illegal transfer of goods/tech/info
• (3)(B) – terrorist activities
• (3)(F) – association with terrorist organizations (Sec State/AG determination)
Statutory Indicators of Non-KST’s- cont’d

NS Grounds of Removability - 237(a)(4)

• (4)(A) - espionage, sabotage, illegal transfer of goods/tech/info, other criminal activity that endangers NS

• (4)(B) – terrorist activities
Terrorist Activity Defined

• Terrorist Activity
  • Defined 212(a)(3)(B)(iii)

• Engaging in Terrorist Activity
  • Defined 212(a)(3)(B)(iv)

• Terrorist Organization
  • Defined 212(a)(3)(B)(vi)
  • www.state.gov/s/ct/list/ for lists of Tier I and Tier II
  • Department of Treasury listing of Specially Designated Global Terrorist Entities pursuant to Executive Order 13224 for some organizations likely to meet the Tier III undesignated terrorist organization definition.
  • http://www.treas.gov/offices/enforcement/ofac/sdn/index.shtml
Material Support Defined

- Defined in 212(a)(3)(B)(iv)(VI) of the INA includes the following to be used to support terrorist activity or organization:
  - Safe house
  - Transportation
  - Communications
  - Funds, transfer of funds, other material financial benefit
  - False documentation or identification
  - Weapons (including chemical, biological, or radiological weapons), explosives, or training
  - Food, housing, and money (war tax, ransom, extortion, donations) would also be considered material support
Material Support Exceptions

  - Clear and convincing evidence that individual did not know or should not have reasonably known that the organization was a terrorist organization (for Tier III organizations)

- 212(d)(3)(B)(i)
  - Sec of State/Attorney General/Secretary of DHS after sole unreviewable discretion may determine that inadmissibility ground for material support shall not apply in specific circumstances
Material Support Cases

- If an exemption is granted under INA § 212(d)(3)(B)(i) of the Act, AND no other NS concern is identified, no further vetting is required and the application/petition may continue through routine adjudication.

- If exemption will not be granted, NS concern must be documented in FDNS-DS.

- If exemption available and granted under 212(d)(3)(B)(i) and no other NS concern, release for adjudication. No FDNS-DS required.

* See Domestic Ops Guidance p. 35
Foreign Terrorist Organizations (FTO)

Tier I

Over 40 designated organizations

- Abu Sayyaf
- Al-Qa’ida
- Basque Fatherland and Liberty (ETA)
- Continuity Irish Republican Army
- HAMAS
- Hezbollah
- Jemaah Islamiya Organization
- Mujahedin-e Khalq Organization
- Palestine Islamic Jihad
- Revolutionary Armed Forces Colombia (FARC)

See [www.state.gov](http://www.state.gov) for full listing.
Terrorist Exclusion List (TEL)- Tier II

Over 60 designated organizations and companies

- Asbat al-Ansar
- Babbar Khalsa International
- Japanese Red Army
- Lashkar-e-Tayyiba (Army of the Righteous)
- Eastern Turkistan Islamic Movement
- Libyan Islamic Fighting Group
- Revolutionary United Front

- See www.state.gov for full listing.
Terrorist Organizations – Tier III

- **Undesignated organizations**

- Two or more individuals engaged in or planning to engage in terrorist activity

- For handling of individuals involved in or having supported Tier III organizations, see


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*No Official List*
On September 23, 2001, the President issued Executive Order 13224, which provides the means to disrupt terrorist support networks. Under this order, the US Government may block the assets of individuals and entities providing support—financial and otherwise—to designated terrorists and terrorist organizations. This authority has been used on numerous occasions to target individuals actively engaging in terrorist-related activities, including providing false documentation to illegal aliens to facilitate travel.
Non- Statutory Indicators
Non-Statutory Indicators for Non-KST’s

• Activities/involvement does not need to satisfy the legal standard for admissibility or removability in determining existence of NS concern

• Be alert for indicators of NS concern

• Presence of an indicator does not necessarily mean NS concern exists
Non-Statutory Indicators for Non-KST’s

Consider the totality of circumstances in the determination process:

- Results of all required security checks
- Evidence in file
- Testimony of individual
- Credibility
Non-Statutory Indicators for Non-KST’s

BE ALERT:

• Training or employment by a foreign government to engage in espionage or intelligence gathering

• Served as an official or diplomat in a foreign government who is hostile to the U.S.
Non-Statutory Indicators for Non-KST’s

BE ALERT:
# State Sponsors of Terrorism

<table>
<thead>
<tr>
<th>Country</th>
<th>Designation Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>March 1, 1982</td>
</tr>
<tr>
<td>Iran</td>
<td>January 19, 1984</td>
</tr>
<tr>
<td>North Korea</td>
<td>January 20, 1988</td>
</tr>
<tr>
<td>Sudan</td>
<td>August 12, 1993</td>
</tr>
<tr>
<td>Syria</td>
<td>December 29, 1979</td>
</tr>
</tbody>
</table>

For more details about State Sponsors of Terrorism, see "Overview of State Sponsored Terrorism" in Country Reports on Terrorism.
Special Interest Alien (SIA) Countries
BE ALERT

- Membership or participation in organizations are described in, or that engage in, activities outlined in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Act.
Non-Statutory Indicators for Non-KST’s Suspicious Activities
Suspicious Financial Activities
Suspicious Financial Activities – cont’d
How Hawala Works
Money Service Business

• Must register with FinCEN or with the state of domicile (if required)

• Failure to register is a felony violation

• Includes agent, agency, branch or office in the U.S. of any person doing business in one or more of the following capacities
  • Currency dealer or exchanger
  • Check casher
  • Issuer, seller or redeemer of traveler’s checks, money orders or stored value
  • Money transmitter
QUESTIONS?
Security Check Indicators
Security Check Results

• FBI Name Check
• FBI Fingerprint Check
• TECS/IBIS
• Consular Lookout Automated Support System (CLASS)
• Department of State Security Advisory Opinion (SAO)
• United States Visitor and Immigrant Status Indicator Technology/Automated Biometric Identification System (US-VISIT/IDENT)
FBI Name Check

LE
FBI Name Check - Positive Response

LE
FBI Name Check - Unknown Response

LE

U.S. Citizenship and Immigration Services
FOR OFFICIAL USE ONLY (FOUO)
LAW ENFORCEMENT SENSITIVE
FBI Query Screen

For Training Purposes Only

LE
In Reply, Please Refer to File No.

San Diego, California 92123
April 15, 2002

OMAR AL BAYOUMI
EMPLOYED BY DALLAH AL BARAKA
(U) On 10/03/2001, SA [redacted] prepared an EC providing information on [redacted] was the emergency contact listed on [redacted] agreement for [redacted] moved into [redacted] on approximately 09/01/99, and lived there [redacted] Rental records indicated [redacted] was a student and received financial support from his family.

(U) Al-BAYDUMI had co-signed for highjackers Nawaf Al-HAZMI and Khalid Al-MIHDAHAR when they rented an apartment at Parkwood and paid their rent occasionally as well. Al-HAZMI and Al-MIHDAHAR lived [redacted] prior to them renting their own apartment [redacted] did not like personally and was unaware he [redacted] was listed as an rental agreement [redacted] revealed to [redacted] he received financial support the Saudi Arabian Government or Saudi Airlines. An individual who requested confidentiality [redacted] reported he believed [redacted] worked for the Saudi Arabian Intelligence Service and reported on dissident Saudis in the United States.
FBI Name Check – NS Indicators

LE
FBI Fingerprint Check

LE

FOR OFFICIAL USE ONLY (FOUO)
LAW ENFORCEMENT SENSITIVE

Confidential - Subject to Protective Order

Version 3
Fingerprint Check - NS Indicators

RAP sheet indicates that the subject:

• Has been classified by the Attorney General as a known terrorist

• Was charged in immigration court with a inadmissibility or deportability based on one of the security grounds found in the INA

• Was arrested or detained by the U.S. military overseas (e.g. detainees in Iraq or Guantanamo)
Fingerprint Check NS Indicators

LE
Fingerprint Check NS Indicators

Keep in mind:

“Terroristic threats”

- Does not necessarily indicate a NS concern
- Oftentimes a charge for domestic violence crime
TECS/IBIS — other than B10/NIC-T

• Results of

• Validity
  • 180 calendar day

***PRINT TECS RESULTS – Lookouts can be removed from system***
TECS/IBIS- NS Indicators

Top 1 Hit Examples
TECS/IBIS - NS Indicators

Not considered NS unless there is a specific DOS record or sub-record that identifies a NS concern

- National Security Entry Exit Registration System (NSEERS)
- DOS Security Advisory Opinion (SAO) - special clearance mandatory for DOS cases of name check-based hit
TECS/IBIS - NS Indicators

Not considered NS unless there is a specific DOS record or sub-record that identifies a NS concern

• National Security Entry Exit Registration System (NSEERS)
• DOS Security Advisory Opinion (SAO) - special clearance mandatory for DOS cases of name check-based hit

HQ has determined that even though certain IBIS hits reference NS concerns, a NS referral is not required unless there is additional NS information that has not been resolved.
TECS/IBIS- Possible NS Indicators

Evaluate to determine if link:

- Customs and Border Protection (CBP) one-day lookouts, that were resolved in secondary inspection:
  - Terrorist Affiliated Country lookouts (TAC)
  - Automated Targeting System-Passenger (ATS-P)
  - Passenger Analysis Unit (PAU)
TECS/IBIS- *Possible* NS Indicators

Evaluate to determine if link:

LE
INTERPOL: Who to contact?

When assistance is needed from INTERPOL, please email Officer at usdoj.gov and provide the following information:

- Subject’s Name
- Alien registration number (A #)
- INTERPOL/TECS record number
- Date of Birth
- Country of Birth
- Current Address (last known if current address is not available)
- Photo and prints (if available)
- Form number(s) of the pending application/petition (i.e. I-130, I-485). Do not send completed applications/petitions unless specifically requested. Also, please do not copy and send database screens.

- It is not necessary to call INTERPOL unless subject is present or if there is an emergency.

- **NOTE**: If you have not received an initial response from Officer Lambert within 14 days, please call her at 202/.
US-VISIT/IDENT

• Used primarily by Asylum Branch

• Used by DOS, CBP, ICE

• Loads biographical and biometric information
  • Two Prints vs Ten Prints

• US-VISIT watchlist
  • Not same as Terrorist Watchlist
US-VISIT/IDENT

- The US-VISIT/IDENT Watch list includes, but is not limited to, biographic and/or biometric information for KSTs;

- Fingerprints for military detainees held in Afghanistan, Pakistan, and Guantanamo;

- Individuals inadmissible or removable under sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Act.
Results of Security Checks – Closed Investigation??

LE
Results of Security Checks – Closed Investigation??

LE
Identifying a NS Concern – Determination

Prior to making the final determination of National Security Concern – the officer should consider:

- Does the derogatory information relate to the subject?
- The totality of the circumstances (for Non-KST’s)
- Does the information in the referral meet the NS concern threshold?

***DO NOT CREATE A NEW FDNS-DS NS CONCERN CASE AS NON-NS***
Identify a NS Concern -Summary

Designated Officer –
• Confirms lookout with TSC, and/or
• Confirms identity with record owner
• Makes determination of NS Concern

Supervisor –
• Concurs if identity has been confirmed with TSC or record owner
• Refers back for further verification that NS Concern relates to subject

FDNS-DS will be documented with determination before case is moved to next phase
Initiating an NS Referral

• Consult with your local management for local procedures on referring and documenting the referral of an NS concern.

• Asylum Office - to the FDNS Immigration Officer

• Field Office – to the FDNS Immigration Officer

• Service Center – to the Background Check Unit (BCU)

• Overseas Office – see operational guidance

• Refugee Corps – see operational guidance
Practical Exercises:
Identifying NS Concerns
QUESTIONS?