

EXHIBIT 54
FILED UNDER SEAL

FDNS-DS User Guide updates

&

Articulate Link Training



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Rules of Engagement:



The Moderator will:

- Mute the participants' microphones during the presentation
- Take questions at designated times
- Call on participating offices to respond to hypothetical fact patterns

During the call: send a message to the presenter through *Connect*

After the call:

- Send any additional questions to: SharkTank_NSD@sptaas.dhs.gov
- Send your name to FDNS Training to receive credit for participating



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We will have several Q&A periods

We'd like to keep each Q&A period to 5 minutes so we don't get bogged down

But you can still use the messaging or the email box if we have you muted or if we don't get to a question

To send a message to the presenter –

Right click on the presenter's name in Connect

Click on "send message"

Later on in the briefing, there will be hypothetical fact patterns

We would like to get all of your offices involved in making a determination on the facts

So please send me a message right now (if you haven't already) with the office you're participating from

Briefing Overview:

1. The Current Project (**non-KST NS cases only**):
 - Date forward case entry vs. cases entered before March 11, 2013
 - Review of currently pending cases
2. FDNS-DS Changes:
 - New FDNS-DS Sub-Status Values
 - Recommendation Action Value to confirm an NS Concern
3. Articulate link training / discussion



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- Shark Tank is going add additional tools to the CARRP toolbox, but we only want to apply them to cases that are truly NS
- When we report to the D1 what's a pending NS case, right now we don't know why it's pending
- Is it really NS? Or do we just not know enough to decide yet?
- That's why we are adding two new sub-status values to FDNS-DS to get more specificity on the non-KST population
- Since we're going to make DS changes, date forward you can just select the new values in the system when appropriate
- But we also have to update cases which were entered before these new values existed in DS
- The Director tasked all of the components with completing a review of these pending cases by April 26th
- This review will determine if an articulable link to NS exists, if more work needs to be done, or if there is clearly no articulable link
- To help with this process, HQ FDNS is providing training and clarification on what exactly constitutes an articulable link

Where We Are Now:

Issue -

- Cases have been entered in FDNS-DS where there is not a clear articulable link to national security
- Descriptions of articulable links are not being captured in reports

Reason -

- There has been a lack of articulable link training and clarification
- Articulable links are updated under various sub-tabs in FDNS-DS

Result -

- The true population of pending non-KST NS casework in FDNS-DS cannot be accurately determined



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We have an issue...

That's because of this reason...

Which has resulted in...

The Way Forward:

Solution -

- Establish a structured framework for determining an articulable link to National Security concern(s)
- Consistently describe the articulable link in the “Comments” field of the “Recommendation” sub-tab in FDNS-DS
- Establish two new sub-status values:
 - NS Confirmed
 - NS Not Confirmed



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The structured framework will be later in this training

Current Sub-Status (prior to March 11, 2013):

LE

Current Sub-status values are:

- NS Concern Resolved
- NS Concern Unresolved



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New list of values in the Sub-Status:

LE

As of March 11, 2013, there will be 4 sub-status values:

Current Values:

- NS Concern Resolved
- NS Concern Unresolved

Additional Values:

- NS Confirmed
- NS Not Confirmed



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The default for the sub-status will still be blank

When entering or updating a case, select the appropriate value

If it's the early stages of CARRP or you're entering a new case, it's probably going to be NS Not Confirmed

NS Not Confirmed isn't bad – it just means we suspect it's NS, but need more information to articulate a link

If your selection is NS confirmed... there's one more step

Recommended Action:

LE

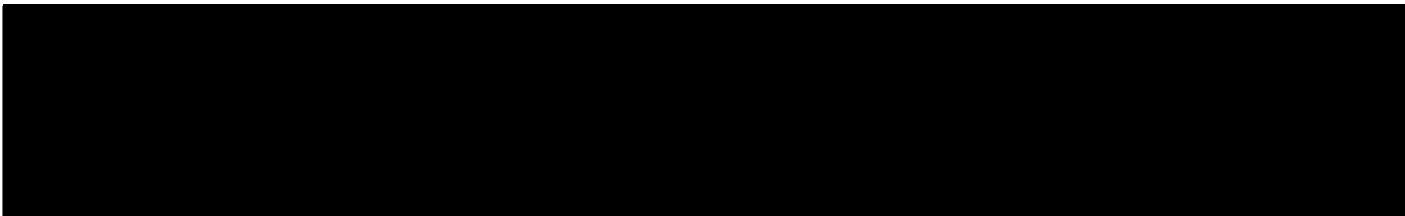
- Review the A-file, and determine NS Confirmed or NS Not Confirmed
- When NS is Confirmed, under the [REDACTED]:
 - Create a recommendation that NS is confirmed
 - State the articulable link to NS [REDACTED]



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Recording the articulable link:

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- Officer will annotate in [REDACTED] the articulable link to an NS Concern



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- Don't put classified info in DS!!!!- If classified is the basis for the link, just reference where the classified is
- Do not use classified facts when articulating your link to NS

Confirming the articulable link:

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- Supervisor or second officer review the determination using FDNS-DS
- Supervisor or second officer annotates their concurrence with either the NS Confirmed or NS Not Confirmed designation and confirm that the Sub-Status reflects this designation.



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This second officer concurrence is required for ALL cases which were entered prior to March 11th (review portion of the project)

The second officer can be another FDNS IO in the field office or BCU, an HQ FDNS IO, or an FDNS SIO

This process does not require A-file review – it only requires looking at the information in DS

The whole point of this second set of eyes is to make sure the link is well articulated

We're dealing with judgment calls here – some are obvious, some aren't

If there's any difference in the application of what's an articulable link and what's not – talk it out between the officers

The point of this is to make sure that we're really thinking about what's NS and what's not

Reporting through the BCAA:

LE

- Articulate link is captured in BCAA [REDACTED]



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Placing these comments is extremely important

When the articulable link [REDACTED], it shows up on the BCAA

When it's somewhere else, is cannot be pulled in reports

Reporting through the BCAA:

FOR OFFICIAL USE ONLY (FOUO) - LAW ENFORCEMENT SENSITIVE
Background Check and Adjudicative Assessment (BCAA)

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IMPORTANT - No Classified information may be added to this Worksheet

Date: 2/26/2013
Officer: _____ Program Office: USCIS-Fraud Detection and National Security-NSD

LE

- Articulate link is captured in BCAA [REDACTED]



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This is what HQ sees on the BCAA reports

[REDACTED] are highlighted, but again, the synopsis doesn't show up

HQ will be checking quality assurance and reporting to the D1 on the basis on these reports and how well you write up your links

Action Plan:

For cases entered into FDNS-DS **PRIOR** to March 11th –

1. Primary Officer reviews the case file
2. Determine if there are still NS indicators:
 - If NS indicators are present, leave the case open
 - If there are no NS indicators, or they have been resolved, close the case
3. Update the Sub-Status for Open cases with the correct value:
 - NS Not Confirmed: NS indicator present at the time of entry into FDNS-DS, but no clear link can be articulated
 - NS Confirmed: Officer can articulate a link between the individual and an area of national security concern



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Action Plan:

For cases entered into FDNS-DS **PRIOR** to March 11th –

4. Primary officer creates a new recommendation in the recommendations sub-tab for the sub-status value selected, and explains the selection in a comment
 - If the selection is NS Confirmed, articulate the link to NS
 - If the selection is NS Not Confirmed, explain why the link cannot be articulated at present
5. Secondary officer reviews the FDNS-DS entry
6. Secondary officer creates a new recommendation in the recommendations sub-tab to concur with the determination of the primary officer



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Once again, the point of the second officer review is to make sure we're applying articulable link standards consistently
We should be discussing and thinking about ambiguous or challenging cases
This isn't because we don't trust people or think you're doing it wrong
And we don't want the second officer to be re-working the entire case

Action Plan:

For new cases entered into FDNS-DS **AFTER** March 11th –

1. Primary Officer reviews the case file
2. Determine if NS indicators are present:
 - If NS indicators are present, enter an NS Concern in FDNS-DS
 - If there are no NS indicators, return the case to adjudications
3. Select a Sub-Status value for new non-KST NS cases:
 - NS Not Confirmed: NS indicator(s) present at the time of entry, but a link between the individual and the NS concern cannot be clearly articulated
 - NS Confirmed: Office can articulate a link between the individual and an area of national security concern



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Process is pretty much the same as the review of pending cases, except...

Second officer concurrence is only required for NS Confirmed (don't need it for "NS Not confirmed")

Action Plan:

For new cases entered into FDNS-DS **AFTER** March 11th –

4. Primary officer creates a new [REDACTED] [REDACTED] the sub-status value selected, and explain the selection in a comment
 - If the selection is NS Confirmed, articulate the link to NS
 - If the selection is NS Not Confirmed, explain why the link cannot be articulated at present
5. If NS Confirmed is selected, secondary officer reviews the FDNS-DS entry
6. Secondary officer creates a new recommendation in the [REDACTED] concurring with the determination of the primary officer



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Secondary review will go on date forward for at least several months after articulable link training is completed to ensure consistency

The difference between date forward processing and the pending case review is:

Date forward only NS Confirmed need the second set of eyes

This is because most cases will probably be entered initially as Not Confirmed until more vetting is done

Wrap up:

- FDNS-DS now offers additional nuance:
 - “Open” with a sub-status of “NS Confirmed”
 - “Open” with a sub-status of “NS Not Confirmed”
- When you first identify a potential National Security case and are **working to articulate the link**, select a sub-status of **“NS Not Confirmed”** in FDNS-DS.
- As you complete systems checks and external vetting, when you can articulate a link to national security, change the sub-status to “NS Confirmed” in FDNS-DS.



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5 Minute Q&A:



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Articulating Links To National Security Concerns

A Structured Framework



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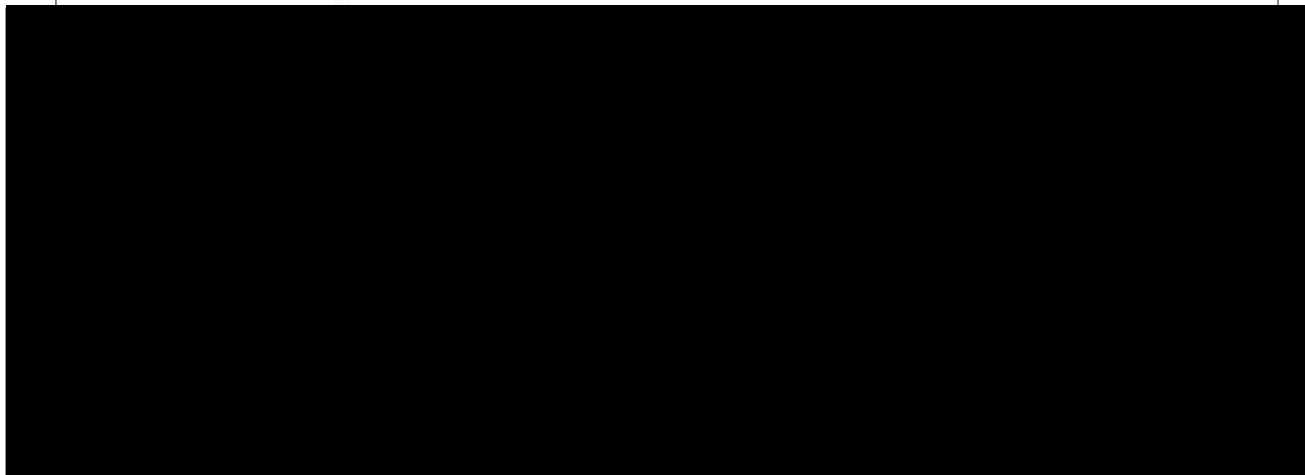
- Disclaimers:

- Nothing we're about to go over changes the burden of proof
- It does not change the threshold for referring a case to FDNS or entering a concern in FDNS-DS
- This training does not represent a change or a deviation from current CARRP policy

The goal is to make sure that we are consistent in identifying cases as NS Confirmed

Hypothetical #1

Food for thought...



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So, we're about to take you through the structured framework for articulating a link
And then we're going to have fact patterns like this at the end to review
Keep this example in mind as we're going through the rest of training
We'll give you the HQ FDNS thought process at the end

Articulate Link:

- An articulable link exists when:

You can *describe* ...

in a few simple sentences ...

a clear connection between a person ...

and

an **activity** that threatens the safety and integrity of the United States or another nation.

- Cases with an articulable link to national security must be handled according to CARRP.



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- This connection has NOTHING to do with the type of benefit application

National Security Concerns:

Area of National Security Concern Include:	Section of the INA
Espionage	§212(a)(3)(A), and §237(a)(4)(A)
Sabotage	
Exporting sensitive goods, technology, or information	
Overthrowing the U.S. government by force or violence	
Hijacking or sabotaging transportation	§212(a)(3)(B), and §237(a)(4)(B)
Hostage-taking	
Attack or assassination of any government official (U.S. or any other government)	
Using biological, chemical, or nuclear weapons	
Using other weapons to harm people or cause damage (other than for personal monetary gain)	§212(a)(3)(F), and §237(a)(4)(B)
People or groups the Secretaries of State and/or Homeland Security have determined are terrorists	



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In order to articulate a link to a national security concern, we need to review what things are areas of NS concern
One important note: this chart mostly doesn't specify targets

Bombing a government building in country X is the same as bombing a government building in country Y for the purposes of articulating a link, even when country Y is a state sponsor of terror and country X is an ally

Articulable Link (Continued):

- A connection may be:
 - Conducting a criminal act;
 - Belonging to or speaking for a particular organization;
 - Providing money or material support; or
 - Many other associations between an individual and an area of NS concern.
- An articulable link requires more than a “gut feeling.”
- The key is whether you can define the nature of the connection.
- **Caveat:** It is impossible to list all of the ways that an individual might have an “articulable link” to a national security concern. What follows are examples of how subjects can be linked.



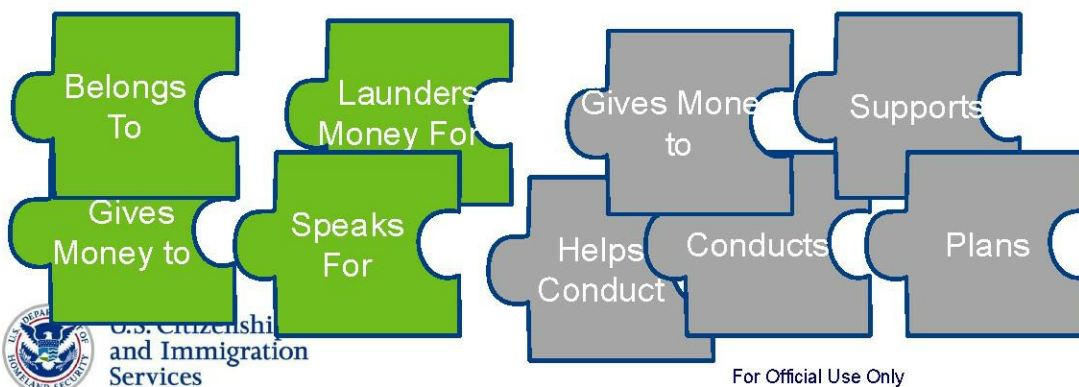
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- Criminal behavior may be an NS concern, but it's not a prerequisite
- There could be behavior or NS links that are not overtly criminal

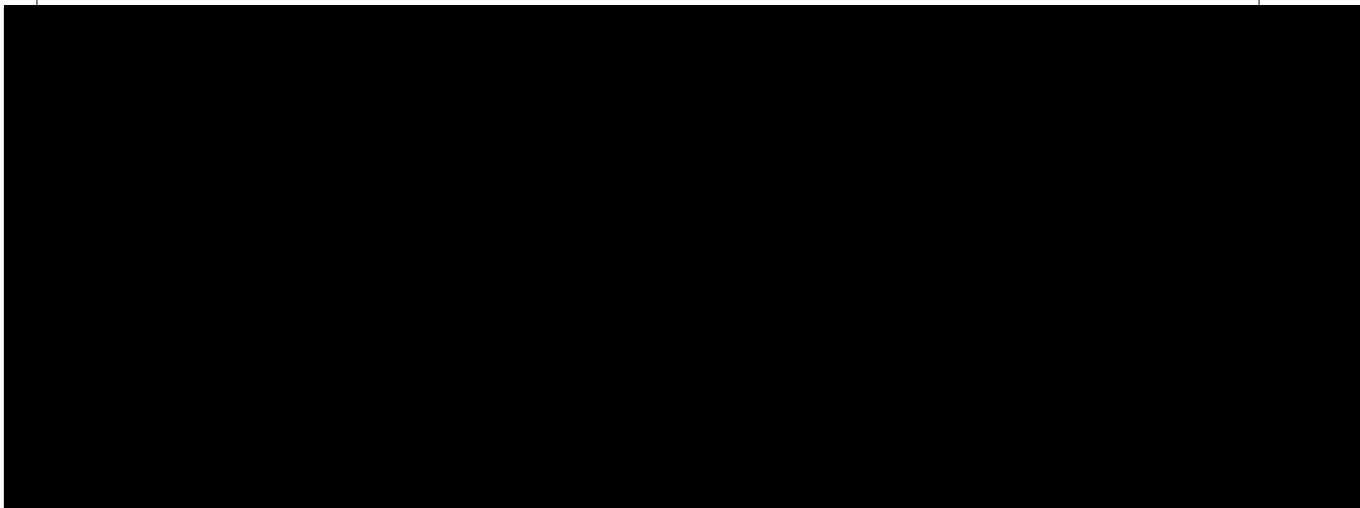
Putting the Pieces Together:



Again, these links must be fact-based

Hypothetical #2

More food for thought...



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Strong Direct Link:



- The strongest link comes when the Subject is actively participating in those activities:
 - “Bob Smith has filed an I-485, and was arrested for trying to plant a bomb at the United Nations.”
- Here, you can draw a single, direct line between the Subject and the national security activity.



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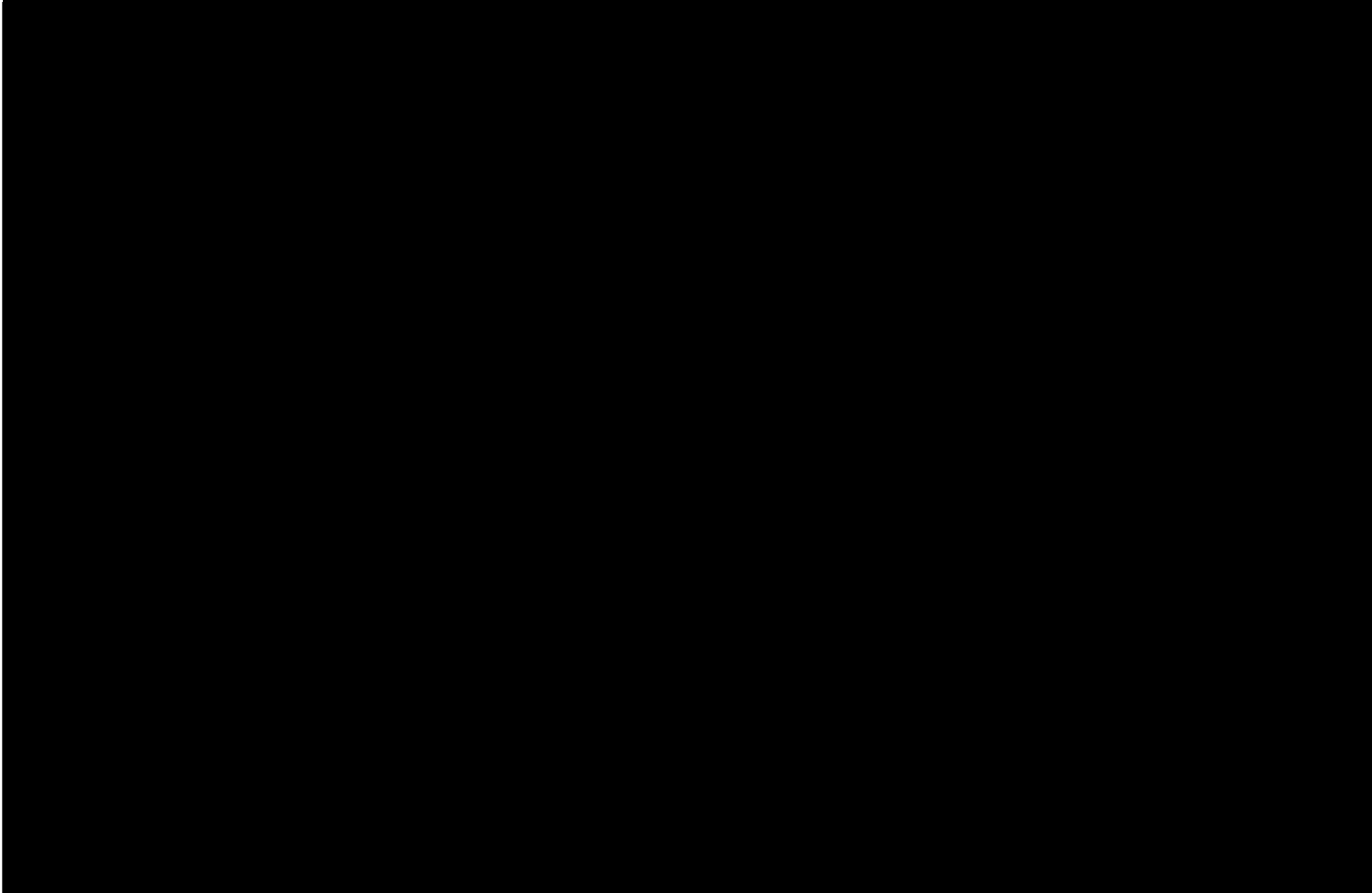
26

Now, we all know that real life isn't quite this simple

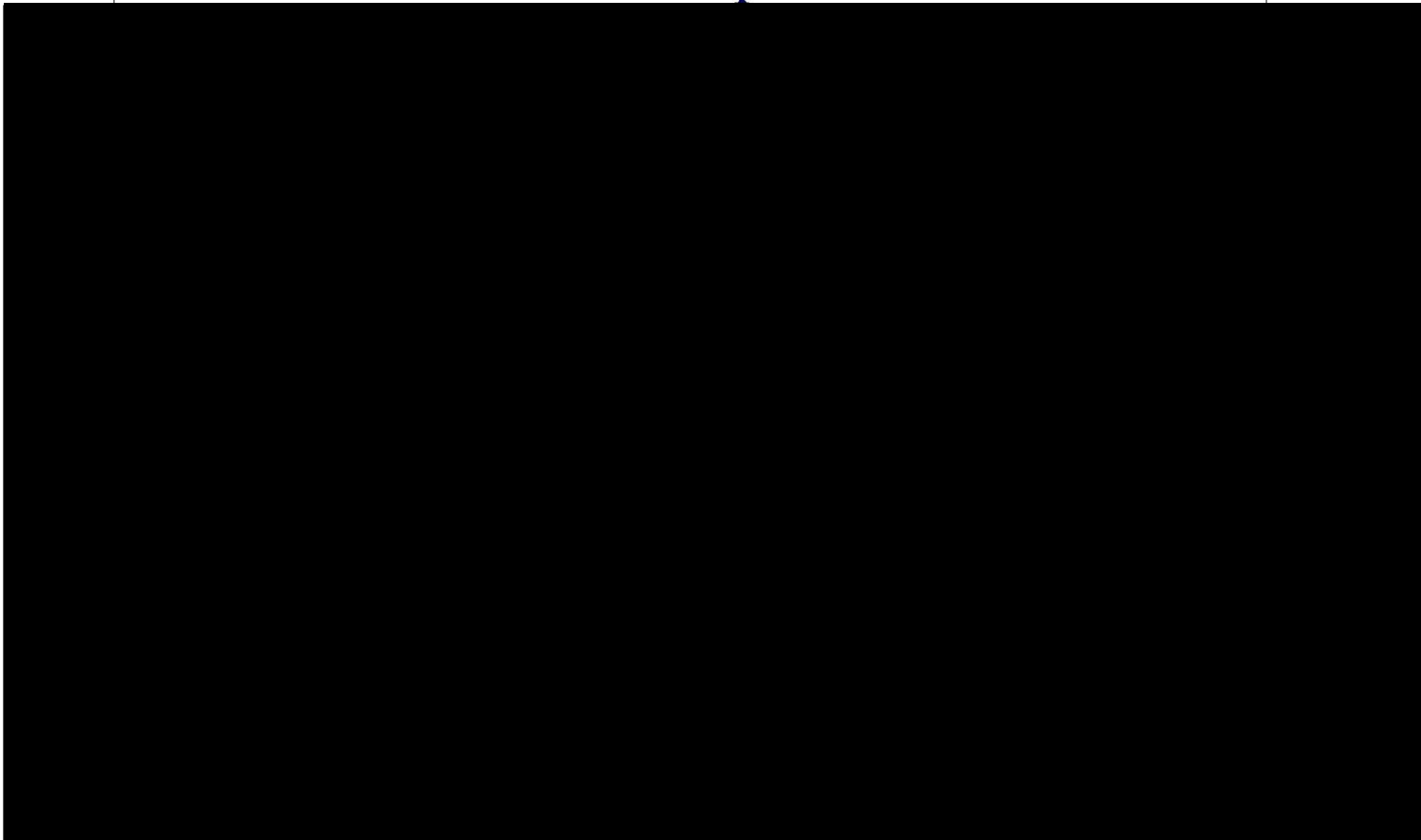
But the goal of the structured framework is to get everything thinking in the same way

These simple cases ramp up to more complicated ones, but the method if thinking of them is the same

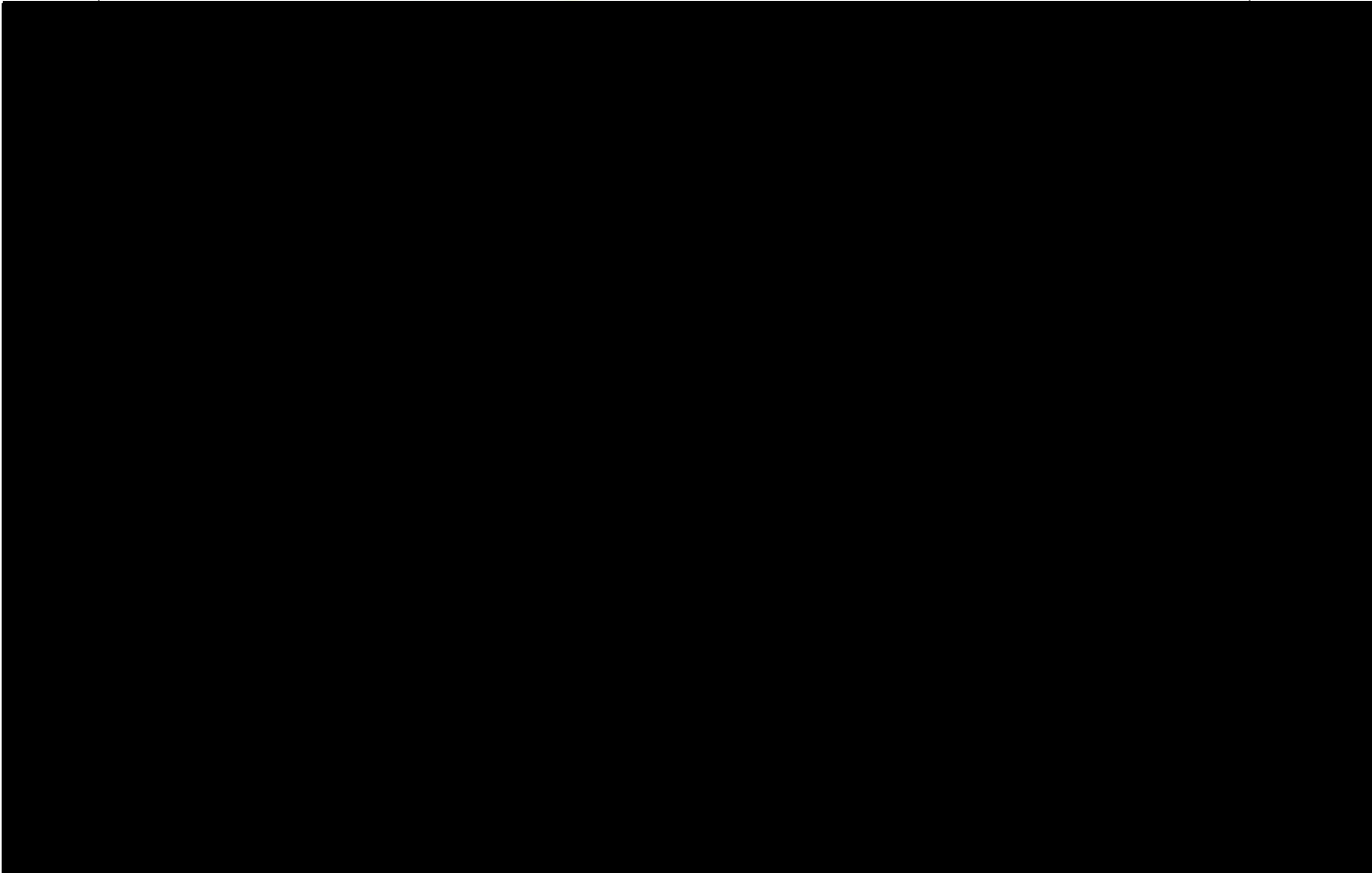
Indirect Link:



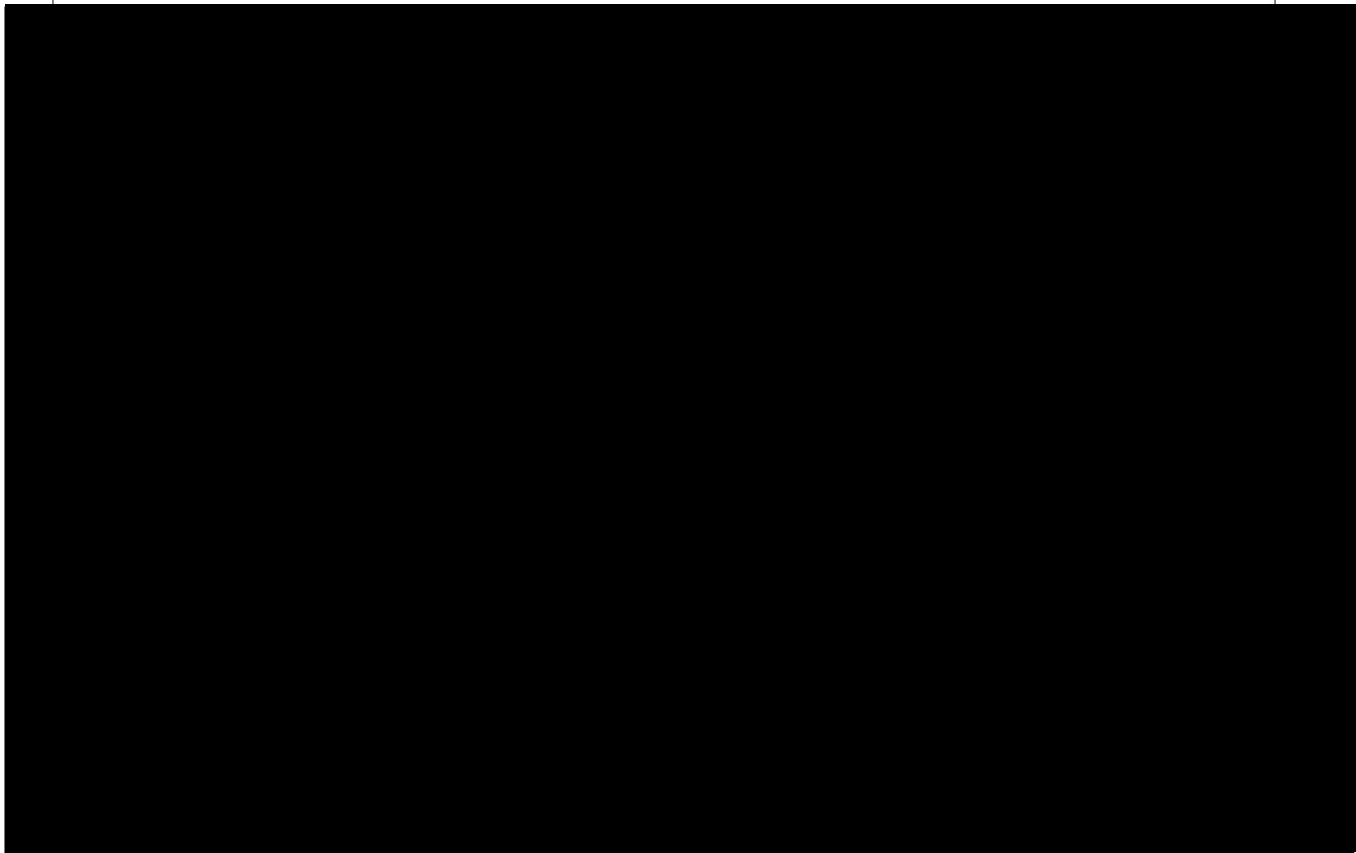
Indirect Link – Multiple Links:



Links Requiring Further Work:

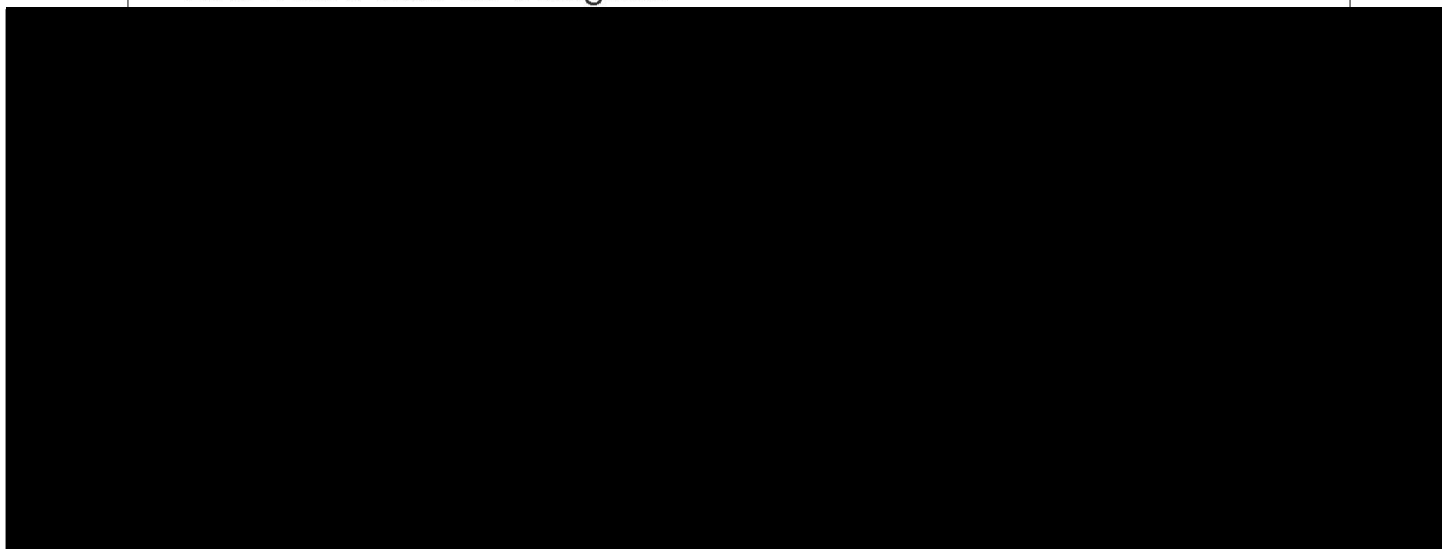


No Articulate Link:



Hypothetical #3

Even more food for thought...



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Law Enforcement Determinations:

- If a law enforcement or intelligence agency tells us that their investigation uncovers a threat to national security, we will consider that case a national security concern
 - This concern could be NS Confirmed or NS Not Confirmed, depending on the specific information the other agency provides.
- The opposite, however, is not necessarily true: Even if a law enforcement agency tells us that an individual does not threaten the national security, USCIS can still handle a case under CARRP
 - If you identify an area of national security concern, and suspect that the applicant may be involved with it, USCIS can still try to articulate a link.



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Similar to law enforcement determinations: country determinations

It doesn't matter if the country accusing you is credible – if a foreign government designates you a terrorist, than that's an articulable link

It may be disproven in the course of vetting

We may grant a waiver for the activity because it was on our behalf

But it's still an articulable link

Classified Information:

- Classified LHM's often raise NS concerns, but...
 - Classified information ≠ "NS Confirmed"
 - An articulable link is still required for selecting NS Confirmed

- To base an articulable link on classified information, both officers should write in the comment field of their recommendation:
"Discussed case with Officer -----, An articulable link is present. The articulable link is based upon classified information in an LHM."

- You should still discuss the articulable link with a second officer!

Never put classified information in FDNS-DS



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- The last slide talked about law enforcement determinations
- Just like law enforcement determinations, just because there is classified doesn't automatically mean NS Confirmed, or even that there is an NS concern at all
- If the FBI interviewed an applicant about conditions in their home country intelligence collection purposes...that could be Non-NS or NS Not Confirmed
- If there is no POC listed in the LHM or you contacted the POC but have no received a response... that could be NS Not Confirmed

Ongoing Review:

- Many times, articulating a link (or determining that no link can be articulated) cannot be done purely from a file review.
- This may require contact with another agency, or research in another system.
- As new information is received, officers should review and determine whether or not the evidence supports an articulable link.
- Until a definitive judgment is reached about whether an articulable link exists, the case must remain open.



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5 Minute Q&A:



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Any questions?

We are about to use the rest of our time to go over some examples

We would like your participation and feedback

These examples are written to provoke a discussion of which designation you would select

Disclaimer: Some are based on real cases, some are completely made up

They are not a definitive guide, but a tool to practice applying the articulable link framework on some fact patterns that you might see in your everyday work

Articulating Links To National Security Concerns

Hypothetical Fact Patterns



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What follows are 10 hypothetical fact patterns (including the 3 you've already seen) which address issues in this training

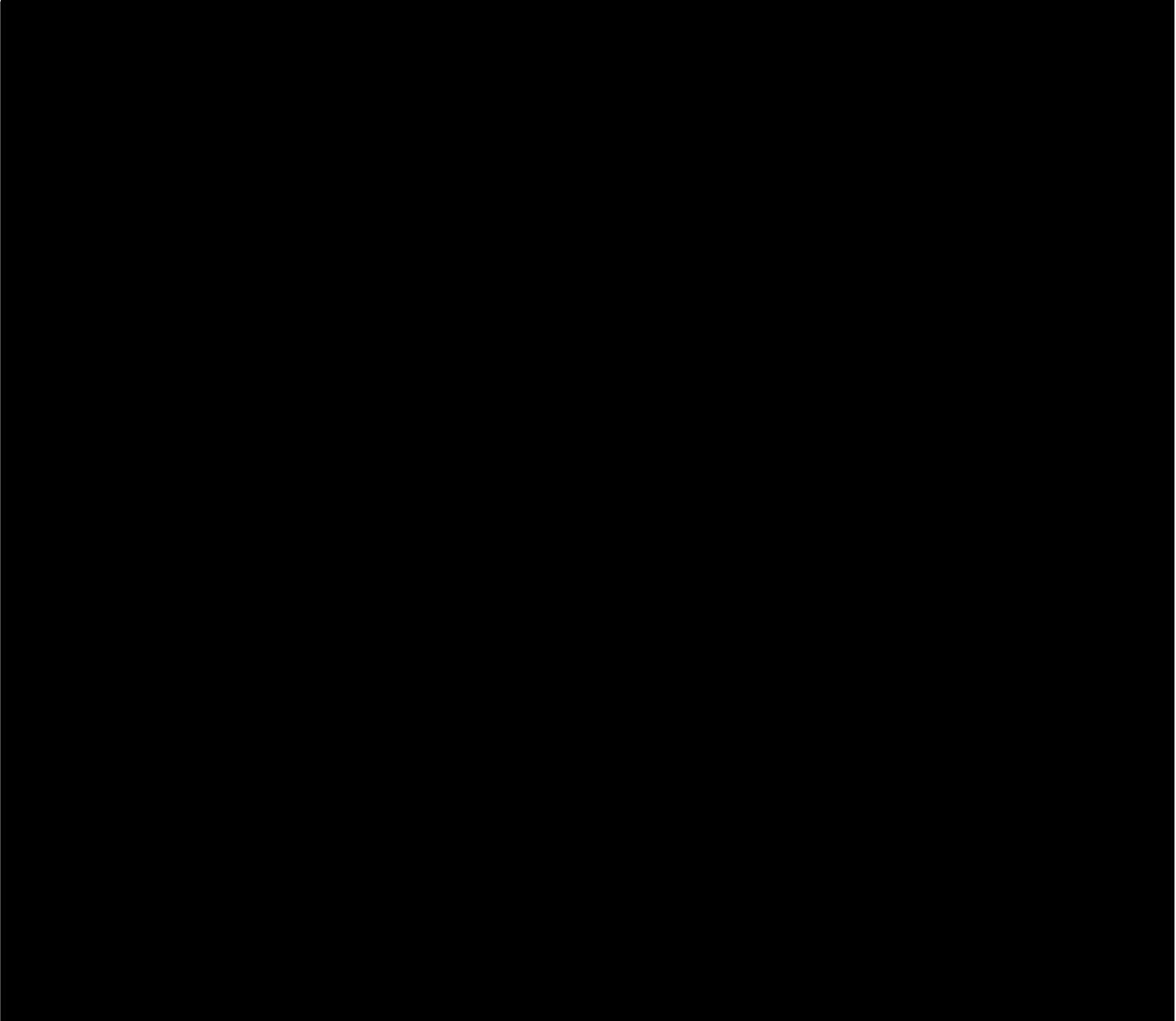
There are no wrong answers here

The point is to think consistently and logically about articulating a link to NS

HQ FDNS will model the thought process for the first example, including determining if it's an NS Concern and how to articulate the link

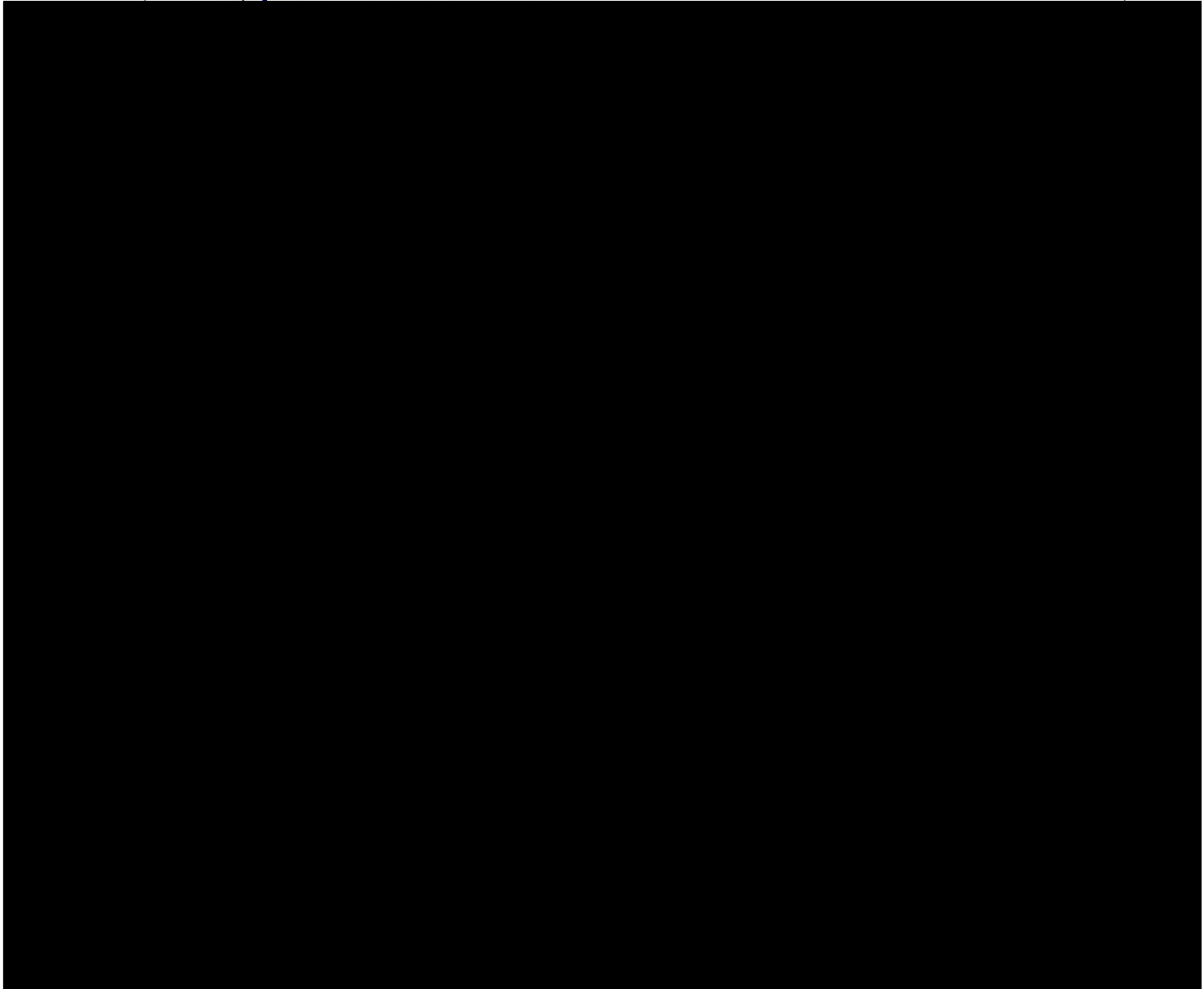
After that, we'd like to call on you all by office, and have someone in that particular office walk us through the determination and thought process they would have

Hypothetical #1

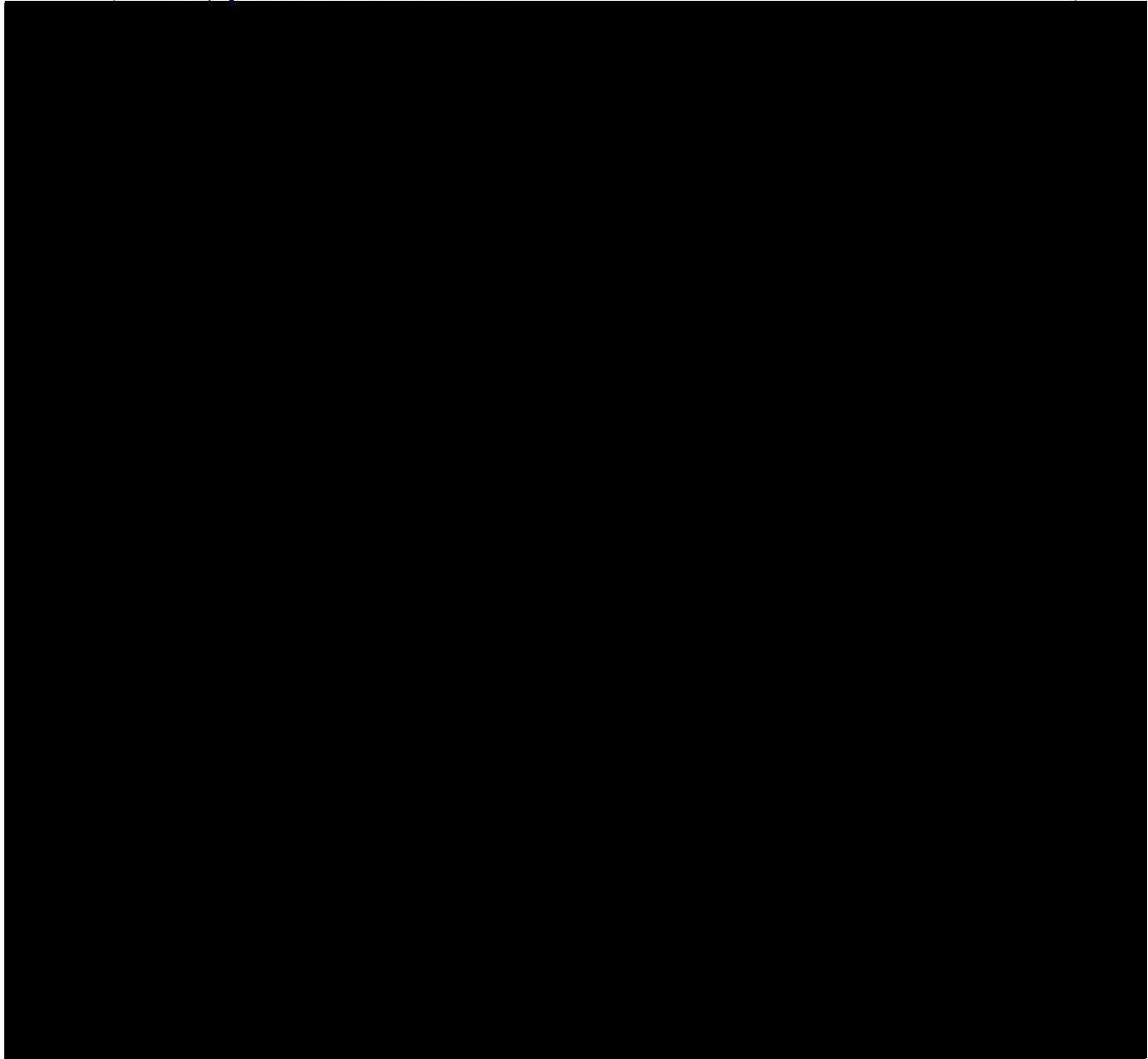


Hypothetical #2

Hypothetical #3

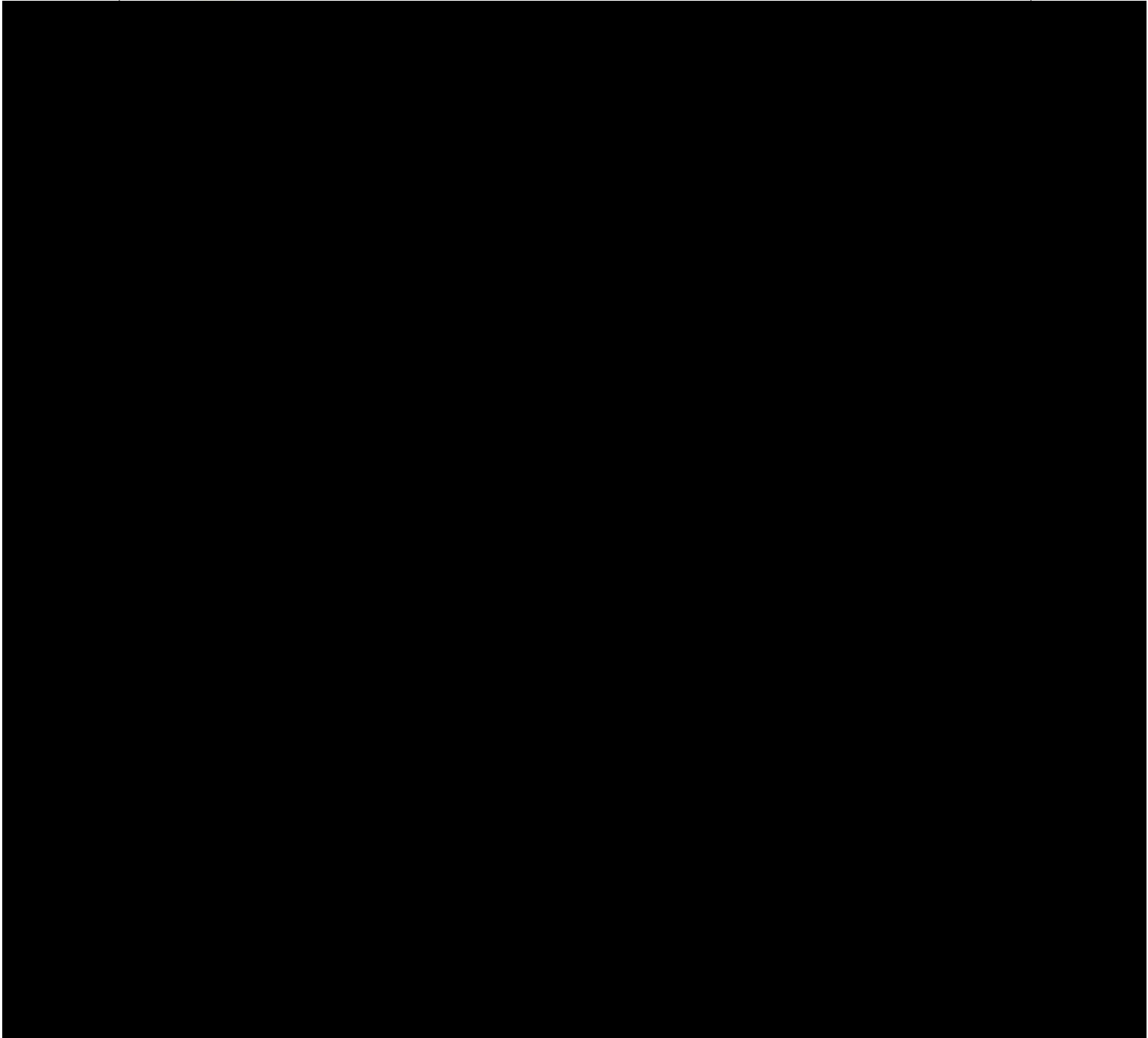


Hypothetical #4

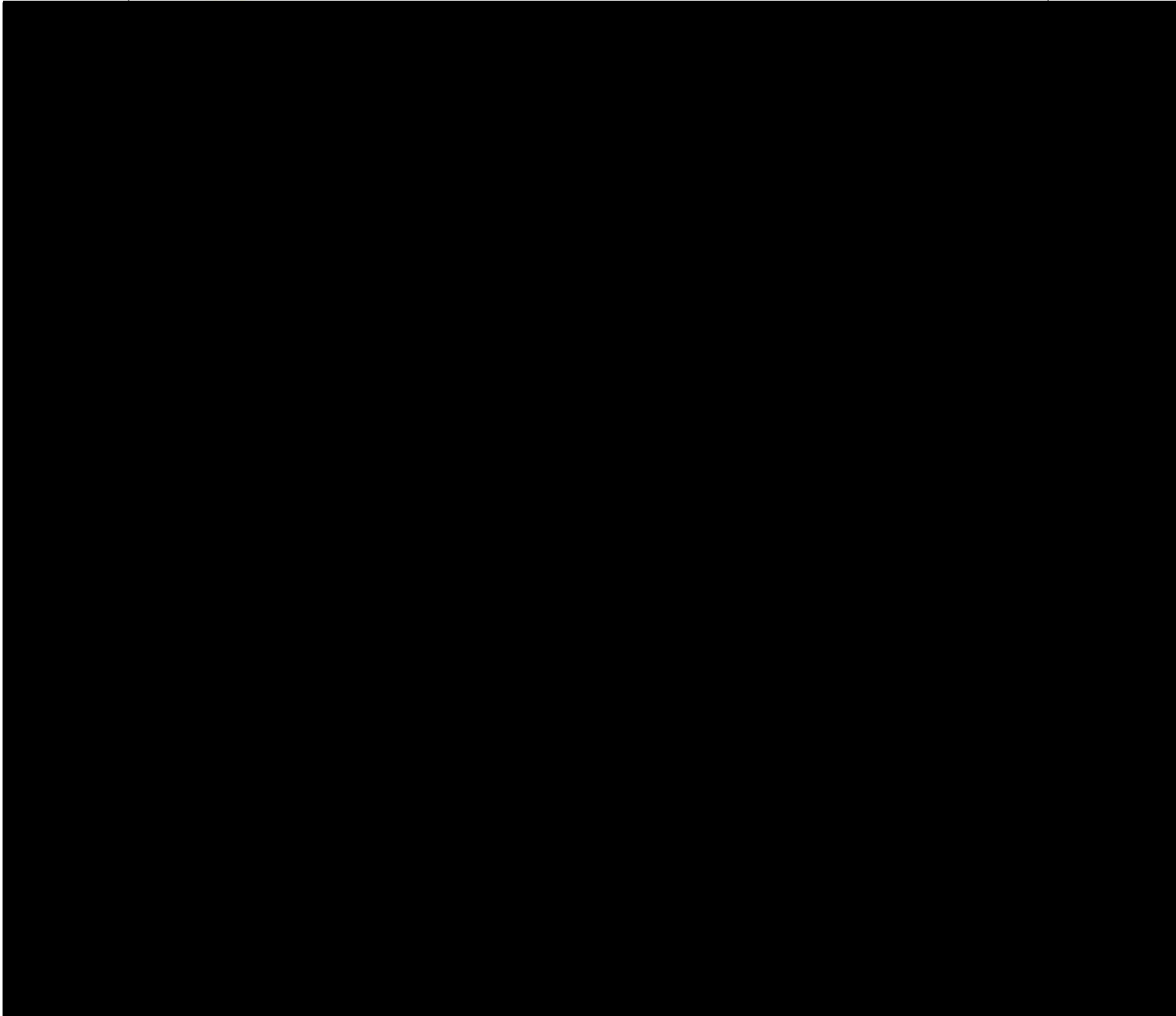


Hypothetical #5

Hypothetical #6

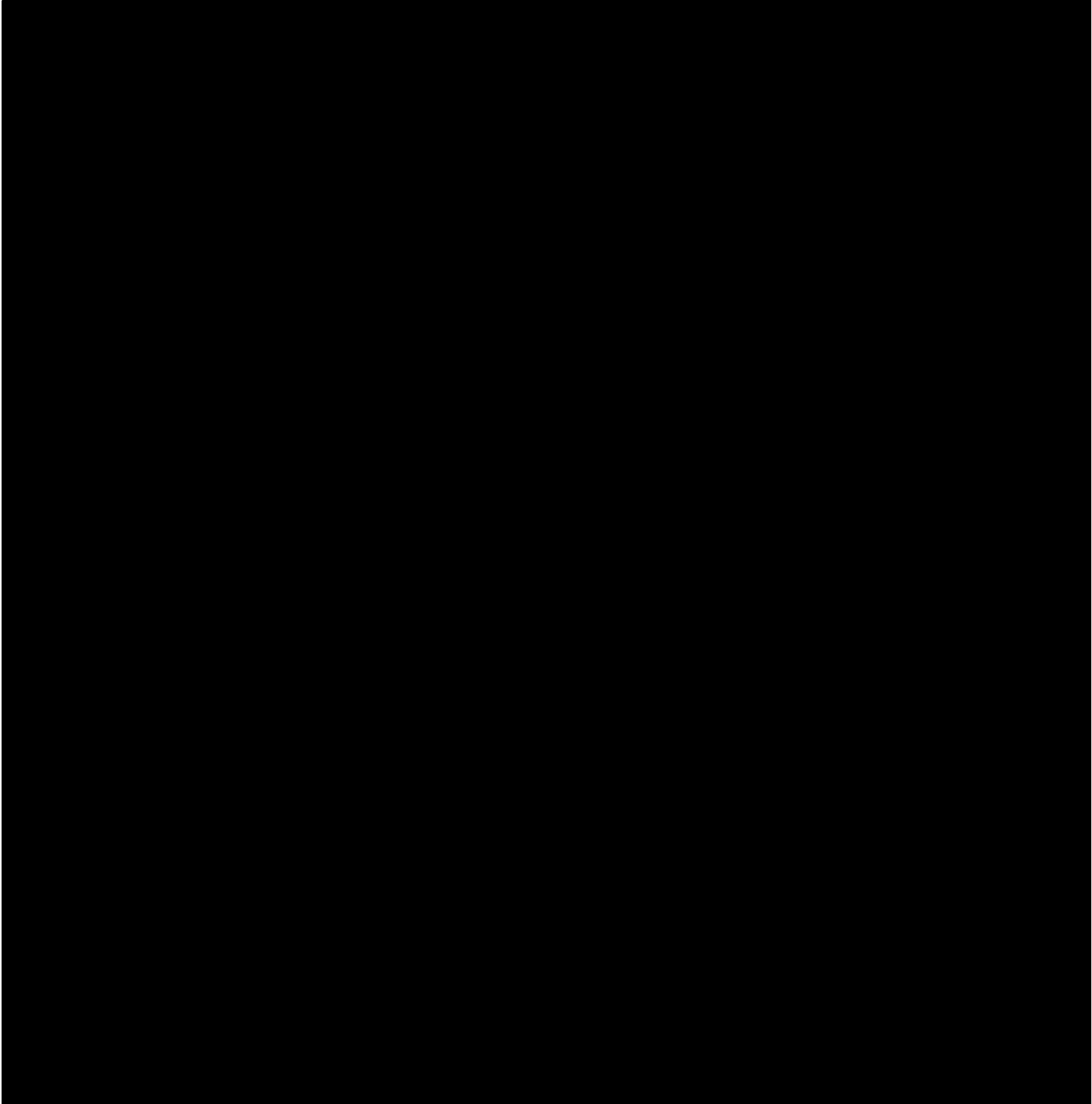


Hypothetical #7

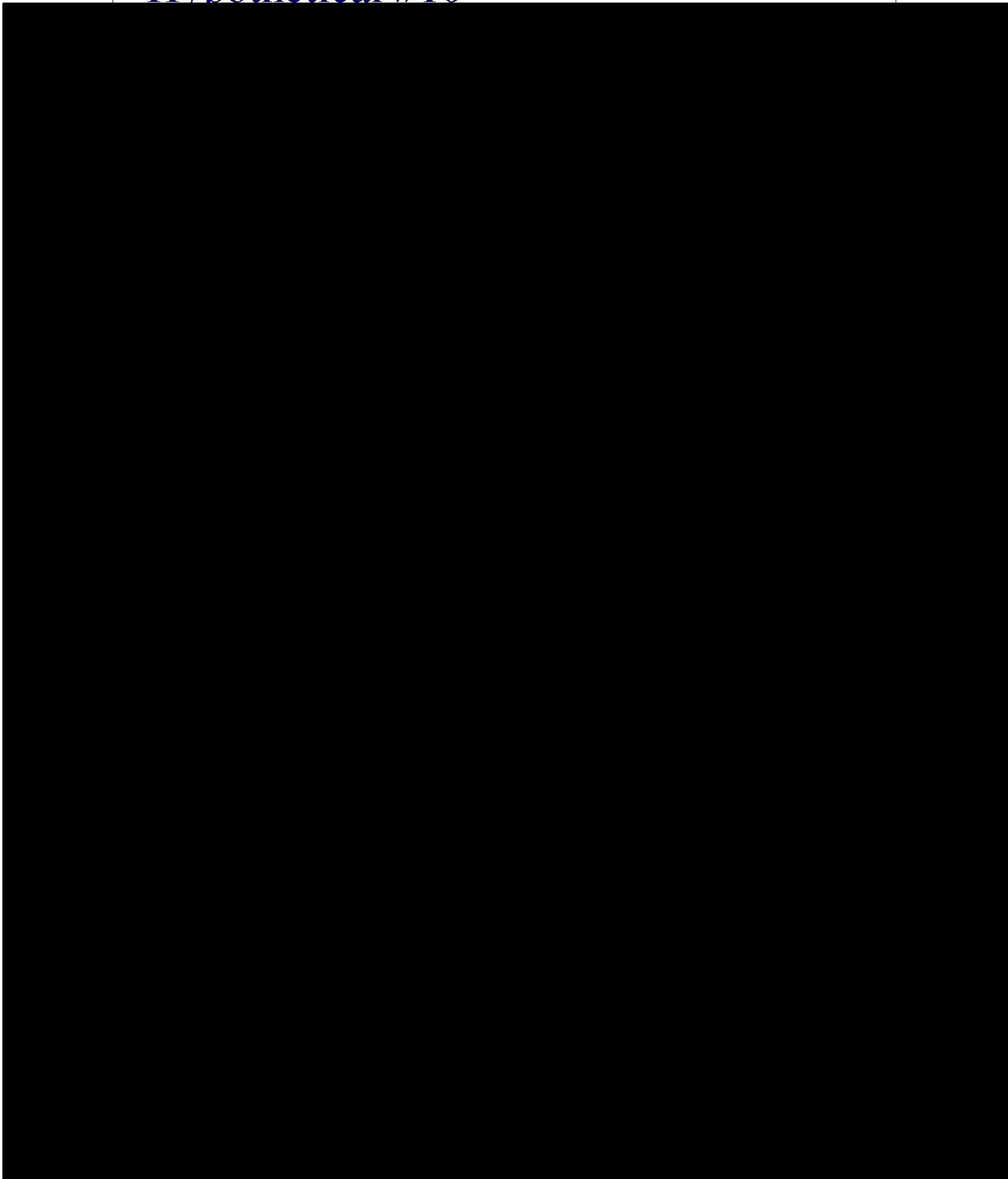


Hypothetical #8

Hypothetical #9



Hypothetical #10



[REDACTED]

Parting Thoughts:

* Send any additional questions to:

[REDACTED] .dhs.gov

* Send your name to FDNS Training to receive credit for participating

* These slides will be available under “CARRP Update Questions” at this ECN site:

http: [REDACTED]



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Articulating Links To National Security Concerns

BONUS Hypothetical Fact Patterns



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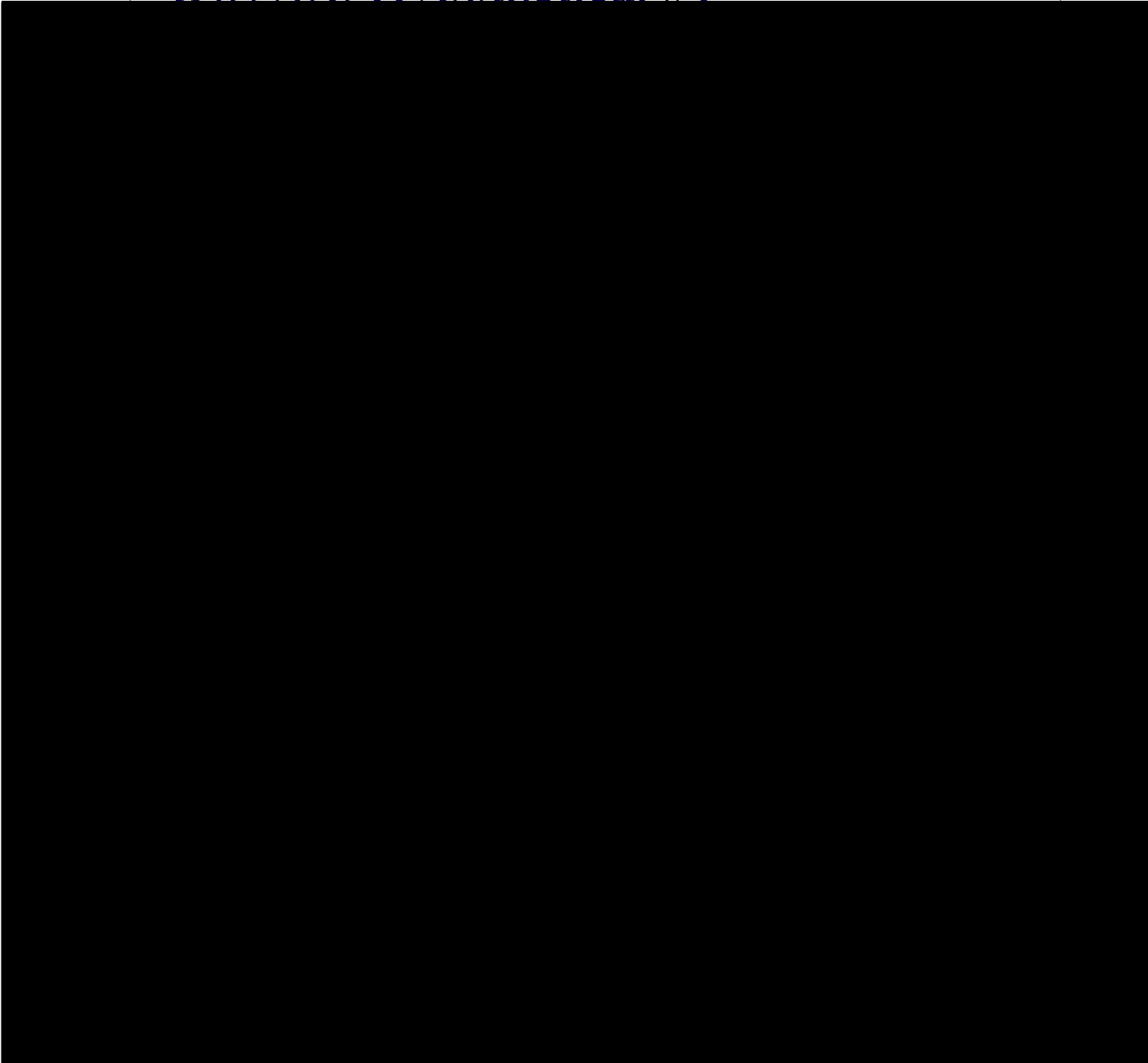
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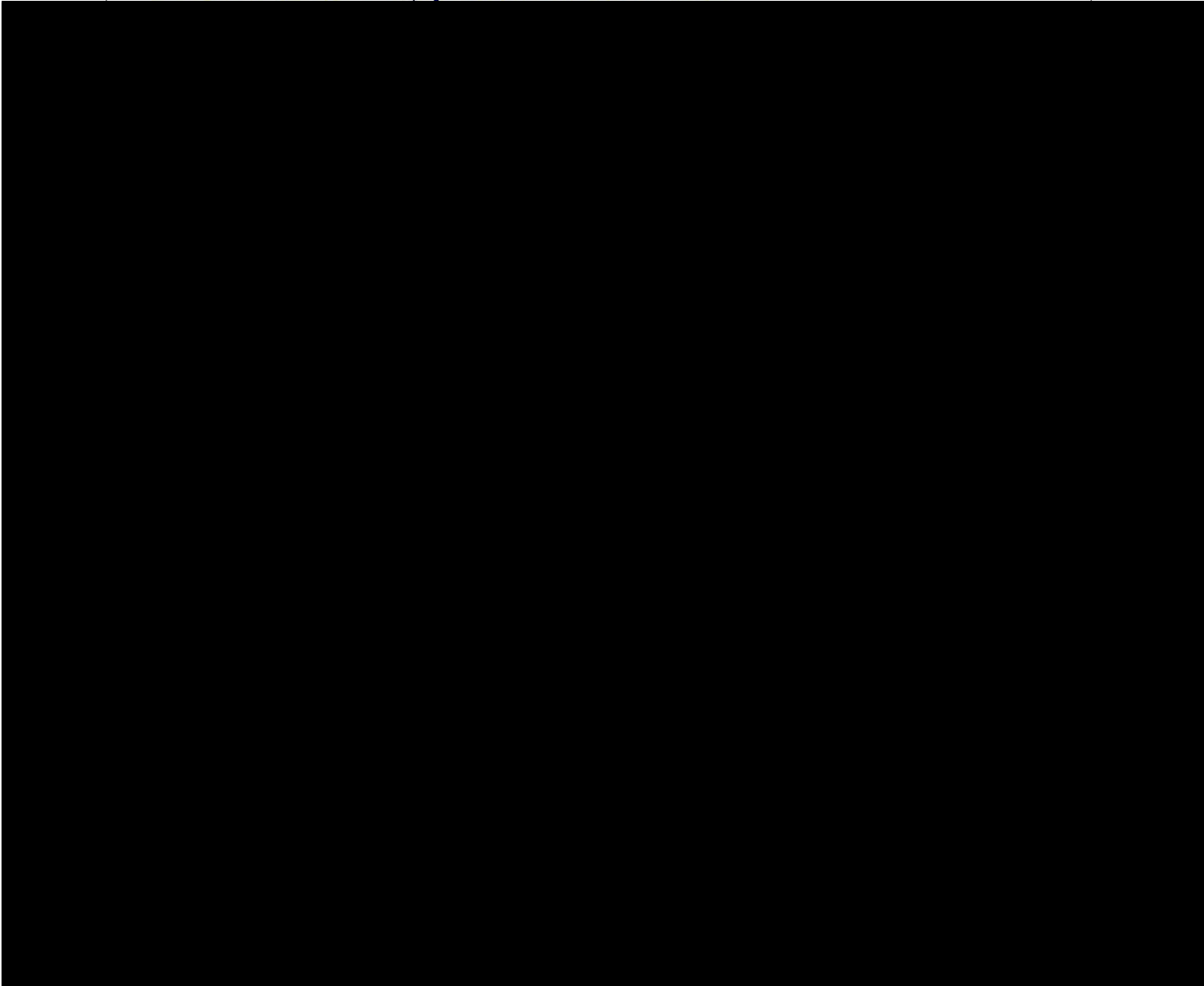
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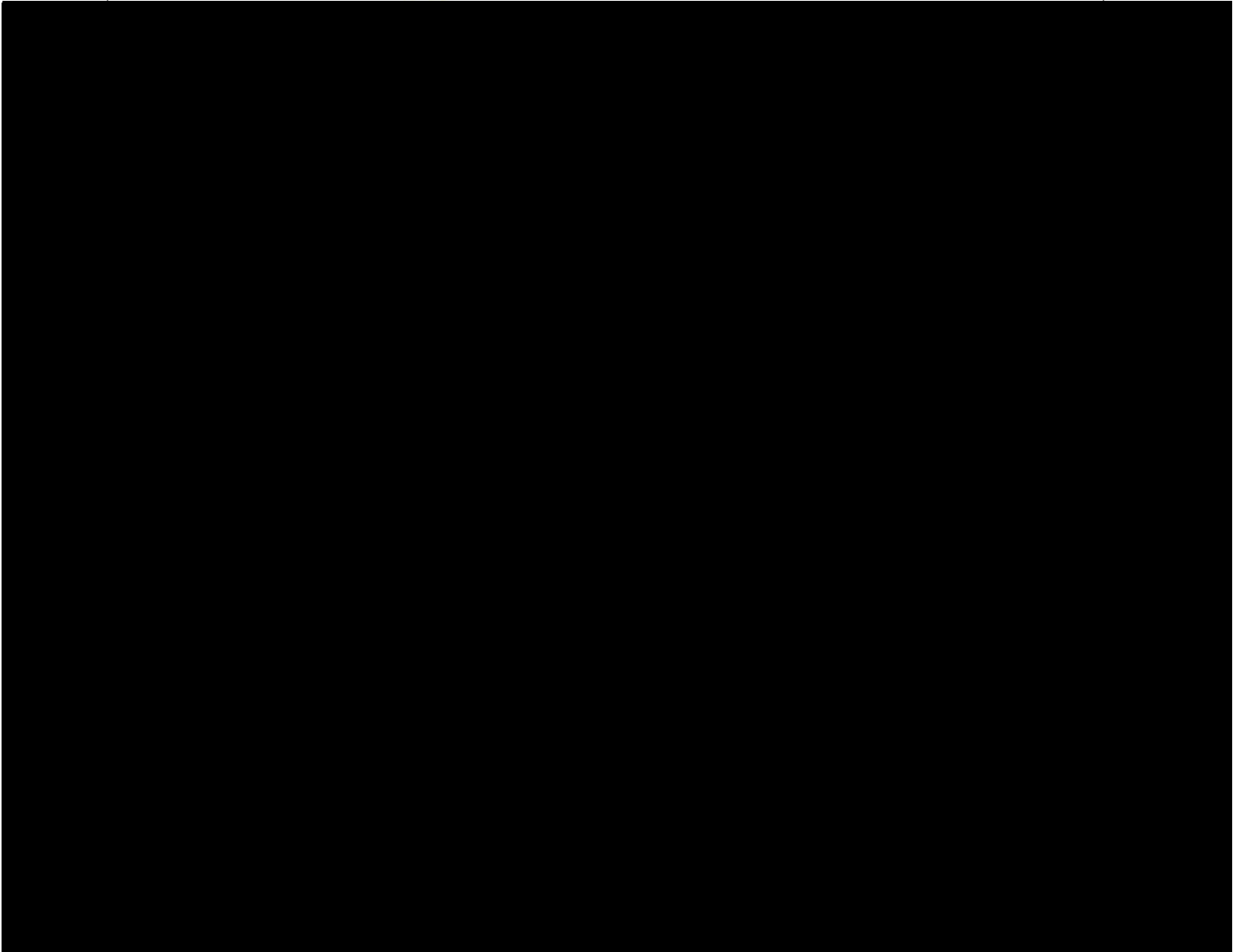
BONUS Hypothetical #1



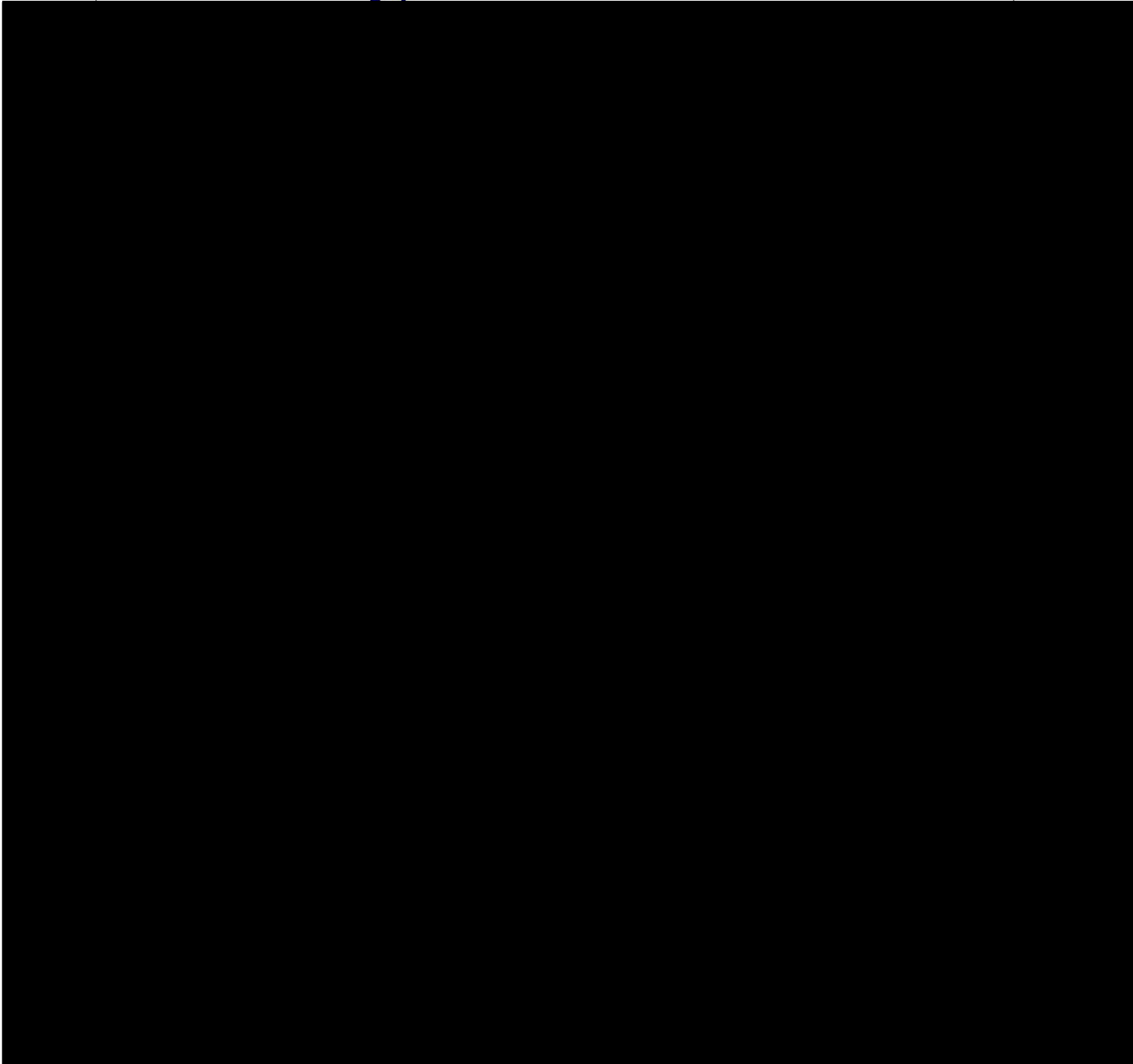
BONUS Hypothetical #2



BONUS Hypothetical #3



BONUS Hypothetical #4



BONUS Hypothetical #5