Controlled Application Review and Resolution Program (CARRP)

Identifying and Documenting NS Concerns

National Security and Public Safety Division
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- Author: HQ FDNS National Security and Public Safety Division
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- This presentation contains no sensitive Personally Identifiable Information (PII).
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Stage 1: Identifying NS Concerns

- Use all available evidence to identify a potential NS concern.
- Differentiate between indicators and articulable link as the connection between an individual and an NS ground.
- Distinguish between KSTs and non-KSTs.
- Identify sources of information for KST and non-KST determinations.
- Understand the watchlisting process.
CARRP Stage One

IDENTIFYING NS CONCERN

INTERNAL VETTING/ELIGIBILITY ASSESSMENT

Deconfliction
Can happen within each phase multiple times

CONDUCTED BY FIELD OR HQFDNS DEPENDING ON TYPE OF NS CONCERN

EXTERNAL VETTING

CARRP ADJUDICATION

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Identifying NS Concerns

Three elements to Stage I:

- Initial identification of a potential concern
  What facts are present?

- Evaluation of the potential NS concern
  Do those facts meet the definition for an NS concern?
  What type of concern is it?
  How strongly is the individual connected to the INA NS ground?

- Documentation of the NS concern
  Is there an existing CME or does a new one need to be created?
  What documentation elements are required based on concern type
Identifying NS Concerns

Stage 1, Initial Identification
Screening, KSTs, & Watchlisting
Identifying KST NS Concerns

What is a KST?

- Known or Suspected Terrorist (KST).

- Has been nominated and accepted for placement in the Terrorist Screening Database (TSDB) with a KST category code, *and*...

- Remains on the Terrorist Watch List until a nomination for removal has been approved.
Identifying KST NS Concerns

Where do KSTs (and certain non-KSTs) come from?

Nominations to include a subject in the Terrorist Identities Datamart Environment (TIDE) are made by agencies holding derog.

The National Counterterrorism Center (NCTC) evaluates the nominations and enters them in TIDE.

Individuals whose nomination included placement on the watchlist are pushed to the Terrorist Screening Center (TSC).

The TSC reviews and accepts the watchlist nominations into the Terrorist Screening Database (TSDB).

TSDB pushes records to TECS with the code LE to indicate that the record came from the TSC.
Handout:

TIDE Category Codes
Identifying KST NS Concerns

How is someone nominated to the watchlist?

- Nominations to the watchlist are made by law enforcement, intelligence, and homeland security agencies.
- There are two categories of watchlist nominations:
  - KST
  - Watchlist exception
- Nomination as a KST requires a reasonable suspicion that the subject is:
  - Known or suspected of being engaged in terrorist activity;
  - Know or suspected of having previously engaged in terrorist activity;
  - Known or suspected of being a member of a terrorist organization;
  - Known or suspected of having been a member of a terrorist organization;
  - Known or suspected of preparing to engage in terrorist activity.
Identifying KST NS Concerns

How does USCIS identify KSTs?

- TECS records:
  - With a TECS record ID Beginning with and ending in LE
  - LE means that the record came from the TSC
  - LE code other than m or n watchlist exceptions.

- NCIC records:
  - Contains a n number.
  - Indicates subject is a possible terrorist organization member or international extremist.
  - Does not reflect a record in the Violent Gang and Terrorist Organization File (VGTOF).
Identifying KST NS Concerns

TECS Mod platform View
Identifying KST NS Concerns

TECS Mod platform View
Identifying KST NS Concerns

Record, Terrorism: Former TECS platform
Identifying KST NS Concerns

How does USCIS handle KSTs?

- For any suspected match to a LE record, the USCIS designated official must contact the Terrorist Screening Center (TSC) for verification of a match (including M and N category codes).
- The TSC will:
  - Verify that the subject being vetted by USCIS is a match to the TSDB.
  - Alert the Terrorist Screening Operations Unit (TSOU).
  - TSOU will contact the case agent, who may then contact USCIS.
- USCIS does not contact the National Targeting Center (NTC) on LE.
- USCIS does not externally vet or deconflict with the TSC.
Identifying KST NS Concerns

What will the TSC need to confirm the match?

- A TSC Request Form.
- Copy of the completed application/petition, including G-325A (except for Asylum related Applications).
- Photos, including any pictures provided in support of the application.

Contact TSC via email: LE

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Handout: TSC Request Form
Identifying KST NS Concerns

KST NS Concern Recap:

• To have a KST you must have an LE.
• The LE must have a KST category code indicating that the individual is on the watchlist.
• Category code should not be the exceptions and are not watchlisted KSTs.
• There should be an associated NIC/T record, but the KST determination is based on the LE.
• There is no way to have a KST concern other than an LE with a KST category code.
• The TSC must confirm that the record relates before USCIS determines that it’s a KST NS Concern.
• If an individual has an LE with a KST code, they are a KST for as long as that record exists in TECS, regardless of any other vetting.
Identifying KST NS Concerns

Example: Studies in National Security - KST Case Study
Documenting KST NS Concerns

FDNS-DS  Concern Type Field: KST and Source

[Redacted]
Documenting KST NS Concerns

FDNS-DS Document systems checks subtab as KST
Documenting KST NS Concerns

How do you document TSC confirmation in FDNS-DS?
Identifying NS Concerns

Stage 1, Initial Identification

Sources of Information for Non-KSTs
Identifying Non-KST NS Concerns

What is a Non-KST NS concern?

- Non-KSTs are NS concerns that have not been nominated to the Watchlist as a KST but still have a connection to the INA NS grounds.

- Non-KST NS concerns include (not an exhaustive list):
  - Associates of a KST.
  - Insufficient derogatory information
  - Saboteurs;
  - Weapons or technology proliferators;
  - Agents of foreign governments etc.
Identifying Non-KST NS Concerns

Other Potential Non-KST NS Concern Examples:

• TECS record indicates an ongoing or closed JTTF investigation/interest.

• Association with KSTs

• Indicators of Investigative Hits involving NS Activity.

• NaBISCOP Appendix C has a listing of common terms and acronyms in TECS that may relate to national security.
Identifying Non-KST NS Concerns

How does USCIS identify Non-KST NS Concerns?

- FBI Namecheck – LHM;
- FBI Fingerprint check – RAP sheet;
- TECS / NCIC;
- Consular Consolidated Database (CCD);
- Department of State Security Advisory Opinion (SAO);
- IDENT database;
- Relationships with law enforcement;
- Self-reporting – interview, application, or supporting doc
Identifying Non-KST NS Concerns

FBI Letterhead Memorandums

- LHMs are not always for open concerns
- No NS concern exists if a law enforcement or intelligence agency indicates in an LHM that:
  1. They have completed and closed their investigation, and
  2. They make a definitive finding of no nexus to national security in relation to the USCIS subject, and
  3. There is no other indicator of a NS concern.
Identifying Non-KST NS Concerns

LHM Classes of Investigations that relate to NS concerns

- Foreign Counterintelligence;
- Acts of Terrorism (International, Domestic);
- Hostage-Taking;
- Terrorism;
- Arms Control Treaty Measures;
- Sabotage;
- Actual & Attempted Bombings & Explosive Violations;
- Threaten or Attempt to Use, Possess, Produce or Transport of Weapons Mass Destruction (WMD); or,
- Use, Possession, Production or Transport of WMD.
Identifying Non-KST NS Concerns

FBI Fingerprint Categories: Examples that relate to NS concerns

- Classified by the Attorney General as a known terrorist.
- Charged in immigration court with a inadmissibility or deportability based on one of the security grounds found in the INA.
- Arrested or detained by the U.S. military overseas (e.g. Iraq).
Identifying Non-KST NS Concerns

RAP Sheet: Non KST NS Concern indicator

Example for Training Purposes Only

Unclassified // FOUO / Law Enforcement Sensitive
Weighing the Evidence

Example: Studies in National Security: Seemingly innocuous arrests

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Identifying Non-KST NS Concerns

Which watchlist exceptions does USCIS process as NON-KSTs?

- Contacting the ISC for match verification is still required... but these exceptions are handled under CARRP as non-KST NS Concerns.
Identifying Non-KST NS Concerns

Example for Training Purposes Only

TECS LE LE code: Former TECS

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## Identifying Non-KST NS Concerns

<table>
<thead>
<tr>
<th>TECS</th>
<th>LE</th>
<th>Code: Former TECS</th>
</tr>
</thead>
</table>

Example for Training Purposes Only

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Identifying Non-KST NS Concerns

NIC/T: Former TECS Platform

Example for Training Purposes Only

Unclassified // FOUO / Law Enforcement Sensitive
Identifying Non-KST NS Concerns

NIC/T: Former TECS Platform
Identifying Non-KST NS Concerns

TECS Codes

- LE
- LE
Identifying Non-KST NS Concerns

TECS Codes (continued):

LE
Identifying Non-KST NS Concerns

Other CBP Systems & Queries

- **ATS-P = Automated Targeting System (Passenger)**
  - Contains travel records and information
  - Also includes secondary inspection results and information, including notes from CBP
  - May also show the targeting rule that an individual was referred under (this relates to TECS queries that are one-day lookouts or read “subject of a automated targeting referral”)

- **ADIS = Arrival / Departure Information System (can also be accessed through TECS now)**
  - Older system but provides a detailed display of entry / exit records
  - Permits searches by multiple criteria with a different name search algorithm than ATS-P
Case Study:

Indicators from Travel
Case Study:

Sen. Cruz Rahami Letter
Identifying Non-KST NS Concerns

CCD and SAO

- **CCD** = Consular Consolidated Database
  - DOS system holding the records of individuals applying for visas abroad
  - May include reasons for a visa refusal and copies of the visa application

- **SAO** = Security Advisory Opinion
  - An SAO is the manner by which the State Department asks other agencies of the USG for information / input
  - SAO’s are submitted selectively based on the profile of the visa applicant
  - Not all SAO’s are derogatory
  - SAO’s help Consular Officers to make accurate adjudicative decisions

- Within USCIS, SAO’s are an adjudicative tool in refugee cases
Identifying Non-KST NS Concerns

Consular Consolidated Database (CCD):
Identifying Non-KST NS Concerns

IDENT

- IDENT is the DHS biometric database.
  - Next Generation Index (NGI) is the FBI biometric database.
  - Automated Biometric Information System (ABIS) is the DoD biometric database.
- IDENT data set is accessed through CPMS.
- USCIS, CBP, ICE and other DHS component data is fed into IDENT.
- IDENT may contain hits from DoD holdings, information on immigration violations, and encounter data.
- Everyone has a watchlist, but...
  - IDENT watchlist **is not** the same as TSDB watchlist.
  - IDENT watchlist contains arrests, DOS records, DoD encounters, fraud, etc.
Identifying Non-KST NS Concerns

CPMS Examples

LE

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Identifying Non-KST NS Concerns

CPMS
Self Reporting and Identification of a Non-KST NS Concern

- Indicators that might arise from self-reporting:
  - [Redacted]
  - [Redacted]
  - [Redacted]
  - [Redacted]
  - [Redacted]
  - [Redacted]
Identifying Non-KST NS Concerns

Self Reporting: Examples of Non-KST identification
Weighing the Evidence

Example: Studies in National Security - a non-KST Case Study
Identifying Non-KST NS Concerns

Examples: (purely fictional) instances of self-reporting
Case Study:

Death Certificate
The code (representing the TSDB category code) indicates whether an individual is in TSDB under a KST category code or is a watchlist exception. All KSTs are in TSDB with a KST category code and therefore are represented in TECS by  Non-KSTs can be identified in a variety of ways, including through with a watchlist
Identifying Non-KST NS Concerns

When LHM’s may be non-derogatory:

• e.g. – Reference to an OGA cable.
  – Has to go in CARRP to obtain the information…
  – But the OGA cable may end up not being derogatory.

• e.g. – Not the subject of an investigation.
Identifying Non-KST NS Concerns

When fingerprint records may be non-derogatory:

When FDNS-DS records may be non-derogatory:
Identifying Non-KST NS Concerns

Non-KST NS Concern Recap:

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

CARRP Stage 1: Evaluating NS Concerns
Differentiating Indicators and Articulable Links
Identifying NS Concerns

Roles

- Domestically (FOD and SCOPS) focus is on the activities an individual is connected with, without deep consideration of timeframe and target in the identification stage
  - Remember CARRP as a yellow traffic signal: use the process to get country condition research, group histories, etc.
  - Potential concerns in SCOPS are referred to CARRP BCUs for evaluation
  - Potential concerns in FOD are referred to local FDNS units for evaluation

- SCOPS Officers work applications from all over the country and encounter a broad range of populations, organizations, and case types

- FOD May have familiarity with groups / populations in their office area, but generally have less time and depth of research than RAIO officers identifying concerns
Identifying NS Concerns

Roles

• RAIO ➔ NS concerns may be identified during pre-screening in systems, but are more frequently derived from the interview
  — Reinforces that NS concerns can be identified at any point while working a benefit request
  — AOs and ROs conducting interviews must be able to spot NS indicators when an applicant is already sitting in front of them

• RAIO ➔ Refugee Affairs Security Vetting and Program Integrity automatically pre-screens certain cases for NS indicators (including through classified system checks) and provides additional guidance for the interview as necessary.

• RAIO ➔ Asylum pre-screens certain cases based on local FDNS jurisdiction and RAIO FDNS IOs conduct case-by-case review upon request.
Identifying NS Concerns

Form: I-485
I-589
I-924
N-400

Based on:
- Membership
- Money
- Employment

Statutory ground:
- INA § 212(a)(3)(a), (b) or (f)
- INA § 237(a)(4)(a) or (b)

National Security Concern
Handled under CARRP
Identifying NS Concerns: Individuals

- Individuals come from forms...
- But policy differentiates between status granting forms and other types of forms and petitions...

<table>
<thead>
<tr>
<th>BENEFIT TYPE</th>
<th>CARRP Stage I?</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-90</td>
<td>YES</td>
</tr>
<tr>
<td>Ancillary Benefits (e.g. concurrently filed I-765 or I-131)</td>
<td>YES</td>
</tr>
<tr>
<td>Non-status granting applications / petitions (e.g. 3rd preference I-140)</td>
<td>YES</td>
</tr>
<tr>
<td>Petitions filed with a primary application (e.g. I-130 / I-485)</td>
<td>YES</td>
</tr>
</tbody>
</table>
Identifying NS Concerns: Individuals

For ALL form types (even if post-adjudication)...

1. Identify an NS concern.
2. Document the NS concern in FDNS-DS.
3. Deconflict the NS concern.
## National Security Grounds

<table>
<thead>
<tr>
<th>Area of National Security Concern Include:</th>
<th>Section of the INA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Espionage</td>
<td>§212(a)(3)(A), and §237(a)(4)(A)</td>
</tr>
<tr>
<td>Sabotage</td>
<td>§212(a)(3)(B), and §237(a)(4)(B)</td>
</tr>
<tr>
<td>Exporting sensitive goods, technology, or information</td>
<td>§212(a)(3)(B), (a)(3)(F), and §237(a)(4)(B)</td>
</tr>
<tr>
<td>Overthrowing the U.S. government by force or violence</td>
<td>§212(a)(3)(B), (a)(3)(F), and §237(a)(4)(B)</td>
</tr>
<tr>
<td>Hijacking or sabotaging transportation</td>
<td>§212(a)(3)(B), (a)(3)(F), and §237(a)(4)(B)</td>
</tr>
<tr>
<td>Hostage-taking</td>
<td>§212(a)(3)(B), (a)(3)(F), and §237(a)(4)(B)</td>
</tr>
<tr>
<td>Attack or assassination of any government official (U.S. or any other government)</td>
<td>§212(a)(3)(B), and §237(a)(4)(B)</td>
</tr>
<tr>
<td>Using biological, chemical, or nuclear weapons</td>
<td>§212(a)(3)(B), and §237(a)(4)(B)</td>
</tr>
<tr>
<td>Using other weapons to harm people or cause damage (other than for personal monetary gain)</td>
<td>§212(a)(3)(B), and §237(a)(4)(B)</td>
</tr>
<tr>
<td>Persons or groups the Secretaries of State and/or Homeland Security have found to be engaged in terrorist activity or associated with a terrorist organization.</td>
<td>§212(a)(3)(B), (a)(3)(F), and §237(a)(4)(B)</td>
</tr>
</tbody>
</table>
Handout:

DOS Mantis Tech Alert List
Evaluating NS Concerns

Additional considerations about NS Grounds:

- The grounds are part of identifying a concern - but even though they are from the INA, they are generally not what we’re going to cite as a basis for ineligibility in a decision.

- Although the basis of a concern is connected to an INA ground this may not directly be reflected in the final adjudicative decision i.e. (An NS case can be denied on other grounds unrelated to the NS concern, such as an ineligibility provision).
Application Exercise 4.1
“Open Source Fact Patterns”
(continued)
Identifying NS Concerns: The Connection

Articulable Link or Indicators

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

Non-KST NS Concern

Non-KST NS Concern Confirmed

Non-KST NS Concern Not Confirmed

KST NS Concern
The Connection

Indicators vs. Articulable Link

- Both ties that connect a person / organization to an NS ground
- Both based on evidence – known facts
- But indicators and articulable links are not in opposition to each other: They’re both intervals on the same spectrum

No indicators / evidence / facts          An indicator or fact          Multiple indicators / “NS not confirmed”          Multiple strong indicators / Articulable Link / “NS Confirmed”

Increasing evidentiary standard
A Practical Example

Consider the following:

You come home from work one day, and...

- There are tire marks in your driveway
- There are also muddy boot prints all over your front walk
- A window is broken in the yard next to your backdoor
- Your plasma TV is missing
A Practical Example

Another way of thinking about indicators:

Consider an assembly line...

• Each step in the process of building a car is small enough
• But by the time those little things add up, the end result is significant

Indicators work the same way...

• Each one by itself is small,
• but a bunch of them put together can add up to something big
Indicators

DISCLAIMER: NONE OF THESE INDICATORS BY THEMSELVES MEAN SOMEONE IS AN NS CONCERN

Examples of *possible* indicators:
(a non-exhaustive list)

But: a sufficient amount of indicators (based on the totality of circumstances) may cause us to take a closer look via CARRP
Handout:
National Science Foundation Federally Funded Research and Development Centers 2015
Application Exercise 4.2

“Indicators”
Articulable 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.
Articulable Link (Continued)

- A connection may be:

- 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.
You have now articulated a link between Bob and a National Security Concern.
Strong Direct Link

- The strongest link is apparent when the Subject is actively participating in those activities:
  - LE

- Here, you can draw a single, direct line between the Subject and the national security activity.
Indirect Link – Multiple Links
Links Requiring Further Work
Handout:
Structured Framework for Articulating Links to National Security
Studies in National Security:

Articulable Link Writing 101
Application Exercise 4.3
“Articulable Link Writing”
Handout:

DOS Country Reports on Terrorism
Evaluating NS Concerns Recap:

- It’s all about the facts – identifying concerns is about assessing the facts we know, regardless of where they came from, but...
- Facts come from a variety of sources – some of those sources are more reputable than others
- Some facts are also more derogatory than others (remember the idea of inference of culpability) – do the facts suggest that the subject of concern was knowingly or deliberately involved with one of our NS grounds?
- Identification is just the beginning – we can still resolve concerns after they’re identified – identification just means that there is a potential concern that we need to carefully consider and thoroughly document
Wrap-up: Evaluating NS Concerns

Relying on Law Enforcement

• 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 provided.
• The opposite, however, is not necessarily true: Even if another 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 may still be able to articulate a link.
Wrap-up: Evaluating NS Concerns

Ongoing Review

- Many times, articulating a link (or determining that no link exists) cannot be accomplished purely from 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.
**Stage 1 Recap**

**Identifying NS concerns**

**FACT** or **FICTION**?

- Positive FBI Name checks are always an NS Concern
- Individuals can be removed from the terrorist watchlist
- If there is no articulable link to an NS concern, it’s not a CARRP case
- All LE records relate to terrorism
Stage 1 Recap

NS Determination Questions:

- Does derogatory information exist?
- Does the derogatory information relate to the subject?
- Is the derogatory information still applicable?
- Does the derogatory information relate to an NS ground from the INA?
- Are you familiar with all of the employers, addresses, institutions, people, etc. listed or discussed by the applicant?
- Does the evidence add up to a strong enough connection between person and NS ground?
Stage 1 Recap

Roles

• All RAIO FDNS and SVPI officers and field and service center ISOs are on the front lines!
• Identifying concerns ➔ EVERYONE
• Confirming with TSC ➔ FDNS IO (field and asylum offices)
  ➔ BCU CARRP ISO (service centers)
• Writing articulable links ➔ CARRP ISOs, FDNS IOs, or AOs
• Concurring with articulable links ➔ Supervisor or designated officer
• FDNS-DS entry ➔ FDNS IOs, CARRP ISOs, SVPI ROs
• Who in your office reviews CARRP referrals and assigns CARRP cases?
Stage 1: Identifying NS Concerns

✓ Use all available evidence to identify a potential NS concern.

✓ Differentiate between indicators and articulable link as the connection between an individual and an NS ground.

✓ Distinguish between KSTs and non-KSTs.

✓ Identify sources of information for KST and non-KST determinations.

✓ Understand the watchlisting process.
Identifying NS Concerns

Stage 1, Documenting an NS Concern
Sub-status, process phases and Articulable Links in FDNS-DS
Documenting in FDNS-DS

Changing Process Phase

LE
Documenting in FDNS-DS

Concern Type: non-KST
Documenting in FDNS-DS

Concern Type: non-KST

Unclassified // FOUO / Law Enforcement Sensitive
Classified Information

When Articulable Links are Classified

• 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
Documenting in FDNS-DS

REMEMBER...

Recommendations get lonely, so they always come in pairs
Studies in National Security:

FDNS-DS Data Integrity, Part I
Practical Exercise: CARRP Stage 1
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