EXHIBIT 108

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf of themselves and others similarly situated, Plaintiffs, v. DONALD TRUMP, President of the United States, *et al*., Defendants.	No. 2:17-cv-00094-RAJ

Expert Report of Yliana Johansen-Méndez

I, Yliana Johansen-Mendez, hereby declare:

1. I make this declaration based on my own personal knowledge and experience, and if called to testify, I could and would do so competently as follows:

I. Qualifications

2. I am the Legal Services Director of Immigrant Defenders Law Center in Los Angeles, California. My resume is attached as **Exhibit A**.

3. Prior to working with the Immigrant Defenders Law Center, I worked for United States Citizenship and Immigration Services (USCIS) at the Los Angeles Asylum Office in Anaheim, CA from August 2015 to February 2018. In July 2016, I was promoted from Asylum Officer to Senior Asylum Officer. As a Senior Asylum Officer, I was assigned especially complex and high-profile cases. Occasionally, I served as Acting Supervisor and as Acting Immigration Officer (IO) in the Fraud Detection and National Security (FDNS) unit of the Los Angeles Asylum Office.

4. From September 2013 to August 2015, I worked for the Executive Office of Immigration Review (EOIR) in the United States Department of Justice. I was an Attorney

Advisor and functioned as a judicial law clerk to the judges of the Immigration Court in Las Vegas, Nevada. In this position, I frequently analyzed the immigration consequences of criminal convictions, made determinations regarding deportability, inadmissibility and eligibility for relief from removal, and drafted court orders for the Immigration Judges.

5. Prior to that I was an Equal Justice Works Fellow at Kids in Need of Defense (KIND) in Los Angeles, California from September 2011 to August 2013. I provided deportation defense services exclusively to youth who had been designated as "unaccompanied alien children" and placed in removal proceedings before the immigration court. The central part of my fellowship project entailed the creation of a manual for "one-parent" special immigration juvenile status cases in California.

6. I am a graduate of Occidental College and Boston College Law School. I have been an attorney admitted to the State Bar of California since December 2011.

7. I am providing this report to describe the Controlled Application Review and Resolution Program (CARRP) program and to provide my opinions about the way CARRP affects the adjudication of applications for immigration benefits, including for people eligible for the benefits sought.

II. My Experience and Training in CARRP

8. During my time at USCIS, I was trained on CARRP and worked on cases subject to CARRP in a variety of ways and in a few different roles.

9. At the USCIS Asylum Office, all asylum officers receive six weeks of basic officer training. During October and November 2015, I participated in the Refugee, Asylum, and International Operations Directorate Combined Training (RAIO CT) and Asylum Division Officer Training Course (ADOTC), which together made up a full-time, six-week residential training at the Federal Law Enforcement Training Center (FLETC) in Brunswick, Georgia. Although the training sessions focused primarily on asylum and refugee law, as well as interview

and adjudication skills required of RAIO officers, they also included almost ten hours of training sessions relating to security checks, fraud, terrorism related inadmissibility grounds (TRIG), and national security concerns. Angela Gipson, the RAIO FDNS Chief, facilitated a three-hour training session titled "CARRP Overview, FDNS Overview & Fraud." These slides, or slides materially similar to that training, are contained in the discovery documents at DEF-00230963. I was expected to study and pass a test based on the in-person trainings and several lesson plans provided at the start of the training program. Among these was the RAIO Directorate Officer Training on National Security, a version of which is contained in the discovery documents at DEF-00230826.

10. In July 2016, I attended a four-day training titled "Middle East Refugee Processing" (MERP) at the USCIS-RAIO offices in Washington, D.C. The four-day training focused on national security issues arising in refugee applications for citizens of Iran, Iraq, and Syria. The training covered the basics of CARRP processing in the refugee context, provided a demographic overview of each country, identified common grounds for refugee status for each country, and then focused heavily on the history and country conditions which could raise "red flags" regarding the persecutor bar to asylum and national security indicators. The training provided a timeline of significant political events, information regarding the military and other armed groups, and provided examples of country-specific fact patterns that could lead to a national security concern.

11. The MERP training was designed for officers who would be processing refugee applications overseas; however, the training was made available multiple times throughout the year and was open to Asylum Officers who were not scheduled to travel overseas to assist in overseas adjudications. In fact, the MERP training was mandatory for any Asylum Officer to be eligible to adjudicate asylum cases from Iran, Iraq or Syria. Therefore, the Los Angeles Asylum Office continuously sent officers to this training, as did other asylum offices. The MERP training

that I attended had approximately 200 participants from offices throughout the country, including Refugee Officers, Asylum Officers, Supervisory Asylum Officers, and Asylum FDNS Officers.

12. During my tenure with the Asylum Office, I had access to the RAIO National Security Lesson Plan and the RAIO FDNS lesson plan, as well as several other handouts that provided resources and guidance for identifying national security concerns and determining if an articulable link between an applicant and a national security concern exists, and suggested lines of inquiry for asylum applicants with national security indicators.

13. As an Asylum Officer, from August 2015 to July 2016, I was primarily responsible for adjudicating affirmative asylum applications for applicants who were not in removal proceedings, or whose applications were under the initial jurisdiction of USCIS, and for conducting credible fear and reasonable fear screening interviews. I was also temporarily assigned to the ABC/NACARA team, adjudicating asylum applications filed by *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991) Class Members and their family members applying for Special Rule Cancellation of Removal (pursuant to Section 203 of Public Law 105-100 (NACARA)).

14. All affirmative asylum applicants must be interviewed by a trained Asylum Officer in accordance with 8 CFR § 208.9. When an interview was scheduled by the Asylum Office, I would receive the applicant's Alien File (A-File), so that I could conduct security checks and review the application materials a few days, or sometimes a few hours, prior to the interview. During the interview, I was responsible for taking detailed notes, eliciting detailed testimony regarding the factual basis of the applicant's asylum claim, and exploring potential bars to asylum, and national security and fraud concerns. At the conclusion of the interview, I would complete all required security checks and prepare a written assessment of the claim recommending approval or denial of asylum, including referrals to immigration court, and prepare all related correspondence and documents, including the DHS I-94 record granting

asylum status or Notices to Appear in immigration court. The A-File, including my assessment, notes and related documents, would then be submitted for supervisory review and approval. Per USCIS policy at that time, one hundred percent (100%) of adjudications by the Asylum Office underwent supervisory review. The stated purpose behind supervisory review was to ensure officers properly apply the law and make consistent and quality decisions. My understanding was that supervisors should generally accept an Asylum Officer's decision so long as the analysis was legally sufficient and supported by the record. In addition to submitting cases for supervisory review, USCIS required Asylum Officers to refer cases to the local FDNS unit if any indicators of fraud or national security concerns arose from the interview or security checks. Therefore, all Asylum Officers were required to recognize national security concerns and flag cases for CARRP processing by referring them to FDNS.

15. After being promoted to Senior Asylum Officer in July 2016, USCIS assigned me cases that were especially complex and high-profile, or which raised national security concerns, including CARRP cases. Although the primary responsibilities of an Asylum Officer and a Senior Asylum Officer were generally the same, Senior Asylum Officers were most often assigned to interview and adjudicate CARRP cases or cases otherwise flagged as involving national security concerns, as well as cases of applicants from countries most likely to be subject to CARRP, such as Iran, Iraq and Syria. Since CARRP cases often required multiple interviews and more in-depth questioning and research, Senior Asylum Officer case assignments were adjusted slightly to account for the complexity of their assignments. While Asylum Officers in the Los Angeles office were expected to interview and adjudicate sixteen (16) cases per two-week pay period, at least in the period from March 2017 to February 2018, Senior Asylum Officers were assigned fourteen (14) cases per pay period, unless a case was flagged by FDNS or the Asylum Office leadership as requiring additional time for adjudication. Although there was no written policy regarding how many fraud or national security cases were assigned to a Senior

Asylum Officer per week, based on my experience, typically four (4) of the six (6) interview slots on my schedule each week were reserved for cases from Iran, Iraq, Syria, or cases which had already been flagged by FDNS as raising fraud or national security concerns. As the Asylum Office's priorities changed, so did the scheduling procedures and types of assignments given to Senior Asylum Officers.

16. While I worked for the USCIS Asylum Office, I interviewed numerous asylum applicants whose cases were already undergoing CARRP processing by the time I encountered them and also flagged several others for CARRP and referred them to FDNS based on information I obtained during their asylum interviews.

17. For about six weeks during November and December 2016, and for about two months starting in April 2017, USCIS gave me a detail assignment as Acting Immigration Officer (IO) for the Los Angeles Asylum Office's FDNS unit. During my first FDNS detail I was assigned two (2) CARRP cases and several other fraud-related cases, and in my second FDNS detail I was assigned fourteen (14) CARRP cases.

18. Staring some time in spring 2017, the Los Angeles Asylum Office was assigning Supervisory and Senior Asylum Officers to temporary detail assignments to FDNS. The detail assignments were intended to assist FDNS in processing cases to reduce their large backlog of CARRP cases, as described in more detail below. During my detail, one Supervisory Asylum Officer was detailed to FDNS at the same time, and I believe this pattern of having a Senior and a Supervisor on detail to FDNS continued at least until I left USCIS in February 2018.

19. Since both of my details to FDNS were temporary assignments, there was no formal training. Instead, individualized training was provided at the beginning of and throughout each detail. Training was generally provided by Sallie Dickstein, Supervisory FDNS Immigration Officer, but additional assistance and training was provided by all members of the Los Angeles Asylum FDNS unit, as needed. During the FDNS detail, I was given access to the

CARRP Standard Operating Procedures document and to USCIS training materials and PowerPoint presentations regarding CARRP; was provided reading and writing access to the Fraud Detection and National Security Data System (FDNS-DS) database; and was able to review the FDNS electronic files of asylum cases with fraud or national security concerns, including any prepared Statement of Findings (SOF) or Background Check and Adjudicative Assessment (BCAA) worksheets on the FDNS shared drive for the Los Angeles Asylum Office. Based on these and other training materials and presentations, my understanding and experience are that the CARRP process was not materially different for asylum applications as compared to naturalization and adjustment of status applications. The same CARRP process applies regardless of application type, although differences may arise due to the nature of the application being adjudicated. For instance, whether cases are referred to immigration court, whether there is an appeals process for denials of applications, and whether interviews are required for adjudication.

20. My detail to FDNS in April 2017 was entirely different from my detail to FDNS just months earlier, and it focused entirely on CARRP cases. In November 2016, I was told that Senior Asylum Officers were being detailed to FDNS both to assist FDNS, and as a training exercise because Senior Asylum Officers more frequently adjudicated cases involving fraud and national security concerns. In late March 2017, my supervisor informed me that I would again be detailed to FDNS, and that Supervisory and Senior Asylum Officers were being detailed to FDNS, one or two at a time, on a rotating basis to help address the backlog in CARRP cases. Unlike my first detail, the April 2017 detail was exclusively focused on CARRP cases. Upon my return to FDNS, I learned that there was a directive from USCIS Headquarters to clear out the backlog in CARRP cases, which explained why so many of us were being detailed to FDNS. I recall seeing CARRP asylum cases sitting in file cabinets untouched and unworked for years. The first assignment of my detail was to go through one large file cabinet of these cases. I was

instructed to review the contents of each file and their CARRP referral form, enter them into FDNS-DS, and determine whether there were national security (NS) indicators present that warranted CARRP processing. During this time, several Refugee Officers were detailed to Asylum Offices around the country to assist with adjudications because the Refugee program had been halted. One Refugee Officer was also detailed to our FDNS unit and was similarly instructed to sort through a room filled with stacks of neglected CARRP files and complete the same tasks.

21. After I completed this assignment, I was assigned fourteen (14) cases that were at various stages of CARRP. My primary responsibilities regarding the CARRP processing of those cases was to initiate, and in some cases to complete, the vetting and deconfliction process, prepare a Statement of Findings, and suggest lines of inquiry for follow-up interviews by asylum officers, when appropriate.

III. Summary of Opinion

22. It is my opinion that the CARRP program is unfair to individuals applying for all immigration benefits—including naturalization and adjustment of status—as well as ineffective and unnecessary. CARRP inappropriately turns its own interpretation of a national security concern into a reason why an application should be delayed, and often denied, even when the applicant is eligible for or legally entitled to the immigration benefit sought. CARRP broadly labels individuals as possible "national security concerns" based on sets of profiling criteria, subjective inferences, and unproven suspicions that are very difficult, if not impossible, to overcome. If an applicant is deemed to pose a national security concern but there is insufficient evidence to find them removable or inadmissible pursuant to the national security related statutory grounds, USCIS never informs the applicants of the national security concerns present in their cases, nor that they are subject to the CARRP program, , thereby leaving no opportunity for an applicant to confront or rebut USCIS's allegations. In my experience, once USCIS

determines that a potential NS concern exists and subjects an application to CARRP, it is very difficult for the concern to be "resolved," as in many cases it is difficult to confirm whether a national security concern exists, absent an admission by the applicant.

23. It is also my opinion that the CARRP program has become more expansive than USCIS policy suggests. While the CARRP policy requires an "articulable link," cases are often subject to CARRP when an "articulable link" is not established, so long as there are indicators of an NS concern. This is especially true when there are NS indicators in cases from Muslim-majority countries. These concerns are labeled as Not Confirmed NS Concerns. The expansion of who is swept into the program can be attributed to confusion among USCIS officers about what belongs in CARRP. This confusion is exacerbated by USCIS Headquarters' own lack of clarity and inconsistencies in their policies and trainings.

24. Additionally, Congress set forth in the immigration statute how national security-related issues should be handled in relation to immigration benefits applications. CARRP sweeps far more widely and imposes substantive impediments to applicants—often from Muslim-majority countries—from receiving benefits the law entitles them to. I believe that this program is an administrative attempt to get around the statute and to improperly import into the immigration process subjective and often discriminatory biases and Executive Branch preferences against disfavored immigrants.

25. It is my opinion that the CARRP program is designed to ensure that people who, in USCIS's view, present any potential threat—even if based on discriminatory criteria or innuendo—are not granted immigration benefits. CARRP is designed to protect USCIS's reputation because USCIS and individual USCIS officers fear possibly being criticized or held responsible for having approved the application of a person who later might cause harm or perpetrate a terrorist act, even though such acts are exceedingly rare. As a result, CARRP

disincentivizes officers from adjudicating these cases favorably or adjudicating them at all, resulting in significant processing delays for people whose applications are subject to CARRP.

IV. Basis of Opinion

26. I base the content of and opinions in this report on my personal experience as a CARRP-trained USCIS officer, as well as my review of documents disclosed to Plaintiffs by USCIS in this case. The list of the documents I reviewed is attached as **Exhibit B**.

A. CARRP's Definition of a National Security Concern is Far More Expansive than the INA's Statutory Framework

1. Definition of National Security Concern

27. USCIS developed CARRP to identify and process cases that present potential national security (NS) concerns. CARRP policy says that an NS concern exists when USCIS determines 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 sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Immigration and Nationality Act (INA). These are the "national security" grounds of the INA. Individuals who are determined to have a connection to one of the "national security" grounds of the INA are categorized by USCIS as either a Known or Suspected Terrorist (KST) or Non-Known or Suspected Terrorist (non-KST).

28. Importantly, INA Sections 212(a)(3)(A), (B), and (F) and Sections 237(a)(4)(A) and (B) are national security-related sections of the law that dictate whether a person is inadmissible to the United States or removable from the United States. However, CARRP is not used to determine whether a person is inadmissible or removable. Indeed, the national security-related categories of inadmissibility and removability do not even apply to some forms of immigration benefits that USCIS subjects to CARRP, including to naturalization. CARRP is not used to determine whether a person is eligible for a benefit at all, as that is done through the normal adjudicative process. Rather, CARRP's definition of an NS concern simply refers to

these sections as guideposts for identifying the types of activities, individuals, or organizations that should be considered NS concerns.

29. USCIS's CARRP training materials explain this distinction. For example, the instructor notes at CAR000611–CAR000612 make clear that the statutory reference in CARRP's definition is not about determining eligibility, but only about identifying whether a concern is present.

a) KSTs

30. All KSTs are categorically NS concerns under CARRP. KSTs are individuals who have been placed in the Terrorist Screening Database (TSDB); are on the Terrorist Watch List; and have a specially coded lookout posted in TECS (formerly known as the Treasury Enforcement Communications System (TECS)/Interagency Border Inspection System (IBIS)), and/or the National Crime Information Center (NCIC). KSTs are identified by USCIS officers through background and systems checks. They are identified in the TECS and NCIC databases using special codes and record numbers.

31. In my time at USCIS, I never encountered a case where the individual was labeled a KST. Outside of training, I never saw a KST hit in the TECS database, and the few KST results I found in NCIC [redacted] and thus it was clear the NCIC record did not relate to the applicant whose case I was adjudicating. When this happened, I flagged the KST hits for FDNS as required, and waited for the FDNS Immigration Officer (FDNS-IO) to confirm that the KST hit did not relate to the applicant before completing case processing.

b) Non-KSTs

32. The Non-KST category refers to all other NS concerns, and accounts for the majority of NS concerns encountered by USCIS. Potentially derogatory information (or information which suggests a NS concern exists) about Non-KSTs may be encountered through

security and background checks, an FBI Letterhead Memorandum (arising from the FBI Name Check), an applicant's responses to questions on their application for immigration benefits, information received from a third party, or information discovered during an interview with a USCIS or consular officer. *See, e.g.*, CAR001885. Non-KSTs may include, but are not limited to, known alleged associates of KSTs, alleged members of terrorist organizations, persons who allegedly have provided material support to individuals engaged in terrorist activities or terrorist organizations, persons who allegedly have been involved in terrorist activities, and alleged agents of foreign governments. As more information regarding their alleged terrorist ties becomes available, individuals identified as Non-KSTs may be placed on the Terrorist Watch List and become KSTs in the future.

33. While it is easy to determine who has been categorized as a KST—that is, whether a person has been placed on the TSDB, is on the Terrorist Watch List, and has a specially coded lookout posted in TECS and/or the NCIC—identifying non-KSTs is significantly more subjective. National Security (NS) indicators may include *any* activity or association that may lead to an NS concern. NS indicators may include [redacted] association with intelligence agencies, knowledge or background in certain technical skills or subject areas potentially related to intelligence gathering [redacted]. Of course, many of these indicators may reflect perfectly innocent activities, or [redacted] If NS

indicators are found, USCIS adjudicators look for additional NS indicators and, if possible, ask the applicant questions regarding the suspicious activities or associations. It is possible for several NS indicators to exist without constituting sufficient evidence of an "articulable link" to an activity, individual, or organization described in INA 212 § (a)(3)(A), (B), or (F) or INA § 237(a)(4)(A) or (B).

c) Articulable Link

34. NS indicators are evaluated in the totality of the circumstances and are elevated to a "confirmed NS concern" only when there is an "articulable link" to prior, current or planned involvement in, or association with, an activity, individual or organization described in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Immigration and Nationality Act (INA).

35. USCIS automatically assumes that there is an "articulable link" if a person is a KST.

36. For non-KSTs, determining what constitutes an "articulable link" was a source of significant confusion, as the concept is vague and poorly defined. In simplest terms, USCIS instructs that an "articulable link" is one that can be reasonably expressed or explained, as opposed to an adjudicator's "gut feeling." Although many of the training materials indicate that an adjudicator must be able to explain the link *in a few simple sentences*, this standard proved difficult to apply consistently. In the most recent trainings that I attended regarding what an "articulable link" means, asylum officers were instructed that you must be able to explain the link in *one sentence*, or else it is likely too remote a connection to constitute a "confirmed" national security concern.

37. In my experience, Asylum Officers as well as FDNS Immigration Officers (FDNS-IOs) struggled to understand and apply the "articulable link" standard. In fact, it was not necessary to find an "articulable link" to refer a case to FDNS to initiate CARRP. As an Asylum Officer, I was instructed to look for "indicators" of a NS concern, following criteria such as that

laid out in Attachment A – Guidance for Identifying NS Concerns (*see* CAR000084), during my review of an asylum applicant's file, security checks, and/or during an interview. If I found any indicators, the office policy required me to create a CARRP cover sheet and refer the case to the FDNS unit in my office. If I did not take these steps to "flag" the NS concern, my supervisor could also initiate the referral to FDNS.

38. I know from my detail experience as an Acting FDNS-IO that very often an "articulable link" is not identified, but so long as "indicators" are present, a case is put in CARRP, entered in FDNS-DS, and labeled a NS concern "not confirmed." Any case where an "articulable link" is present is deemed to have a "confirmed" NS concern. Upon completion of each stage of CARRP, USCIS staff are instructed to update FDNS-DS to indicate whether a concern is "confirmed" or "not confirmed."

39. In theory, part of the FDNS-IO's objective when conducting vetting of the "not confirmed" NS concern was to establish an "articulable link" to the person. The additional vetting and deconfliction processes could reveal derogatory information that could confirm the existence of an articulable link. However, in my experience, it was rare that an asylum applicant's "articulable link" could be confirmed through the CARRP process itself because the NS indicators were usually based on the applicant's responses in their application or interview. Therefore, when the articulable link was not confirmed, the assumption was always that the asylum officer just hadn't discovered the information *yet*, but could *eventually*, through additional follow-up interviews. For this reason, cases rarely moved from NS concern "not confirmed" to NS concern "confirmed." Even where the concern could not be confirmed and the link articulated, the case would remain in CARRP out of an abundance of caution because a link might exist and potentially be discovered in the future. This is one way in which I believe over time USCIS has only expanded its application of CARRP—sweeping in far more people based on the thinnest indication of a concern and based on an officer's own subjective assessment. The

discovery I reviewed in this case further demonstrates that the majority of non-KST NS concerns are "non-confirmed" yet these cases nonetheless remain in CARRP. *See, e.g.*, DEF-00049884 (showing that on April 13, 2016, of the open non-KST cases in FDNS-DS, only 569 were "confirmed," as opposed to 1689 that were "not confirmed" and 243 that were "unresolved.").

40. As the adjudicating asylum officer, I referred many cases to FDNS because there were NS indicators in the applicant's testimony or application. For a handful of these cases I was assigned to conduct a second interview with the applicant after FDNS had initiated CARRP and begun the vetting and deconfliction process. The CARRP cover sheet allowed for asylum officers and FDNS officers to indicate whether the NS concern was confirmed, identify the articulable link, and indicate which steps of the CARRP process had been completed. None of the cases I interviewed and referred for CARRP with an unconfirmed national security concern were ever returned to me with an articulable link confirmed by an FDNS-IO.

41. As the adjudicating asylum officer, I was also assigned to interview cases which were already in CARRP. For some of these cases I conducted the initial interview, and for others I conducted a follow up interview because NS concerns had been identified by a different asylum officer. In most cases, the NS concern was "not confirmed" and it was my responsibility to elicit testimony from the applicant to confirm whether an articulable link existed.

42. The few cases I adjudicated that had a "confirmed" NS concern were cases in which the applicant had testified to having provided material support to a "Tier III organization," which is an undesignated terrorist organization that adjudicators must identify on a case-by-case basis. *See* INA § 212(a)(3)(B)(vi)(III); 8 U.S.C. § 1182(a)(3)(B)(vi)(III). For these cases, I was required to assess whether the applicant qualified for any TRIG exemption and complete the TRIG Exemption Worksheet. If the exemption was granted, the applicant's asylum application could also be granted, and the NS concern would be considered "resolved" in CARRP.

2. The Process of Identifying a NS Concern and Putting a Case in CARRP

43. USCIS has several field offices throughout the United States, each of which is responsible for adjudicating certain case types and which may have jurisdiction over only applications for immigration benefits from applicants living in a limited geographic zone. Each USCIS division and field office has a corresponding Fraud Detection and National Security (FDNS) unit with which they cooperate to identify and refer cases with potential national security concerns for CARRP processing. For instance, the Los Angeles Asylum Office (ZLA), where I worked, had a co-located and dedicated FDNS unit that dealt exclusively with asylum-based cases which arose within ZLA's geographic jurisdiction (Southern California, Southern Nevada, Arizona, Hawaii and Guam). The Los Angeles Asylum Office's FDNS unit had jurisdiction over any case in which an application for asylum was pending with the Los Angeles Asylum Office, or in which asylum had been previously granted by a USCIS asylum office to an applicant applying for lawful permanent residency, naturalization, or some other immigration benefit who currently lived within ZLA's jurisdiction.

44. CARRP processing is a shared responsibility between the adjudicating USCIS office and its corresponding FDNS unit. A notable exception was refugee applications adjudicated overseas by the Refugee Affairs Division. For refugee applications requiring CARRP processing, the Refugee Affairs Division worked with the Security Vetting and Program Integrity (SVPI) unit instead of FDNS, although SVPI and FDNS played similar roles.

45. During my employment at ZLA, there were several stages at which a case may be flagged for CARRP. For instance, when biometrics are collected and the initial background checks are initiated, it may result in an IDENT or FBI Name Check hit containing information regarding a potential NS concern. When additional background checks are completed before or after the asylum interview by either clerical support staff or an asylum officer, the TECS or NCIC results may reveal that the applicant is a KST, or an IDENT or FBI Name Check hit may

contain derogatory information. FDNS occasionally reviewed files prior to the asylum interview and could flag potential NS concerns based on the applicant's declaration or responses to questions on the Form I-589 asylum application form. In most cases, however, NS concerns were flagged due to the applicant's responses to the asylum officer's questions during an asylum interview.

46. As FDNS and the adjudicating asylum officer attempt to determine whether the national security indicators amount to an "articulable link," the case may bounce back and forth between FDNS and the interviewing asylum officers. If either the interviewing officer or the FDNS-IO are not satisfied that no articulable link exists, the applicant may be subjected to multiple interviews over several years.

47. As the adjudicating asylum officer for CARRP cases with NS indicators but no articulable link, I came to understand that the final call regarding whether the applicant had satisfactorily testified and cleared any potential concerns raised by the NS indicators was up to FDNS, and more specifically, the Supervisory FDNS-IO. In my interviews, I would continue to elicit testimony about any NS indicators until I was satisfied that no NS concern existed. However, when the case was reviewed by FDNS, often the Supervisory IO would have additional questions about the applicant's previous testimony or wanted questions phrased differently in case the different phrasing prompted a different response from the applicant. FDNS almost always requested more information and an additional interview if the NS concern remained "not confirmed" by the applicant's testimony.

B. CARRP Subjects Applicants to Unreasonable and Sometimes Indefinite Delays in Processing

48. Cases subject to CARRP generally suffered from significant processing delays, particularly by comparison to the normal adjudicative timeline. In my experience, this was due to FDNS's inability to timely process all of the cases referred for CARRP, especially in light of the

high number of NS concern "not confirmed" cases referred to FDNS, cases being subjected to multiple interviews after eligibility for the benefit has already been established, and because there was no incentive to quickly process cases once they have been placed on a CARRP hold.

49. During much of my tenure at the Asylum Office, I was instructed to flag cases and refer them to FDNS any time NS indicators existed in the file, even if the NS concern was "not confirmed" and I could not clearly articulate a link. Like many other Asylum Officers, I understood that if there were NS indicators in the file, I should cease my work on the case and submit it to FDNS for CARRP processing. It wasn't until I began my FDNS detail in April 2017 that it was clearly explained to me that I was supposed to make a full determination regarding eligibility for asylum and write my assessment of whether to grant, deny or refer the application prior to submitting the case to FDNS. During my second FDNS detail I realized just how much confusion there was about NS confirmed and not-confirmed cases and their placement in CARRP.

50. Two things led me to believe that this confusion was a widespread problem. First, Supervisory FDNS-IO Sallie Dickstein had to expressly tell the FDNS-IOs during a team meeting that any CARRP cases missing assessments should be returned to the interviewing asylum officers so that they could write an assessment prior to continuing CARRP vetting and deconfliction. This indicated that at least several other officers and their supervisors also believed they were not supposed to complete eligibility assessments in cases with NS indicators, but rather were supposed to refer the cases to FDNS without assessments. Secondly, there were constantly mixed messages about whether cases with NS indicators that were "not confirmed" should be in CARRP. Although Sallie's trainings and statements in meetings indicated that cases for which there is no "articulable link" should not be placed in CARRP, open CARRP cases often proceeded through multiple stages of CARRP vetting as "NS not confirmed" and often were never removed from CARRP.

51. The USCIS training materials from discovery I have reviewed also reflect inconsistent messages regarding when cases with NS indicators should be referred to FDNS for CARRP processing. In a "National Security Indicator Training" dated August 2017, the trainer's notes for one slide state, "The actual definition says 'articulable link . . . ' but for the purposes of just initially identifying a concern, [officers should not] worry about whether it rises to the level of articulable link. If there is a sufficient connection . . . to an NS ground, it might be a concern and should be referred." DEF-00259938. On a later slide in the same presentation, the trainer's notes state that if there is a "*suggestion*" that one of the NS grounds is present, adjudications officers should "come talk to you" (presumably referring to the CARRP-trained FDNS officers). DEF-00259942 (emphasis added). A training slide from a presentation titled "Identifying and Documenting NS concerns" (dated December, with the year obscured on the cover page) displays a graphic where "Articulable Link" and "[NS] Indicators" are grouped together. CAR001927. The following slide also indicates that NS indicators and an articulable link are "intervals on the same spectrum," and groups together "Multiple strong indicators / Articulable Link / 'NS Confirmed'" on the far side of the spectrum. CAR001928. This suggests that having multiple strong NS indicators is the same as having an articulable link. The training does not provide a clear benchmark for determining when a case with NS indicators should be referred for CARRP processing. A very similar graphic is reproduced on a slide from a CARRP training by FDNS dated June 2017, except that here, the far side of the spectrum reads only "Articulable Link / 'NS Confirmed'" and omits "Multiple strong indicators." DEF-00145405. Combined with the general fear that USCIS officers have regarding national security issues, these inconsistencies in CARRP trainings contributed towards a culture of over-referring cases for CARRP processing and resulted in CARRP sweeping in large numbers of cases that were "NS not confirmed."

52. Prior to this lawsuit being filed, many CARRP cases were simply placed in filing cabinets, neglected and not adjudicated. The statistics produced to Plaintiffs in discovery for

naturalization and adjustment of status applications reflect that far more applications subjected to CARRP were adjudicated after this lawsuit was filed in January 2017. *See generally* 2020-06_Wagafe_Internal_Data_FY2013-2019_(Confidential_Pursuant_to_Protective_Order).xlsx ("Approval & Denial Rates" tab) (showing that in FY 2018, the number of adjudicated I-485 applications subject to CARRP almost doubled compared to the number adjudicated in FY 2016; and in FY 2018, the number of adjudicated N-400 applications subject to CARRP increased by almost 1.5 times compared to the number adjudicated in FY 2016). This is consistent with my understanding that it was only after this lawsuit was filed that Headquarters took the initiative to work through an increasing backlog and pushed the FDNS offices to process CARRP cases to completion—a process that I participated in during my second detail to FDNS—and many cases finally were resolved and adjudicated.

1. The typical adjudication timeline

53. The USCIS asylum office's standard procedure is to issue a decision regarding an asylum application within two weeks of the interview. At the conclusion of the asylum interview, the asylum officer gives the applicant an appointment to return in two weeks to pick up the decision. This procedure is the same regardless of the outcome of the case; that is, whether the applicant will be granted asylum, denied, or referred to the immigration court.

54. In some cases, the two-week pick-up notice is not issued or is cancelled because the asylum office requires additional time to complete the processing of the case. In those cases, the applicant receives a mail-out notice, indicating that they will receive a decision by mail. This may happen for a variety of reasons including but not limited to: security checks could not be completed within the two-week time frame; the asylum officer had a scheduling conflict that did not allow them to complete the processing of the application; the asylum officer issued a request for additional evidence to the applicant; upon supervisory review, it was determined that a

second interview was required in order to fully assess the applicant's eligibility for asylum; or a hold was placed on the case due to fraud or national security concerns.

55. Except in cases issued an FDNS hold, asylum officers were strongly encouraged to complete adjudications as soon as possible. Supervisory Asylum Officers received monthly reports of the pending cases assigned to each asylum officer, and would specifically flag cases pending longer than 30 days, 60 days, 90 days, and 180 days for the asylum officers they supervised. Failing to adjudicate a case in a timely manner could result in a negative performance evaluation for the asylum officer, and in extreme cases consistently failing to adjudicate in a timely manner could lead to disciplinary action or termination.

56. Asylum adjudications by USCIS will have one of three results: (1) a grant or approval of the asylum application; (2) a denial of asylum; or (3) a referral to immigration court. Occasionally, USCIS will issue a "Recommended Approval" letter in an asylum case. This is reserved for cases in which the applicant is found to be statutorily eligible for asylum but the results of certain background checks are pending. Once the background checks have cleared, the case is approved and an I-94 is created to document the grant of asylee status. Denials and referrals are issued in cases where the adjudicator determines that the applicant is ineligible for asylum. The applicant's immigration status at the time adjudication is completed determines whether an applicant will be denied or referred to immigration court. Denials of asylum applications are issued when an applicant remains in lawful status at the time of adjudication. Applicants then receive a notice of intent to deny (NOID) and an opportunity to respond or submit rebuttal evidence. Applicants are not referred to immigration court after a final denial is issued if they are in lawful status and thus not removable. Applicants who are out of lawful status are issued a Notice to Appear and referred to immigration court. They receive a letter that explains that their referral is not considered final "denial" because adjudication of the asylum application will continue before an immigration judge. Of course, while many asylum applicants

file for asylum while still in lawful nonimmigrant status, in my experience most will have fallen out of lawful status by the time a prolonged CARRP process has completed.

57. The Asylum Division aims to adjudicate asylum applications filed on or after January 4, 1995 and pending within the jurisdiction of a local Asylum Office within 60 days from the date a complete application was filed with USCIS. However, due to a backlog of cases which prevents the Asylum Office from interviewing all asylum applicants within 60 days of filing, many cases are not scheduled for their asylum interview within the 60-day timeframe. USCIS nevertheless aims to issue referrals to immigration court as quickly as possible.

2. The CARRP adjudication timeline

58. There is a markedly different process for cases subject to CARRP. Cases that may result in a grant of asylum status and which are subject to CARRP are placed on hold, referred to FDNS, and removed from the regular processing timelines. For cases on hold for FDNS review, asylum officers are not penalized for the delayed adjudication, even if cases are pending for months or years beyond the date of the initial asylum interview.

59. During my first year as an Asylum Officer, I did not understand how CARRP cases were processed at FDNS. I would generally try to do a complete interview and explore all lines of questioning that might relate to a national security concern, but I erroneously believed that sending a case to FDNS for CARRP processing would help resolve the question of whether a national security concern actually existed. Furthermore, due to the general confusion among adjudicators about CARRP and out of an abundance of caution, other Asylum Officers and I would often flag cases for our supervisors to determine whether the case should be forwarded to FDNS for CARRP.

60. During my tenure at the Asylum Office, it was well known among asylum officers that FDNS had a large backlog of pending CARRP cases. Some cases were delayed because the volume of CARRP cases prohibited the FDNS team from processing them in a timely manner,

and thus cases piled up without being reviewed for months or years at a time. Additionally, CARRP cases often went back and forth between the adjudicating asylum officers and the FDNS team.

61. As a Senior Asylum Officer (from July 2016 to February 2018), I was often asked to conduct a second or third interview for a case that had been previously interviewed by a different asylum officer several years earlier, sometimes as early as 2012. In my experience, even after the conclusion of my asylum interview with an applicant, his or her case would continue to be on a CARRP hold. I did not have the authority to remove a case from CARRP processing or remove the hold, even if my conclusion at the end of the interview was that there was no articulable link. The cases had to return to FDNS so that FDNS could continue CARRP processing and determine whether an articulable link existed and whether the potential NS concerns had been resolved. Although I personally did not have access to data or statistics regarding the length of delay for cases subject to CARRP processing, based on my observations, those cases often remained pending for years after their initial asylum interview.

62. If an applicant established their eligibility for asylum and had an approvable case but either the interviewing officer, their supervisor, or FDNS personnel had some uncertainty regarding a potential national security concern, that case was likely to be passed back and forth between the interviewing asylum officers and FDNS several times until the potential national security concern could be resolved or the case was denied or referred to court. For CARRP cases that were sent to asylum officers for interview after the commencement of CARRP processing, the instructions given to the interviewing asylum officers varied by case. In some cases, I was given verbal instructions either from my Supervisory Asylum Officer, or from Supervisory FDNS-IO Sallie Dickstein, regarding the kinds of issues that should be explored during the interview. In other cases, I was given written instructions or lines of inquiry that had been

prepared by FDNS or another Senior Asylum Officer (during those officers' temporary details to FDNS).

63. Occasionally I was asked to interview an applicant for whom the NS concern was based on classified information to which I was not given access. This last category was the most difficult to interview because I would be provided with general topics, places, or time frames that I should explore with the applicant by the FDNS officer, but I did not know the details regarding the NS indicator and thus often was unable to recognize when a line of questioning was immaterial. Generally, in these cases the NS indicator was contained in a classified FBI Letterhead Memorandum (LHM).

64. Although generally any case that was referred to FDNS and placed on hold could be delayed for months or years, in my experience CARRP cases took significantly longer to complete adjudication, including compared to non-CARRP cases that were referred to and placed on FDNS hold.

65. Not only did cases subjected to CARRP have processing times that were significantly longer than the processing times for non-CARRP cases placed on FDNS holds, they were much more likely to require multiple interviews, which were sometimes years apart.

C. CARRP is Functionally Designed to Deny the Applications of People Flagged as National Security Concerns, However Attenuated or Unproven

66. It was often unclear what FDNS's national security-related concerns were for a particular applicant, especially because there was very little communication from FDNS to Asylum Officers about the nature of the national security concern that needed vetting. For many of the CARRP cases that I interviewed, FDNS did not provide any guidance regarding the nature of the NS concern. I was expected to be able to review the file and the results of the background checks and figure out for myself what the NS indicators were and whether an articulable link existed. This was true even when applicants had been previously interviewed and were scheduled

for a second interview with me. Often my efforts to reach out to the assigned FDNS-IO and inquire about why the case had been set for re-interview were futile because either they did not recall the details of the case or provided only vague instructions to ask more questions about broad topics that could lead to the discovery or confirmation of an NS concern.

67. Sometimes, cases in CARRP processing had associated classified FBI LHMs, and the adjudicating asylum officer was not allowed to know the full contents of the LHM. For instance, I was assigned one case where another asylum officer had interviewed the applicant and written an assessment to grant the application, and a "Recommended Approval" letter had already been received by the applicant more than a year prior. After the Recommended Approval was issued, security checks revealed a classified LHM that appeared to relate to the applicant. I was instructed to conduct a second interview, but since the applicant had received a Recommended Approval, I was told to be careful not to revisit the merits of the claim and only focus on the NS concern. However, I was not allowed to inspect the LHM, and instead had only vague instructions from my supervisor. I was told to inquire about the applicant's living situation and activities in the United States, particularly while he lived at a certain address, who his roommates and visitors were, if he knew his neighbors, and what his interactions with his neighbors were. I suspected that the classified LHM included information regarding an investigation of a person or group that lived in this applicant's apartment complex, but this was not confirmed.[1] My supervisor told me that I could not know the details of the LHM, because we

[1] *See* DEF-00145425–DEF-00145426 (hypothetical includes an FBI LHM indicating that they suspect a terrorist cell to be operating out of an apartment building, with the presenter's notes indicating that the adjudicating officer should open an Non-KST NS concern with a substatus of "NS Not Confirmed" and begin CARRP vetting).

did not want to risk revealing potentially sensitive information during the interview. I also could not inform the applicant that he was in CARRP or that there was an LHM that we believed related to him. I recall the interview being extremely frustrating for both myself and the applicant because it felt like a "fishing expedition" and neither of us knew how the questions I was asking were relevant either to his application or any potential NS concern. At the conclusion of the interview, I returned the case and my interview notes to FDNS in hopes that the applicant's responses resolved their concerns. I do not recall the applicant's country of origin because I didn't interview him regarding the details of his claim, but I believe he was likely from a Middle Eastern country, based on his name, appearance, and the fact that the majority of the cases I interviewed as a Senior AO were from Iran, Iraq, Syria or other Muslim-majority countries.

68. As an adjudicator, I often felt frustrated that despite my best efforts to explore all possible lines of inquiry, there always seemed to be something else that my supervisor or Supervisory FDNS-IO Sallie Dickstein wanted clarified or explored further, causing delays in cases because they had to be re-interviewed. The official guidance regarding CARRP states that "CARRP is the subjective assessment that the individual is a threat." *See* DEF-00045893. The subjective nature of CARRP, coupled with the involvement of multiple USCIS officers each occupying different roles as adjudicator, supervisor, or FDNS officer, inevitably results in situations where different officers have differing opinions regarding whether an individual may be a threat and whether the potential NS concern has been fully explored.

69. [redacted]

[redacted]

70. I thought that the inquiry should have ended there and that his application for asylum should be approved. However, this case was already in CARRP and had to return to FDNS for processing. Sallie Dickstein, however, indicated that she wanted the case to return for a second interview. She asked me to complete the FDNS-side of the CARRP processing on this case during my detail in April 2017. As I was trying to get more clarity from her about what I missed that required a second interview, [redacted]

[2] I was never given a complete list of Tier III organizations; rather, it was my responsibility to know or research which groups were Tier III organizations, or to make that determination that a group was a Tier III organization based on their actions. Trainings occasionally referenced groups that had been previously determined to be Tier III organizations. I recall that the organization was among those identified as Tier III organizations during the Middle East Refugee Processing (MERP) training.

[redacted] That *uncertainty* ultimately led to the case experiencing CARRP-related delays, because an FDNS officer who was not present in the interview and was not responsible for determining the applicant's credibility or eligibility for relief made the *subjective* assessment that the applicant *could be* a threat. This applicant was scheduled for a second interview, but when he checked in for the interview, he notified the window clerk that he had moved to a different region of the United States. The on-duty Supervisory Asylum Officer had the discretion to decide whether to keep jurisdiction over the case even though the applicant had moved outside the jurisdictional boundaries of the Los Angeles Asylum Office. I requested to interview the applicant myself so I could resolve the potential NS concern, and explained that I had conducted the first interview, did the FDNS side of the CARRP processing during my detail, and I wanted to conduct the second interview. Nevertheless, the on-duty supervisor chose to turn the applicant away and have

him rescheduled for an interview in the city he had moved to at a later date – thereby causing an additional delay in his case.

71. I recall working on a second case which demonstrates the complications which arise from having multiple officers make a subjective assessment regarding an applicant, and from shielding the adjudicating officer from the contents of a classified LHM. This case was assigned to me while I was working on the ABC/NACARA team during the spring or summer of 2016. [redacted]

72. The following year, sometime in the spring or summer of 2017, I was asked to conduct a follow up interview with the applicant. I was called into a meeting with Sallie Dickstein, another FDNS-IO named Leslie, Los Angeles Asylum Section Chief Mallory Lynn, and Supervising Asylum Officer Gabriela Nieves. Sallie Dickstein indicated that she had [redacted] Sallie Dickstein was unconvinced, so I asked for more information from the LHM that might help me narrow my line of questioning and resolve the issue to her satisfaction. I learned that [redacted] At first Sallie Dickstein indicated a date, and I responded that both the applicant and her husband were both in the U.S. by that date, so Sallie corrected herself and changed what she said to an earlier date. I indicated that I would continue to ask questions to try to resolve the NS concern, but asked what I should do if I remained unconvinced that the LHM related to her and found her testimony to be credible. Sallie Dickstein instructed me to find a way to deny the case. When the meeting ended, I had a separate conversation with Mallory Lynn and Gabriela Nieves. I again expressed my concern that I did not believe the LHM related to the applicant, and asked what I should do if I continued to find the applicant credible. They instructed me to revisit the issue of hardship and find a way to deny her NACARA claim for failure to establish hardship to her qualifying relatives, and to write it in a legally sufficient manner so that it would pass through review by Asylum Headquarters' NACARA staff. They told me that I should deny the case because that was what Sallie Dickstein wanted. After conducting another interview, I was even more convinced that the LHM did not relate to the applicant, but nevertheless did as instructed. I applied the hardship

standard in a very strict manner and denied the case, even though I knew our office regularly granted NACARA cases with equal or lesser hardship facts. Thus, the denial was processed as though it was a denial based on the merits of the case, although in reality the denial was pretextual and based purely on an "unresolved" national security concern that could not be confirmed. Although I as the adjudicating officer had found the applicant credible and eligible for the benefit sought, the subjective assessment of the Supervisory FDNS-IO ultimately determined the outcome in the case.

73. According to the CARRP training materials I reviewed, it appears that [redacted]. *See* DEF-00145430. I believe the adjudication outcome may have been different if the case had never been placed in CARRP, because the suggestion of national security concerns generally makes adjudicators, supervisors and FDNS officers less likely to give applicants the benefit of the doubt.

1. Multiple Interviews to Find a Way to Deny

74. In the asylum context, when an applicant is not subject to a mandatory bar to asylum and has otherwise established prima facie eligibility for asylum, it is extremely difficult to justify a discretionary denial of asylum. At the same time, however, asylum cases will not be granted as long as a potential NS concern remains unresolved and unconfirmed. This explains why so many CARRP cases, including cases with NS not confirmed, may end up with a negative credibility decision and denial or referral.

75. In my experience, most CARRP cases for which there existed NS indicators but remained as NS concern "not confirmed" because the concern could not be resolved one way or the other ended in a referral to the immigration court after multiple asylum interviews. In general, these were cases for which there was a prima facie asylum claim; that is, the applicant demonstrated that he or she met the statutory criteria for asylum. The later interviews were often

used to revisit earlier parts of an applicant's testimony for the purpose of eliciting further detail to find inconsistencies that would provide a way for an adjudicator to say the applicant was not credible (and thus deny on that ground and refer to immigration court). For applicants suffering from post-traumatic stress disorder based on their persecution, or for any applicant who was being asked to recall in great detail events that occurred several years prior, it was very likely that lapses in memory would occur and cause them to recount their testimony in slightly different ways.

76. Moreover, once an applicant has been flagged as having a potential NS concern, FDNS officers, Asylum Officers, and supervisors all approach the case with caution. Each party worries about the possibility of granting asylum to an applicant who later goes on to commit an act of terrorism. I recall this being a frequent topic of conversation every time an act of domestic terrorism was in the news. The CARRP training materials themselves instill fear and bias in the adjudicating officers. For example, one training slide from a CARRP presentation by FDNS in June 2017 invokes "The New York Times Test," asking, "Consider your actions and how they would be perceived if they were documented on the cover of the New York Times?" and "The Sole Proprietorship Principle," which it describes as, "If you're the only person who knows a thing, you'll be the only person blamed when that thing goes wrong—in other words: act like you're the first person that's seen something and determine the appropriate course of action." DEF-00145418. The following slide states, "There's no such thing as zero risk." DEF-00145419. As a result, if there was uncertainty whether an articulable link existed, asylum officers generally erred on the side of keeping the case under a CARRP hold or referring it to immigration court even when the applicant had established *prima facie* eligibility for asylum

77. Often when I was assigned a CARRP case where the applicant had previously been interviewed, there was little to no instruction from FDNS regarding suggested lines of questioning or particular issues to explore. Asylum Officers regularly sought guidance from

more experienced Asylum Officers, asked for sample assessments dealing with novel issues or particular types of claims, or asked about country conditions and issues to watch out for when interviewing cases from a particular country. Although one could ask a supervisor for guidance, sometimes it felt "safer" or more comfortable to ask a peer, because if you "figured it out" it seemed less likely you'd be penalized in your performance evaluation for your lack of "technical knowledge." Several times I heard more experienced asylum officers, including Senior Asylum Officers, saying that the best way to "get rid of" a CARRP case was just to find the applicant not credible and write a denial or referral assessment. Sometimes the instruction to use a negative credibility finding to close out a CARRP case was explicit; other times the comment was made in a joking manner. Ultimately, I came to understand that CARRP cases that had been interviewed multiple times and kept getting sent back for interview would likely never be deemed "resolved" by FDNS, and FDNS would keep asking for re-interviews as long as the applicant did not openly admit to facts that made them subject to a mandatory bar or terrorism-related inadmissibility grounds (TRIG) under the INA. Often I fell into line, like so many other Asylum Officers, and used these interviews as an opportunity to revisit issues already discussed in the applicant's prior testimony in hopes that I could identify enough inconsistencies to deny or refer the case based on lack of credibility.

78. When an applicant undergoing the CARRP process has been subjected to several interviews and has not admitted facts that "confirm" the potential NS concern, it is more likely that officers will be asked to focus on finding inconsistencies in the applicants' testimony. For example, in one CARRP case I conducted the fourth interview and was the third asylum officer assigned to the case. I reviewed the prior interview notes and the CARRP cover sheet, but I was unsure how to handle the case because the NS concern was not confirmed and the record showed that after his first interview, [redacted]

[redacted] Although the applicant had been subjected to hours of in-depth questioning in three separate interviews, FDNS had found his responses and explanations either unsatisfactory or unconvincing. Though no derogatory information was discovered through the CARRP internal and external deconfliction processes, his case was returned for a fourth interview. His responses to the questions about his business generally [redacted]. By then, I understood that as long as his responses left any element of doubt as to [redacted], his NS concern would remain unresolved in CARRP. This seemed inherently unfair, because if he had [redacted]. There were several inconsistencies in the testimony he gave to the two prior asylum officers, but I did not think I could issue a negative credibility finding because any inconsistencies in his testimony could be [redacted]. When I approached my supervisor at that time, Kristin Averill, she indicated that I should confront him about the inconsistencies in the prior interviews and write a negative credibility finding—despite the medical evidence regarding his [redacted]. The exchanges with my supervisor, as well as the fact that FDNS was returning the case for a fourth

interview, led me to believe that the only acceptable outcome to FDNS was a referral to the immigration court, and the simplest way to reach that outcome was to find the applicant had not testified credibly due to the inconsistencies that arose during his four interviews.

79. In my experience, Supervisory Asylum Officers were only supposed to review cases as a form of quality control, to ensure that Asylum Officers are issuing decisions that were legally sufficient and supported by the record. It was not until I became a Senior Asylum Officer and started working on more CARRP cases and cases from the Middle East and Muslim-majority countries that I had a Supervisory Asylum Officer instruct me to reverse my decision or reach a specific outcome in my assessment. It was then that I realized that Supervisory Asylum Officers sometimes explicitly recommended that the Asylum Officers under their supervision issue negative credibility findings for CARRP cases that required multiple interviews.

80. I recall two CARRP cases where I was explicitly told by my supervisor that I should issue a negative credibility finding, against my own judgment. The first was the applicant [redacted], detailed above. The second was the case of a Middle Eastern physician. He had filed his application and attended his initial asylum interview alone, without counsel and without an interpreter. However, during the interview it became clear that he and the interviewing officer were having trouble understanding each other in English without an interpreter. His asylum application was also full of obvious grammatical and spelling errors. By the time he was scheduled for an interview with me, he had filed a legal action, hired an immigration attorney and obtained an interpreter. He testified that he [redacted]. I believe that the "red flags" that led to his case being referred for CARRP were likely [redacted]. By the end of the

interview, I had found him credible despite some inconsistencies between his testimony and written responses in the asylum application, in part because they were reasonable translation errors and he had filed *pro se*. Significantly, I did not believe there were any articulable links to national security issues or that he had provided material support for terrorist activities. Even if he [redacted]. Thus, I wrote an assessment to grant asylum and returned the case to my supervisor. Several weeks later, the file was returned to me, and I received an email from Supervisory Asylum Officer Anthony Aboseif instructing me to write the decision with a negative credibility finding based on approximately three inconsistencies he had identified. I was taken aback by the email instructions because none of my other supervisors had ever instructed me in writing to reverse a decision. With prior Supervisory AOs, I had at least been given the opportunity to discuss the case with them and defend my position. Although I was a Senior Asylum Officer, had been employed with USCIS for over two years, and felt confident in my assessment of the case, I did not feel that I had any choice but to change my decision, as instructed. I attempted to re-write my assessment to make a negative credibility finding, but delayed submitting a new assessment to my supervisor because I was uncomfortable making the requested changes. I held on to the case for weeks, possibly months, without re-writing the decision. In January or February 2018, soon after I tendered my resignation, I wrote a detailed memo to my supervisor explaining how each of the credibility concerns raised had been addressed in the interview and my reasons for finding the applicant's explanations reasonable or for finding the inconsistency was not material to the asylum claim. I left my position at the Asylum Office on February 16, 2018, and therefore I do not know if the case was processed as a grant, was given to another officer to write the negative credibility assessment, or if it remains pending in CARRP to this day.

81. In the Los Angeles Asylum Office, cases that had been flagged for CARRP were often assigned to a Senior Asylum Officer for a second interview after the first interviewing officer had referred the case to FDNS. There was an assumption among staff at ZLA that cases were assigned to Senior Asylum Officers so that they could deny or refer the cases to immigration court. Many of the officers who were promoted to the position of Senior Asylum Officer had the reputation of having high case denial rates or of taking pride in issuing negative credibility findings. During my first week of interviews as a Senior Asylum Officer, Kimberly Trinh, who was my supervisor at the time but has since been promoted to Section Chief, pulled me aside and assured me that even though people assume that the job of a Senior AO is to deny cases, it was not true and that I was still allowed to grant asylum. While ultimately this was true, and I certainly granted asylum cases after becoming a Senior Asylum Officer, I found that grants for applicants from Muslim-majority countries were more closely scrutinized by my supervisors than denials or referrals. Additionally, my conversations with the other Senior Asylum Officers led me to believe that their reputations for denying cases were well-deserved as they generally denied more cases than they granted, and some of them reveled in their ability to "cred out" applicants and issue negative credibility decisions.

82. These and other experiences with CARRP cases lead me to believe that once a case is placed in CARRP, it is unlikely to be approved or taken off a CARRP hold due to a combination of adjudicators, supervisors, and FDNS-IO's fears and biases. In cases with NS indicators that remain "NS not confirmed" and that do not have a clear "articulable link," there is a push to adjudicate the case in any manner which does not involve approving the application. Finding ways to deny or refer cases to immigration court is wholly consistent with CARRP training materials I reviewed, which instruct officers to "find a way to not have to approve." *See* DEF-00063663.

D. Applicants from Muslim-Majority Countries are Most Targeted under CARRP

83. Much of the CARRP training and processing materials make no facial reference to specific countries or groups of applicants. However, in my experience, the overwhelming majority of applicants subjected to CARRP in the asylum context are from Muslim-majority countries.

84. When I was employed at USCIS, the Refugee, Asylum, and International Operations (RAIO) Division of USCIS had developed a training for refugee and asylum officers called the Middle East Refugee Processing (MERP) training. The four-day training focused on national security issues arising in refugee applications for citizens of Iran, Iraq and Syria. The training covered the basics of CARRP processing in the refugee context, provided a demographic overview of each country, identified common grounds for refugee status for each country, and focused heavily on the history and country conditions of each country which could raise "red flags" regarding the persecutor bar to asylum and national security indicators. The training provided a timeline of significant political events, information regarding the military and other armed groups operating in each country, provided examples of country-specific fact patterns that could lead to a national security concern, and identified and described some of the Tier I and Tier III terrorist organizations that were known to operate in the region. This training did not include any sessions on implicit bias, Islamophobia, cultural competency, or related topics.

85. During this training I was provided several adjudicative aids, guides and handouts, including one that was referred to as the "CARRP Lines of Inquiry." At the Los Angeles Asylum Office, it was clear that more experienced officers were sent to this training and subsequently assigned more cases from Iran, Iraq and Syria when they returned to the asylum interview rotation. I attended the training in July 2016. Once I completed the training, my caseload consisted heavily of cases from Iran, Iraq, and Syria, and in preparing and adjudicating those cases I relied heavily upon the information given to me during the MERP training. At no

point during my tenure at the asylum office was I provided with such in-depth training regarding any other country.

86. Not only was I provided with additional training specifically for Iran, Iraq, and Syria, but the feedback received from my supervisors regarding applications from these countries, and other Muslim-majority countries, consistently led me to conclude that I was expected to scrutinize such applications more closely for national security indicators than applications from other non-Muslim countries. When I first started adjudicating cases from the Middle East, I did not initially understand the level of scrutiny and detailed questioning that was expected because it was such a stark departure from how applications from other countries were handled.

87. The first few interviews I conducted for applicants from these countries were very similar to the interviews I conducted for applicants from any other country, with comparable amounts of detail. However, when I received feedback from my supervisor it became clear that when adjudicating applications from Iran, Iraq, Syria and other Muslim-majority countries I was expected to not only ask detailed questions about the central parts of the claim, but that I was expected to ask additional screening questions informed by a more in-depth knowledge of country conditions and the presence and activities of known terrorist groups or armed groups in that geographic area—questions I did not ordinarily ask when interviewing applicants from other countries.

88. The first handful of cases I adjudicated had to be re-interviewed either by myself or another asylum officer to follow up on lines of questioning my supervisor believed could lead to a national security concern. I soon learned to incorporate the CARRP lines of inquiry that I received at the MERP training into my interview template for Muslim-majority countries, and to specifically research the presence of terrorist groups and armed groups and their movements and geographic spheres of influence prior to the interviews. I would rely the MERP training

materials, my own online research, and maps showing how certain geographic locations changed over time from being government-controlled to falling under the control of an armed group (such as The Islamic State of Iraq and the Levant (ISIL) or Jaysh al-Mahdi). For applicants from Central American, Asian, or European countries where there was no obvious threat from terrorist groups, my asylum interviews would generally take one to two hours. However, after adding the additional lines of inquiry for applicants from countries like Iran, Iraq, Syria, Afghanistan, and Egypt, those interviews were more likely to take three or four hours or longer, although the legal basis for the asylum claims was generally straightforward. And from experience I knew I could not avoid asking additional lines of questions to applicants from Muslim or Middle Eastern countries, because if I did not do so, my supervisor or FDNS would require that I or another asylum officer re-interview the applicant.

89. Applicants from countries with a known presence of groups that have been designated as Tier I or Tier II terrorist groups by the U.S. Department of State, as well as those who have lived in or travelled through those countries, were very likely to be subjected to CARRP processing. Even assuming the applicant had not directly supported terrorist activities or groups, their mere presence in or connections to terrorist-occupied areas resulted in extreme scrutiny. [redacted]

90. [redacted]

91. [redacted]. Thus, when these applicants were interviewed, the questions they were asked went far beyond their eligibility for asylum; rather, these applicants were asked in-depth questions regarding [redacted]. Asylum officers were often expected to spend hours exploring these areas in an interview, and subsequently attempting to corroborate or contradict their testimony through open source searches and background checks.

92. During the internal vetting stage of CARRP, FDNS-IOs may conduct open source research as a means of obtaining any relevant information to support the adjudication. Thus, during my detail as an Acting FDNS-IO, I could spend a seemingly unlimited amount of time

searching open source materials on the internet to corroborate or contradict the applicant's testimony during the asylum interview. For some of the fourteen (14) cases I was assigned during my second detail, I developed lines of inquiry to aid the asylum officer in a follow-up interview. I conducted country-specific research based on the events referenced in the application and interview notes. [redacted] Although this research never uncovered derogatory information that confirmed an NS concern or articulable link, the details could be used by an officer to further probe the applicant's credibility during a second or third interview. I also observed other FDNS-IOs, including other Senior Asylum Officers on detail to FDNS, doing similar research and creating lines of inquiry for the CARRP cases they worked on. Although it wasn't the express purpose of the internal vetting, the research conducted in this stage often set the groundwork for probing the applicant's credibility and later issuing a negative credibility finding in order to issue a denial or referral. During my detail I was praised by Supervisory FDNS-IO Sallie Dickstein for completing such detailed research and developing extensive lines of inquiry. This is consistent with the rest of my observations that asylum officers received both direct and indirect messages from USCIS leadership that they should find a way to deny or refer CARRP cases, rather than approve them. *See, e.g.*, DEF-00063663 (indicating officers should "find a way to not have to approve" cases with unresolved NS concerns); DEF-00063686 ("Are we normally going to deny

for failure to notify of a change of address, returning to one's country of claimed persecution, or lack of attachment? Not normally—but in CARRP, we don't take anything off the table.")

E. CARRP Far Exceeds the Scope of the Statutory Framework for Eligibility Based on National Security Concerns Established by Congress

93. Congress set forth in the Immigration and Nationality Act (INA) the framework for how national security concerns affect eligibility for immigration benefits. Those provisions determine when a person is inadmissible to or removable from the United States. *See* INA §§ 212(a)(3)(A), (B), (F); 237(a)(4)(A)–(B). Section 212(a)(3)(A) relates to grounds of inadmissibility that include conduct such as espionage or sabotage, violating or evading laws relating to the export of goods, technology or sensitive information. Section 212(a)(3)(F) makes inadmissible an alien who either the Secretary of State or Secretary of Homeland Security (in consultation with the other) determines meets both of the following criteria: they have been associated with a terrorist organization; and while in the U.S., intend to engage in activities which could endanger the welfare, safety, or security of the U.S. Section 212(a)(3)(B) includes what are referred to as the terrorism-related inadmissibility grounds (TRIG). This section consists of four basic areas: the inadmissibility grounds themselves (INA § 212(a)(3)(B)(i)); the definition of "terrorist activity" (INA § 212(a)(3)(B)(iii)); the definition of "engaging in terrorist activity" (INA § 212(a)(3)(B)(iv)); and the definition of "terrorist organization" (INA § 212(a)(3)(B)(vi)). Finally, INA section 237(a)(4)(A) and (B) generally describe classes of deportable aliens based on identical national security grounds. The TRIG grounds of inadmissibility are also grounds of deportability because INA § 237(a)(4)(B) states that "[a]ny alien who is described in subparagraph (B) or (F) of section 1182(a)(3) of this title is deportable."

94. CARRP far exceeds the statutory framework set out by Congress by establishing an agency-wide policy that defines NS concerns far more broadly than the statute; is applied to a

wide range of immigration benefit applications, including those where admissibility is not part of the eligibility determination; and that instructs officers to find any way to deny the case, even where the person is statutorily eligible for the benefit sought, by imposing structural barriers to approving a case as long as it is flagged as a NS concern.

95. One clear example of the way that the program exceeds the statute is the interaction between TRIG and CARRP. As is demonstrated by USCIS training materials at DEF-00231014, a case may be identified as a CARRP concern, but not as a TRIG concern. Or, a case may be identified as TRIG but be eligible for a TRIG waiver (for example, because the person was deemed to have only provided material support to a terrorist organization under duress). While that ends the TRIG inquiry, if a case is flagged under CARRP, USCIS officers are instructed to continue to look for any other national security concern or any reason not to approve. *See* DEF-00231016; DEF-00063663. The significance of these distinctions is that a person who is subject to TRIG is *statutorily* ineligible for the benefit they seek because they are inadmissible. In contrast, a person subject to CARRP, but not TRIG, is in many cases statutorily *eligible* for the benefit sought, but nevertheless may remain stuck in CARRP for months or years—a reflection of how CARRP is unmoored from the statute and sweeps far more broadly.

96. Interestingly, USCIS's CARRP training materials reflects internal confusion about the difference between TRIG and cases subject to CARRP. *Compare* DEF-00231014 (October 2015 CARRP training presentation) with DEF-00158858 (at slide 54) (June 2017 CARRP training presentation). The October 2015 training slide shows concentric circles indicating that all TRIG cases are CARRP cases, with CARRP casting a wider net. In contrast, the June 2017 training slide shows a Venn diagram with two overlapping circles, suggesting that some cases are only in TRIG, some cases are only in CARRP, and some cases overlap. The training that utilizes the Venn diagram fails to clarify for the trainees that "TRIG cases are not considered CARRP unless the applicant is found to be ineligible for an exemption." *See* DEF-

0080071. These inconsistent training modules inevitably contribute to USCIS officer confusion regarding the relationship between TRIG and CARRP, even though an April 2014 email exchange from Jaime Benavides to Cherie Lombardi indicates that it had already "come to [USCIS's] attention that there may be pre-CARRP TRIG cases incorrectly loaded into FDNS-DS." DEF-0080071. In light of all this, it is unsurprising that USCIS officers continued to prematurely refer cases to FDNS for CARRP processing.

F. CARRP Allows Little to No Transparency with Applicants whose Cases have been Subjected to CARRP

97. There are no procedures to inform applicants when their asylum applications become subject to CARRP processing, and I was explicitly instructed to not share that applicants were subject to CARRP. If an applicant was referred for CARRP processing after their asylum interview, the only indication they received was a mail-out notice, stating that they would not be required to pick up their decision from the asylum office in two weeks. And because there were a variety of reasons a mail-out notice might be issued, the mere fact that an applicant received a mail-out notice was at best circumstantial evidence that he or she might have been placed in CARRP processing.

98. Experienced attorneys may recognize when their client is subject to CARRP based on the long delays in the case and the types of questions asked by asylum officers during subsequent interviews. However, there was no formal notice given to the applicant or their counsel when a case is referred for CARRP processing. Any inquiries made to the Asylum Office were generally answered in vague terms, indicating that the case was still being processed or was pending security checks. Even when applicants were scheduled for a follow-up interview, any coversheet or notes indicating that they were in CARRP processing were supposed to be covered or generally kept out of sight from the applicant and their counsel.

99. Notably, I do not recall receiving any training materials containing instructions on how to write a denial based on national security concerns that did not fall under the terrorism related inadmissibility grounds (TRIG) or other mandatory bars to asylum. Asylum officers have a duty to be neutral and unbiased in their adjudications, to consider the particular facts of each case, to give appropriate weight to each piece of evidence, and to apply the law. Additionally, they are required to write concise, well-reasoned decisions that allow for review and transparency, and provide a meaningful opportunity to respond, when applicable. However, once an application was subjected to CARRP, there was little chance that the applicant would ever learn the details of the NS concern associated with them, nor ever given a meaningful opportunity to respond.

100. As explained, asylum applications may either be approved, denied (if the applicant remains in lawful status), or referred to immigration court (if the applicant has no lawful status to fall back on). Referrals are not considered final "denials" because adjudication of the asylum application continues before an immigration judge. Therefore, when a case is referred USCIS is not required to provide an opportunity for the applicant to provide rebuttal evidence or challenge the legal analysis.

101. Furthermore, in my experience, the Department of Homeland Security will not provide an unredacted copy of an Assessment to Refer an asylum case—even in response to a FOIA—regardless of whether the case was processed in CARRP. Consequently, most asylum applicants will never know the details of the legal analysis that resulted in their referral to immigration court. Even if the assessment were shared with the applicants, it would never include a reference to CARRP because CARRP uses the statutory grounds of inadmissibility merely as a guide to determining what constitutes a national security concern, and does not itself provide a standard that can be applied in a legal analysis. As indicated above, it is very likely that the adjudicating officer found another way to refer the case because the NS concern could not be

confirmed or could not be resolved. In the asylum context the easiest way to deny an otherwise eligible applicant is to find they had not testified credibly, often as a result of small inconsistencies across multiple interviews as previously explained. So, the assessment to refer is exceedingly unlikely to mention CARRP or national security concerns at all, and far more likely to discuss only the inconsistencies upon which the negative credibility finding is based.

102. The CARRP program makes it essentially impossible for an adjudicating officer to meet the requirements of the law to provide transparent legal assessments and an opportunity for an applicant to respond to, or rebut, any grounds for denial. This is especially the case when the officer is required by their supervisor or FDNS leadership to deny applications based on national security concerns other than those falling under TRIG, applicable grounds of inadmissibility or removability, or mandatory bars to asylum. As explained, if an applicant is not granted asylum but they remain in lawful immigration status at the time adjudication is completed, then they are issued a Notice of Intent to Deny that explains the factual and legal grounds for denial. If the record contains sufficient evidence to find that an applicant was actually inadmissible pursuant to INA sections 212(a)(3)(A), (B), or (F), or removable pursuant to INA section 237(a)(4)(A) or (B), then that would constitute an articulable basis for denial. However, because CARRP sweeps more broadly than the statute, and relies on subjective assessments of whether an individual constitutes a threat to national security rather than strict application of the law, it fails to provide adjudicators with a clear standard to apply and upon which to base their assessments. Additionally, when an NS concern is confirmed through external vetting, it is very likely that the law enforcement agencies that confirmed the existence of the NS concern do not want to disclose details regarding their investigation with the subject. Consequently, when NS confirmed cases are otherwise approvable, USCIS officers must look for any "way to not have to approve" the case, thereby concealing the true reason for denial from the applicant. DEF-00063663; *see also* CAR001289–CAR001290 ("If we've confirmed our NS

concern, we don't really want to approve, so what do we do? . . . *Lead Vetting* is the act of building a separate evidentiary basis for a decision.").

V. Opinions and Conclusions

103. Based on my background and experience in the field, as well as the documents I have reviewed, I have developed the following opinions and conclusions:

104. In its application, the CARRP program unfairly targets applicants who are citizens of Muslim-majority countries, particularly in the Middle East. Officers are encouraged to apply stricter standards for such applicants than for those from non-Muslim countries and, in the asylum context, are provided with country-specific trainings and guides that focus on Muslim-majority countries, such as Iran, Iraq, and Syria.

105. The CARRP program encourages officers to apply subjective criteria for determining which applicants constitute a threat to national security. Simultaneously, CARRP trainings instill fear and biases in officers, which makes it more likely they will treat applicants with distrust and suspicion. Whenever incidents of domestic terrorism occurred during my employment with USCIS, Asylum Officers would discuss the suspect's immigration status and how they obtained their visa or lawful status in the United States. Asylum Officers and supervisors constantly worried that the perpetrator might have been admitted through the refugee or asylum programs. Officers expressed a fear of finding out that they wrote, or signed off on, the assessment that granted status to a person who committed acts of terrorism after being granted asylum. This sense of fear and desire to avoid negative publicity relating to immigrants granted asylum was encouraged in CARRP trainings that promoted the application of the "*New York Times* Test," and emphasized that there is "never zero risk." *See* DEF-00145418–DEF-00145419. Consequently, asylum officers err on the side of caution when there is any doubt regarding whether an NS concern exists and prefer to keep a case pending under a CARRP hold, or refer it to immigration court, than to grant asylum to an unconfirmed potential terrorist.

106. CARRP inappropriately allows other USCIS officers to substitute or overrule an adjudicating asylum officer's assessment based on their subjective assessment of threat, unrelated to the applicable legal standards in the case and despite the fact that the adjudicating officer is best situated to assess an applicant's credibility and candor.

107. USCIS officers have no incentive to attempt to grant benefits to applicants who have been subjected to CARRP. Once a case is placed on a CARRP hold, there is no policy regarding what constitutes an acceptable timeline for completing CARRP processing. There are no limits on the number of interviews an applicant can be subjected to while the interviewing officer and FDNS attempt to elicit testimony that will confirm their suspicion that an NS concern exists. When cases with NS indicators are recommended for approval, those decisions are closely scrutinized by supervisory officers, and if the supervisory officer reverses the grant recommendation because his or her subjective assessment of the case reaches a different conclusion, it is likely to negatively affect the adjudicating officer's performance evaluation. USCIS officers are trained to look at cases with NS indicators with suspicion and search for reasons to deny or refer a case, or to look for additional NS indicators, even after the initial NS concern has been resolved.

108. It is also my opinion that the CARRP program has become more expansive than USCIS policy suggests. While the CARRP policy requires an "articulable link," cases are often subject to CARRP when an "articulable link" is not established, so long as there are indicators of an NS concern. Not only are adjudication officers confused about which cases should be subjected to CARRP, but USCIS's own training materials reveal confusion among USCIS leadership. This contributes to a culture of being overly inclusive in CARRP and subjecting cases that do not have an "articulable link" to CARRP processing.

109. CARRP exceeds the statutory framework for assessing eligibility based on national security concerns as established by Congress. CARRP inappropriately uses its own

broad definition of what constitutes a national security concern and applies a subjective standard rather than applying the statutory framework created by Congress. USCIS officers' subjective assessment regarding whether a national security concern exists becomes an excuse for delaying, and often denying, even when the applicant is eligible and/or legally entitled to the immigration benefit. CARRP allows officers to label individuals as possible "national security concerns" based on profiling criteria, subjective inferences, and unproven suspicions that are very difficult, if not impossible, to overcome. This is especially so because applicants are not informed when a national security concern exists that does not rise to the level of triggering one of the statutory inadmissibility or removability grounds. In my experience, once USCIS determines that a potential NS concern exists and subjects an application to CARRP, it is very difficult for the concern to be "resolved," as in many cases it is difficult to confirm whether a national security concern exists, absent an admission by the applicant.

110. CARRP is not an effective means for identifying national security concerns. In asylum cases, for instance, NS indicators usually originate from the individual's application and testimony. Testimony-based NS concerns are rarely, if ever, confirmed through internal or external vetting and deconflicting processes. Adjudicators already have the authority to explore concerns relating to the national security grounds of inadmissibility or removability, and there are statutory guidelines establishing the standards of proof required to find that an applicant is ineligible or barred from receiving the benefit sought. CARRP adds an extra barrier to obtaining an immigration benefit without adding value to the adjudication.

111. CARRP is also unnecessary in cases where NS concerns arise out of background and security checks and from the records of law enforcement agencies, including in adjustment of status and naturalization cases. First, the standard USCIS background checks are likely to reveal the existence of a record independent of the CARRP process. Accordingly, even outside the CARRP process, FDNS may have a role in contacting other agencies to determine whether

the record contains derogatory information. If the records contain evidence that one of the TRIG or national security ground apply, then that may be used in the standard adjudicatory process to find an applicant ineligible for immigration benefits. However, if the records contain only indications that the applicant is the subject of an investigation, allowing CARRP process to dictate the outcome in such cases holds applicants to a stricter standard than intended by Congress. In addition to the TRIG and national security grounds, Congress included criminal grounds of inadmissibility and removability in the INA. Such criminal grounds most often require a conviction, not merely a suspicion that an individual may have committed an offense. CARRP treats applicants for benefits who have no confirmed criminal history worse than those with criminal convictions because it does not adhere to any legal standard that can be applied in an equitable way, or in a manner that is consistent with the INA and case law.

112. The background and security checks conducted during the internal and external vetting stages of CARRP are duplicative of checks conducted through normal adjudications. Any additional systems or database checks could be required of the adjudicating officers without subjecting a case to CARRP. In the asylum context, the deconfliction process was often a futile exercise because there were no existing records relating to the applicant whose NS indicators arose from their testimony and application. Thus, the deconfliction stage could be eliminated for cases in which the background and security checks did not reveal a "hit" on the applicant. FDNS could impose a new process by which all cases with records in TECS, NCIC, FBI and other databases, not just cases with NS concerns, are referred to FDNS for deconfliction. When the deconfliction does not reveal derogatory information about the applicant, FDNS's inquiry should end and the case should be released to the adjudicating officer to complete normal case processing. Where FDNS's outreach to the TECS record owner or Joint Terrorism Task Force contacts reveals derogatory information, this information should be made available to, not

concealed from, the adjudicating officer so that they may assess whether the information impacts the applicant's eligibility for the benefit sought.

113. CARRP cases are subjected to unreasonably long delays in adjudication, and may subject an applicant to multiple interviews with little justification. First, USCIS should not be permitted to places cases on a hold indefinitely. A 180-day grace period beyond USCIS's publicly-reported processing times or statutorily-defined processing times should allow sufficient time for FDNS to complete any required vetting or deconfliction and for the case to be adjudicated. Additionally, when the adjudicating officer's original assessment is to grant the immigration benefit, and that an applicant testified credibly and met the evidentiary standard, any subsequent change to that assessment should be based only on a legal deficiency in the original assessment or because there is *substantial evidence* that the applicant is statutorily barred, rather than just a *suspicion* that they might constitute a threat.

114. There may be rare instances in which USCIS should honor law enforcement requests to withhold or delay adjudication. Such instances should be limited to cases where the law enforcement agency indicates that the applicant's arrest is imminent, and the applicant is believed to become a flight risk if their application is adjudicated. Any continued delay in adjudication beyond 180 days should last only as long as is necessary to request evidence from the applicant to establish that the criminal proceedings or any resulting criminal conviction does not make them ineligible for the benefit sought, in accordance with USCIS's existing policies regarding pending criminal charges.

VI. Prior Expert Testimony

115. I was qualified as an expert and testified at trial in May 2019 in *Gonzalez v. ICE*, No. 13-04416 AB (FFMx) (C.D. Cal.) (consolidated with *Roy v. Cty. of Los Angeles*, No. 12-09012 AB (FFMx) (C.D. Cal.)).

VII. Compensation

116. I am not receiving any compensation for my services as an expert witness in this case. I have agreed to serve as an expert on a pro bono basis for all work in this matter, including deposition and trial testimony. I am subject to reimbursement for all reasonable expenses incurred in the course of my work on this case, if any, such as travel expenses, including the actual costs of transportation, meals, and lodging.

VIII. Publications

117. In the past 10 years, I have authored the following publications:

- M. Brinton Lykes, Erin Sidley, Kalina Brabeck, Cristina Hunter, and Yliana Johansen-Méndez, *Participatory Action Research with Transnational and Mixed Status Families: Understanding and Responding to post-9/11 Threats in Guatemala and the U.S.*, in DEPORTED! RESPONSES TO THE NEW DEPORTATIONS DELIRIUM WITHIN AND BEYOND U.S. BORDERS, Daniel Kanstroom and M. Brinton Lykes, eds., NYU Press (2015)
- Yliana Johansen, *Media, Politics, and Policy: Taking Another Look at the Development of San Francisco's Policies on Immigrant Juvenile Offenders*, 15 UC DAVIS J. JUV. L. & POL'Y 125 (Winter 2011)

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct.

Executed on: March 16, 2020 in Los Angeles, California.

Yliana Johansen-Méndez, Esq.

Exhibit A

YLIANA JOHANSEN-MÉNDEZ

634 S. Spring Street, 10th Floor, Los Angeles, CA 90014 ▪ (213) 634-0950 ▪ Yliana@ImmDef.org

BAR ADMISSION

Supreme Court of the State of California, 2011

EDUCATION

Boston College Law School, Newton, MA
Juris Doctor, May 2011

Occidental College, Los Angeles, CA
Bachelor of Arts in Psychology & Sociology, May 2006

IMMIGRATION LAW EXPERIENCE

Immigrant Defenders Law Center (ImmDef) **Los Angeles, CA**
Legal Services Director May 5, 2019 – Present

Oversee the Children's Representation Project (CRP) and Detained Youth Empowerment Project (DYEP) to ensure that the organization achieves its overall mission to protect the rights of immigrants in removal proceedings. Work collaboratively with the Executive Director, Associate Director, Litigation and Advocacy Director, and the Legal Services Director for Universal Representation Programs to develop the organization's strategic direction and facilitate the integration of ImmDef's strategic framework into the legal departments' work. Engage with key stakeholders, including government agencies, contractors, grantors, donors, community partners and allies. As needed, serve as a spokesperson with the media, and present at public speaking engagements that further ImmDef's mission and legal strategies. Stay up to date on rapidly changing immigration laws and policies in order to develop advocacy and litigation strategies in support of unaccompanied minors. Mentor and support managing attorneys, staff attorneys, paralegals and other legal staff to drive the development and continued improvement of systems, processes, and standards for the team's legal work.

Managing Attorney February 20, 2018 – May 4, 2019

Mentor, supervise and provide support for a team of staff attorneys providing direct representation to unaccompanied minors before the United States Citizenship and Immigration Services (USCIS), Executive Office of Immigration Review (EOIR), and in California state court child welfare, guardianship and custody proceedings. Lead case review sessions and work collaboratively with staff to develop case strategies and litigation tactics. Work to develop and implement policies and procedures that increase effectiveness and efficiency. Provide individual and group training and technical assistance relating to immigration removal defense and applications for immigration benefits including, but not limited to, special immigrant juvenile status, asylum, U-visas, and adjustment of status. Provide direct representation on a limited number of removal defense cases that present complex legal challenges.

University of California – Los Angeles, Law School **Los Angeles, CA**
Lecturer Fall 2018

Co-taught *Introduction to Lawyer-Client Relationship* at UCLA School of Law. This course is the first-year students' foundational clinical course, focusing on the essential aspects of the lawyer-client relationship, including client interviewing, cross-cultural competency, and confidentiality obligations. Led the classroom component of the course, consisting of both large group instruction and small group breakout sessions. Arranged for students to volunteer at Immigrant Defenders Law Center to practice the skills they started developing in the classroom, and provided written and oral feedback regarding their performance on both mock and real client interactions.

U.S. Department of Homeland Security – Citizenship and Immigration Services **Anaheim, CA**
Senior Asylum Officer July 24, 2016 – February 16, 2018

Interviewed and adjudicated asylum applications, conducted credible and reasonable fear screenings, and adjudicated other benefit applications managed by the asylum program, including motions to reopen and reconsider, and applications for NACARA Special Rule Cancellation of Removal. Adjudicated highly complex and high-profile cases involving national security and egregious public safety concerns, novel or unsettled areas of law, or specific vulnerable

populations. Researched legislative history, precedent cases, policies and decisions regarding petitions for immigration benefits. Analyzed information provided in testimony and evidentiary documents to determine credibility and eligibility for the benefit sought. Made final determinations regarding immigration benefits and wrote legal analyses to support my decisions.

Reviewed cases and wrote legal memoranda indicating whether the agency had met its burden of proof for termination of asylum or post-adjustment eligibility review (PAER). Prepared Notices of Intent to Terminate and referred cases to ICE OPLA OCC for issuance of a Notice to Appear (NTA) in removal proceedings. Adjudicated complex NACARA Special Rule Cancellation and ABC de novo asylum applications requiring novel analysis of criminal convictions, grounds of inadmissibility and mandatory bars. Assessed whether basic eligibility requirements are met and issued a discretionary grant of NACARA-based lawful permanent residency to eligible applicants when appropriate.

Mentored Asylum Officers, providing critical technical assistance, guidance and advice for meeting or exceeding goals, standards and objectives, and serving as a subject matter expert in more complex adjudications. Assisted with in-house certification training of new officers by facilitating interview observation and providing sample assessments and interview guides. Provided ad hoc training to Asylum Officers regarding the evaluation of criminal convictions to determine whether offenses trigger grounds of inadmissibility or removability, for purposes of adjudicating affirmative asylum and NACARA applications.

Performed collateral duties including serving as Supervisory Asylum Officer, FDNS Immigration Officer, and as Mock Interview Evaluator at the Asylum Division Officer Training Course (ADOTC). As Acting Supervisory Asylum Officer, oversaw the screening and adjudications of individuals who indicated a credible fear during the expedited removal process, to determine whether they would be allowed to present their claims for asylum and/or withholding of removal and protection under the Convention Against Torture before an immigration judge. Reviewed credible fear and reasonable fear decisions drafted by Asylum Officers to ensure proper application of all relevant guidance. Provided officers with feedback, one-on-one training, and offered suggested lines of questioning when appropriate. Provided technical advice or guidance on subject matters relating to asylum screenings. Prepared case packets for review by Asylum Division Headquarters. Coordinated with federal law enforcement and local detention center staff to ensure efficient case processing. As a Mock Interview Evaluator, observed and evaluated mock interviews to determine whether the Asylum Officers elicited adequately detailed testimony to support a legally sufficient analysis of an asylum claim, and to ensure proper application of all relevant guidance. Provided one-on-one feedback and instruction to Asylum Officers. Evaluated and provided numerical score for final graded interview exams.

Maintained the integrity and security of the immigration system through detection and deterrence of immigration-related fraud and by working closely with USCIS Fraud Detection and National Security (FDNS) Officers, Immigration and Customs Enforcement (ICE) attorneys and agents, and other legal, law enforcement, and intelligence officials. Applied national security and public safety laws, regulations and policies by conducting interviews and security checks, reviewing documents for authenticity, analyzing documentary evidence, and other actions in accordance with established guidelines. Interviewed and adjudicated cases involving fraud, terrorism-related inadmissibility grounds (TRIG), the persecutor bar to asylum, or otherwise being reviewed for national security concerns under the Controlled Application Review and Resolution Program (CARRP). As Acting FDNS Immigration Officer, identified, articulated, and pursued suspected immigration benefit fraud, public safety, and national security concerns by conducting administrative investigations to obtain documents, prepare suggested lines of questioning for future interviews, and make observations that assist decision-making in high-profile, highly-confidential and classified asylum cases. Prepared reports, statements of findings (SOF), memorandums, analyses and other work products on Immigration Fraud, Public Safety, and /or National Security related issues.

U.S. Department of Homeland Security – Citizenship and Immigration Services **Anaheim, CA**
Asylum Officer August 9, 2015 – July 23, 2016

Adjudicated asylum applications, conducted credible and reasonable fear screenings, and adjudicated other benefit applications managed by the asylum program, including motions to reopen and reconsider, and applications for NACARA Special Rule Cancellation of Removal. Reviewed applications and supporting evidence and researched appropriate information provided by the Office of Refugee, Asylum and International Operations, the Department of State, and other sources. Interpreted and applied appropriate policy, regulations, statutes, and precedent decisions to make eligibility determinations; and produced written assessments supporting adjudication decisions. Reviewed information from law enforcement databases and other records to identify individuals who are ineligible for asylum due

to national security, public safety, or other grounds. Considered requests for post-IJ review by reviewing correspondence from applicants and making recommendations to supervisors regarding whether follow-up information gathering is appropriate.

Adjudicated NACARA Special Rule Cancellation and ABC de novo asylum applications, including those requiring the analysis of criminal convictions. Assisted with training other Asylum Officers to adjudicate NACARA claims, with a focus on the immigration consequences of criminal convictions. Provided the NACARA team with criminal-immigration-related resources, including a guide to applying the categorical approach, and a table of criminal offenses and their immigration consequences, developed during previous employment at the Las Vegas Immigration Court.

Achieved the third highest academic standing at the Refugee, Asylum and International Operations Combined Training Course (RAIO-CT) and Asylum Division Officer Training Course (ADOTC) in November 2015. Completed the Middle East Refugee Processing (MERP) training in July 2016.

U.S. Department of Justice – Executive Office for Immigration Review **Las Vegas, NV**
Attorney Advisor – DOJ Honors Program September 16, 2013 – August 8, 2015

Served as the sole legal advisor and judicial law clerk to the Immigration Judges of the Las Vegas Immigration Court. Provided subject matter expertise in a wide variety of immigration law, regulations, policies, and procedures, particularly as it relates to immigration benefit adjudications and grounds of removability. Drafted legal decisions adjudicating removability, custody determinations, and applications for relief including asylum, withholding of removal, protection under the Convention Against Torture, cancellation of removal, motions to reopen, and waivers. Reviewed legal briefs and evidence filed by government counsel and respondents, and drafted orders resolving the matter in dispute. Researched legislative history, regulations, policies, and precedent cases, including decisions of the Board of Immigration Appeals, U.S. Court of Appeals for the Ninth Circuit, and Supreme Court of the United States, regarding immigration petitions and claims, and wrote legal decisions substantiating the rationale for action taken in event of appeal.

Conducted legal research and analysis, and wrote legal decisions regarding complex cases involving national security and egregious public safety concerns, high profile cases, potentially precedent-setting immigration cases involving novel or unsettled areas of law, and cases involving specific vulnerable populations. Wrote immigration benefits decisions that have a substantial impact on a wide range of agencies on the federal, state and local levels.

Evaluated the immigration consequences of federal and state criminal laws by applying the categorical and modified categorical approaches. Analyzed whether convictions constituted aggravated felonies, including crimes of violence and offenses relating to controlled substances, otherwise triggered immigration grounds of inadmissibility or removability, were subject to the petty offense exception.

Analyzed adjudications operations, practices and procedures to make formal recommendations to leadership within the Las Vegas Immigration Court. Developed a Juvenile Docket Resources field guide which included relevant memoranda, regulations, and case law relating to juveniles and unaccompanied minors in removal proceedings. Assisted in the identification, collection and development of materials for a Juvenile Docket Best Practices guide being developed by Assistant Chief Immigration Judge Abigail Price.

Recruited, hired, trained and supervised legal interns who drafted court orders. Assigned work and set priorities based on the priorities of the agency and the difficulty of the assignments. Conducted performance evaluations and provided written appraisals required for interns to obtain academic credit. Created a law student intern training program that consists of seven training modules covering immigration law basics, criminal issues, forms of relief and waivers, motions, bond hearings, and legal research and writing. Independently researched and developed training curriculum and materials. Developed instructions designed to improve the efficiency of operations and promote improved techniques. Evaluated the training program and appropriately implemented changes to training program and strategies.

Spearheaded the development of, and managed the Court's Self-Help Legal Center. Initially proposed the Self-Help Legal Center as a new solution to responding to inquiries from the public in an efficient manner that best utilized court resources, staff time, and balanced the need to provide information to *pro se* applicants without providing legal advice.

Kids in Need of Defense (K.I.N.D.) **Los Angeles, CA**
Equal Justice Works Fellow/Attorney September 6, 2011 – August 15, 2013

Developed a procedural manual for attorneys representing one-parent special immigrant juvenile status (SIJS) cases in the Los Angeles Superior Court, Family Law Division. This one-parent SIJS manual was the first California-based resource in this area of law, and has been made available to the public through the website of the Judicial Council of California. The manual was made widely available to attorneys seeking one-parent SIJS at nonprofits in California and set the groundwork for later advocacy and instructional materials on the subject. The manual contains FAQs, step-by-step instructions, flow-charts and tables that aid in communicating complex legal concepts and procedures.

Provided legal representation to unaccompanied minors in state court and immigration removal proceedings. Petitioned for SIJS, asylum, prosecutorial discretion and deferred action for childhood arrivals (DACA). Conducted intake interviews and provided legal consultations to over 100 children and their families. Advised clients' criminal defense attorneys, or juvenile public defenders, regarding the possible immigration consequences of their pending criminal or juvenile delinquency proceedings. Assisted defense attorneys in identifying criminal charges that would preserve eligibility for immigration benefits, and not trigger bars of inadmissibility or removability. Prepared legal briefs advocating for sensitive and complex hearings and cases involving eligibility for asylum, special immigrant juvenile status, and other immigration benefits.

Mentored pro bono attorneys representing children before the Immigration Court, Family Court, Probate Court, and Juvenile Court. Provided technical guidance to pro bono attorneys preparing legal briefs and client applications for forms of immigration relief available to children, including SIJS, asylum, visas for victims of crimes (U-visas) and trafficking (T-visas), and DACA. Collaborated and networked with non-government community partners serving similar immigrant populations.

Developed training materials, a Volunteer Manual, and Guardianship Manual Supplement for pro bono attorneys. Trained and supervised six University of California, Irvine law student volunteers representing clients in removal proceedings. Each team of two law students appeared before the Los Angeles Immigration Court and successfully obtained relief from removal for their clients, including asylum and DACA.

Boston College Post-Deportation Human Rights Project (PDHRP) **Chestnut Hill, MA**
Law Student Assistant/Organizer (10 hours per week) September 2009 – May 2011

Collaborated on an interdisciplinary project focusing on the design, implementation, and evaluation of participatory Know Your Rights (KYR) workshops with community-based immigrant rights organizations in New England. Organized meetings with community leaders, developed meeting agendas, kept minutes, sent out action item reminders, and translated all notes and correspondence between English and Spanish for consumption by Spanish-speaking community leaders and English-speaking PDHRP attorneys. Developed talking points for KYR workshops, wrote scripts for skits regarding what to do during immigration home and workplace raids and police or immigration checkpoints. Prepared power point presentations complementing the theater-based and participatory workshop. Worked as a liaison between community leaders and PDHRP attorneys to ensure that information distributed and conveyed at KYR workshops reflected the concerns and priorities of the community and also provided legally accurate information relating to Immigration and Nationality law, policies, and procedures. Provided opening and closing remarks in Spanish during KYR workshops and led small group discussions during KYR workshops with a monolingual Spanish speaking audience. Collected data regarding community responses to workshops, transcribed, translated and analyzed community leader discussions regarding the impact and effectiveness of KYR workshops and ongoing areas of concern for the community. Assisted in evaluating the workshops and recommended changes for future programs and strategies. Co-authored a book chapter documenting the results of the participatory action research component of the project. This component of the PDHRP was subsequently reorganized into the Migration and Human Rights Project (MHRP).

SELECTED PRESENTATIONS/TRAININGS

Children Are Different: Asylum, SIJS, and Strategies for Removal Proceedings, Los Angeles County Bar Association's Twelfth Annual Symposium on Family-Based Immigration Law, *anticipated* March 2020, Los Angeles, CA (co-panelist). Developed a training for experienced immigration practitioners which covers child-specific rules regarding notice of service in removal proceedings, and legal options for filing Motions to Suppress and Motions to Terminate, special immigrant juvenile status (SIJS), and asylum. Addressed issues related to recent class action lawsuits and the impact on SIJS and asylum applicants in removal proceedings, including emerging jurisdictional issues.

Best Practices for Representing Unaccompanied Children before the Asylum Office in California, hosted by the Vera Institute of Justice, May 2019, Los Angeles, CA. Presented live webinar training to attorneys throughout California that have been awarded funding to represent unaccompanied minors by the California Department of Social Services. Discussed jurisdictional issues that arise in the cases of children in removal proceedings. Suggested strategies for particular social group formulation in gang-persecution-related cases as well as child-abuse and domestic violence cases considering recent changes in case law. Provided information regarding differences in the burdens of proof, identifying credibility concerns and minimizing negative consequences, and advocacy strategies during and after interview at the Asylum Office. Developed a detailed Core-Curriculum to completement this webinar and assist legal service providers with staff training in the area of children's asylum claims.

Affirmative Asylum: Tips from a Former Asylum Officer, hosted by Immigrant Defenders Law Center, March 2018, Los Angeles, CA. Developed and presented a training to attorneys and paralegals regarding strategies and tips for representing applicants before the USCIS Asylum Office. Provided an overview of asylum law basics. Discussed strategies for particular social group formulation in gang-persecution-related cases. Highlighted ways in which attorneys could minimize inconsistencies in the record and help their clients avoid being denied due to a lack of credibility. Provided information regarding differences in the burdens of proof and production before the Asylum Office, as compared to before the Immigration Court. Discussed advocacy strategies for cases that are pending for long periods of time both pre- and post- interview, or that are denied by the Asylum Office.

Unaccompanied Alien Children (UACs): Background Information to Help Asylum Officers Understand and Serve Child Applicants, hosted by the Los Angeles Asylum Office, July 2016. Presented training workshop to Asylum Officers and Supervisors regarding the process for detaining, releasing, and adjudicating UAC cases. Provided information regarding class action law suits and laws governing the special treatment afforded to children detained by immigration officials, and those applying for immigration benefits. Highlighted special concerns regarding children aging-out at 18 years old, the likely impact on their custody or detention status, and how the resulting change in their custody status could complicate the adjudication of their asylum applications. Updated staff on recent trends in the processing of other applications, such as special immigrant juvenile status, and the potential impact of those trends on asylum filings. Provided staff with publicly available information and resources regarding the factors causing child migration, and legal resources available to children, as well as resources to share with applicants.

Special Immigrant Juvenile Status (Including 1-Parent SIJS) CLE, hosted by Esperanza Immigrant Rights Project, June 2014, Los Angeles, CA. Co-presented attorney training about obtaining predicate orders through guardianship, child custody, and juvenile delinquency proceedings, in order to obtain special immigrant juvenile status. Developed a power point presentation, as well as several written materials for distribution to participants. This classroom training sessions took place before a varied audience of immigration and family law practitioners from the nonprofit and private sectors, as well as non-attorney stakeholders.

The Next Frontier in Children's Immigration: One-Parent Special Immigrant Juvenile Status in Family Court, hosted by Kids in Need of Defense and Holland & Knight, LLP, August 2013, Los Angeles, CA. Developed written materials, a power point presentation, and led a training for attorneys on how to request special immigrant juvenile status eligibility orders through child custody proceedings in the Los Angeles family court.

Advanced Legal Issues in Special Immigrant Juvenile Status, hosted by Esperanza Immigrant Rights Project, July 2013, Los Angeles, CA. Presented work in progress, *Special Immigrant Juvenile Status in Family Court: Los Angeles One-Parent SIJS Manual*, and provided a training to attorneys and staff about how to file SIJS cases through child custody proceedings.

Conducted several presentations for Los Angeles area law firms interested in taking pro bono cases from Kids in Need of Defense. Provided tips for working with vulnerable populations and an introduction to children's immigration issues, including special immigrant juvenile status, asylum, visas for victims of crimes and trafficking, and removal defense. 2011-2013.

Conducted a series of *Know Your Rights* presentations for New England community organizations regarding immigrant rights. 2009-2010.

Spanish for Lawyers, hosted by Boston College Law School's Latin American Law Students Association, February 9, 2010, Newton, MA. Developed and presented a one-hour presentation teaching law students Spanish legal terminology

and common slang terms relating to legal procedures and immigration, providing culturally-competent interviewing tips, and leading practical group exercises.

PUBLICATIONS

M. Brinton Lykes, Erin Sibley, Kalina Brabeck, Cristina Hunter, and Yliana Johansen-Méndez, *Participatory Action Research with Transnational and Mixed Status Families: Understanding and Responding to post-9/11 Threats in Guatemala and the U.S.*, In DEPORTED! RESPONSES TO THE NEW DEPORTATIONS DELIRIUM WITHIN AND BEYOND U.S. BORDERS, Daniel Kanstroom and M. Brinton Lykes, ed., NYU Press (2015).

Yliana Johansen-Méndez, *Special Immigrant Juvenile Status in Family Court: Los Angeles One-Parent SIJS Manual*, (August 2013), available for download on the Judicial Council of California website: http://www.courts.ca.gov/partners/documents/EA-LAcourtOne-ParentSIJSManual.pdf.

Yliana Johansen, *Media, Politics, and Policy: Taking Another Look at the Development of San Francisco's Policies on Immigrant Juvenile Offenders*, 15 UC DAVIS J. JUV. L. & POL'Y 125 (Winter 2011).

LANGUAGE SKILLS

Native Spanish speaker with strong reading comprehension and writing abilities.

Certified by the U.S. Department of State to conduct asylum, credible fear and reasonable fear interviews in the Spanish language.

Exhibit B

List of Documents Reviewed

1. DEF-00037134
2. DEF-0022697
3. DEF-00018732
4. DEF-00027201
5. DEF-00018710
6. DEF-00175271
7. DEF-00177683
8. DEF-00023086
9. DEF-0014931
10. DEF-00149431
11. DEF-00216658
12. DEF-00035567
13. DEF-00035600
14. DEF-00180171
15. DEF-00034013
16. DEF-00034027
17. *Wagafe v. Trump*, No. 2:17-cv-00094-JCC, Dkt. 47, Plaintiffs' Second Amended Complaint (W.D. Wash. Apr. 4, 2017)
18. *Wagafe v. Trump*, No. 2:17-cv-00094-JCC, Dkt. 47-1, Exhibits A–I to Plaintiffs' Second Amended Complaint (W.D. Wash. Apr. 4, 2017)
19. 2020-06_Wagafe_Internal_Data_FY2013-2019_(Confidential_Pursuant_to_Protective_Order).xlsx
20. Transcript of Benavides, Jaime Deposition (Dec. 10, 2019) and exhibits
21. Transcript of Heffron, Christopher Deposition (Dec. 12, 2019) and exhibits
22. Transcript of Emrich, Matthew Deposition (Jan. 8, 2020) and exhibits
23. Transcript of Renaud, Daniel Deposition (Jan. 10, 2020) and exhibits

24. Transcript of Lombardi, Cheri Deposition (Jan. 27, 2020) and exhibits

25. Transcript of Lang, Amy Deposition (Jan, 30, 2020) and exhibits

26. Transcript of Quinn, Kevin Deposition (Jan. 31, 2020) and exhibits

27. Transcript of Cook, Alexander Deposition (Feb. 11, 2020) and exhibits

28. CAR-000001

29. CAR-000008

30. CAR-000010

31. CAR-000056

32. CAR-000058

33. CAR-000075

34. CAR-000084

35. CAR-000093

36. CAR-000095

37. CAR-000104

38. CAR-000303

39. CAR-000342

40. CAR-000345

41. CAR-000349

42. CAR-000366

43. CAR-000396

44. CAR-000414

45. CAR-000438

46. CAR-000463

47. CAR-000491

48. CAR-000556

49. CAR-000595

50. CAR-000735

51. CAR-000751

52. CAR-000926

53. CAR-001140

54. CAR-001337

55. CAR-001536

56. CAR-001614

57. CAR-001674

58. CAR-001751

59. CAR-001767

60. CAR-001789

61. CAR-001857

62. CAR-001963

63. CAR-002075

64. CAR-002118

65. DEF-00000009

66. DEF-00000018

67. DEF-00009765

68. DEF-00017542

69. DEF-00018887

70. DEF-00019379

71. DEF-00024989

72. DEF-00026308

73. DEF-00027487

74. DEF-00027499

75. DEF-00027670

76. DEF-00035038

77. DEF-00035542

78. DEF-00038284

79. DEF-00038557

80. DEF-00040817

81. DEF-00045893

82. DEF-00049884

83. DEF-00049888

84. DEF-00049889

85. DEF-00050618

86. DEF-00063649

87. DEF-00065567

88. DEF-00065590

89. DEF-0073971

90. DEF-0075968

91. DEF-0079992

92. DEF-0080071

93. DEF-0085891

94. DEF-0086968

95. DEF-0088994

96. DEF-0089001

97. DEF-0089772

98. DEF-0090613

99. DEF-0091833

100. DEF-0094260

101. DEF-0094278

102. DEF-0094349

103. DEF-0094351

104. DEF-0094545

105. DEF-0094967

106. DEF-0094968

107. DEF-0094974

108. DEF-0094979

109. DEF-00095055

110. DEF-00095760

111. DEF-00095871

112. DEF-00095963

113. DEF-00096546

114. DEF-00112637

115. DEF-00112747

116. DEF-00119808

117. DEF-00123589

118. DEF-00128848

119. DEF-00134868

120. DEF-00134869

121. DEF-00134973

122. DEF-00135556

123. DEF-00145393

124. DEF-00148812

125. DEF-00157880

126. DEF-00158858

127. DEF-00163516

128. DEF-00183345

129. DEF-00188852

130. DEF-00225900

131. DEF-00230826

132. DEF-00230963

133. DEF-00259908

134. DEF-00372555

135. DEF-00403674

136. DEF-00419977

137. DEF-00420731

138. DEF-00421322

139. DEF-00422120

140. DEF-00422653

141. DEF-00422948

142. DEF-00425860

143. DEF-00426154

144. DEF-00426670

145. DEF-00427012

146. Plaintiffs-FOIA 002666

147. Plaintiffs-FOIA 000496.