

Exhibit A

The Honorable Richard A. Jones

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf of
himself and other similarly situated.

Plaintiffs,

v.

DONALD TRUMP, President of the United
States, *et al.*,

Defendants.

CASE NO. C17-00094RAJ

**DECLARATION OF MATTHEW D.
EMRICH REGARDING
PLAINTIFFS' MOTION TO SEAL**

I, Matthew D. Emrich, declare and say:

1. I am the Associate Director of the Fraud Detection and National Security ("FDNS") Directorate, U.S. Citizenship and Immigration Services ("USCIS"), Department of Homeland Security ("DHS"). I have held this position since November 15, 2015.

2. As the head of FDNS, I report directly to the Director of USCIS and Deputy Director of USCIS. Prior to becoming Associate Director of FDNS, beginning in November 2012, I was the Deputy Associate Director of FDNS. I first joined USCIS in May 2010, as the Chief of FDNS's Intelligence Division.

3. As the FDNS Associate Director, I am responsible for overseeing all policy, planning, management, and execution functions for FDNS. FDNS's mission is to enhance the integrity of the legal immigration system by leading USCIS's efforts to identify threats to national security and

1 public safety, detect and combat immigration benefit fraud, and remove systemic and other
2 vulnerabilities.

3 4. I am informed that the Plaintiffs in this lawsuit have requested that the Court permit the
4 filing of the following exhibits to Dkt. 245 under seal pursuant to Rule 5(g) of the Local Rules of the
5 United States District Court for the Western District of Washington:

- 6 • Exhibit C: Evidentiary Standards. A Guide for Weighing Evidence in NS Concerns
- 7 • Exhibit D: FDNS Data System ("FDNS-DS") User Guide Updates & Articulate
8 Link Training
- 9 • Exhibit E: National Security Indicator Training

10 5. Exhibits C, D, and E are each documents created by USCIS, related to vetting and
11 adjudicating applications, petitions, or requests that are processed pursuant to the CARRP policy.
12 These documents were produced to Plaintiffs in discovery and designated as confidential pursuant to
13 the Stipulated Protective Order, Dkt. 86.

14 6. Exhibits C, D, and E each contain confidential information under the Stipulated
15 Protective Order. Namely, they contain "sensitive, but unclassified, information to include limited
16 official use or for official use only information" and "information compiled for law enforcement
17 purposes, including but not limited to, investigative files and techniques related to the integrity of the
18 legal immigration system, suspected or known fraud, criminal activity, public safety, or national
19 security, and investigative referrals." Dkt. 86, at 2(k)-(l).

20 7. Each government department or agency defines what information shall be protected and
21 how its protected information shall be handled. Within DHS, the designation "for official use only"
22 ("FOUO") is used to identify unclassified information of a sensitive nature, not otherwise
23 categorized by statute or regulation, the unauthorized disclosure of which could adversely impact a
24 person's privacy or welfare, the conduct of Federal programs, or other programs or operations
25 essential to the national interest." *Safeguarding Sensitive but Unclassified (For Official Use Only)*
26 *Information*, Department of Homeland Security Management Directive System, at 1 (2005),
27 available at [https://www.dhs.gov/xlibrary/assets/foia/mgmt_directive_110421_safeguarding_](https://www.dhs.gov/xlibrary/assets/foia/mgmt_directive_110421_safeguarding_sensitive_but_unclassified_information.pdf)
28 [sensitive_but_unclassified_information.pdf](https://www.dhs.gov/xlibrary/assets/foia/mgmt_directive_110421_safeguarding_sensitive_but_unclassified_information.pdf).

1 8. Information is considered FOUO when its release could cause harm and, among other
2 things, "compromise programs or operations essential to the safeguarding of our national interests."
3 *Id.* at 4.

4 9. Disclosure of Exhibits C, D, and E could cause harm to a person's privacy or welfare,
5 adversely impact economic or industrial institutions, or compromise programs or operations essential
6 to the safeguarding of our national interests. Specifically, these three exhibits contain various
7 investigative techniques used by USCIS adjudicators when evaluating whether an immigration-
8 benefit-applicant may pose a threat to national security. Disclosure of these techniques could cause
9 nefarious individuals to modify their behavior and thereby avoid detection.

10 10. Because these training documents contain FOUO and additional sensitive information
11 related to vetting applications, petitions, and requests for immigration benefits that raise national
12 security concerns, there is a legitimate interest in protecting its release, and public release could
13 cause injury.

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Executed this 1st day of April, 2019, at Washington, D.C.

16 

17 Matthew D. Emrich
18 FDNS Associate Director
19 U.S. Citizenship and Immigration Services
20 Washington, D.C.