

Exhibit F

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, et al.,

Plaintiffs,

v.

TRUMP, et al.,

Defendants.

No. 2:17-cv-00094-RAJ

DECLARATION OF JAMES W.
MCCAMENT IN SUPPORT OF
DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION TO COMPEL

I, James W. McCament, do hereby declare and say:

1. I am the Deputy Director of United States Citizenship and Immigration Services ("USCIS"), Department of Homeland Security. I began serving as the Deputy Director on March 31, 2017.

2. As the Deputy Director of USCIS, I am responsible, along with the Director, for overseeing 18,000 federal employees, handling approximately 8 million immigration benefit applications, petitions, and requests each year. I served as the Acting Director from March 31, 2017 to October 8, 2017, when Lee Francis Cissna was sworn in as the Director of USCIS.

3. After consideration of information available to me in my capacity as Deputy Director of USCIS, the matters contained in this declaration are based upon my

1 understanding of the case of *Wagafe, et al., v. Trump, et al.*, Case No. 2:17-cv-00094, in
2 the United States District Court for the Western District of Washington. I understand that
3 in this class action litigation, Plaintiffs challenge the Controlled Application Review and
4 Resolution Program (“CARRP”). I am also aware of the Motion to Compel filed by the
5 Plaintiffs on September 28, 2017.

6 4. I am aware that, pursuant to Federal Rule of Civil Procedure 23(a) and
7 23(b)(2), the United States District Court for the Western District of Washington certified
8 two classes as plaintiffs:

9 a. A national class of all persons currently and in the future (1) who have
10 or will have an application for naturalization pending before USCIS, (2) that is subject to
11 CARRP or a successor “extreme vetting” program, and (3) that has not been or will not
12 be adjudicated by USCIS within six months of having been filed.

13 b. A national class of all persons currently and in the future (1) who have
14 or will have an application for adjustment of status pending before USCIS, (2) that is
15 subject to CARRP or a successor “extreme vetting” program, and (3) that has not been or
16 will not be adjudicated by USCIS within six months of having been filed.

17 5. I am aware that, in connection with this litigation, Plaintiffs requested the
18 production of certain documents described in Plaintiff’s First Request for Production to
19 Defendants, specifically,

20 a. Request for Production Number 34: All Documents sufficient to
21 identify members of the Naturalization Class, including, but not limited to, any list that
22 might exist identifying those who are or have been subject to CARRP, and, where
23 available, the following identifying information for each class member: name, A number,
24 age, sex, country of origin, country of citizenship, religion, race, ethnicity, date the
25 naturalization application was filed, and current status of the naturalization application;
26 and

27 b. Request for Production Number 35: All Documents sufficient to
28 identify all members of the Adjustment Class, including, including, but not limited to,

1 any list that might exist identifying those who are or have been subject to CARRP, and,
2 where available, the following identifying information for each class member: name, A
3 number, age, sex, country of origin, country of citizenship, religion, race, ethnicity, date
4 the adjustment application was filed, and current status of the adjustment application.

5 6. I am aware that Defendants, in Defendants' Objections and Responses to
6 Plaintiffs' First Request for Production of Documents, objected to production of certain
7 documents on the ground that the information sought was protected from disclosure as
8 privileged. I also provided another declaration in this case formally asserting the law
9 enforcement privilege over providing the identities of individual class members who are
10 subject to CARRP.

11 **Overview of Relevant USCIS Electronic Systems**

12 7. Applications for adjustment of status are recorded in an electronic system
13 known as CLAIMS 3. CLAIMS 3 tracks the date that an application is filed, as well as
14 other adjudicative actions.

15 8. Applications for naturalization are recorded in one of two places. Some
16 applications for naturalization are recorded in an electronic system known as CLAIMS
17 4. Since April 2016, some applications have been filed online or scanned and then
18 adjudicated within an online electronic system known as USCIS ELIS. CLAIMS 4 and
19 the USCIS ELIS track the date that a naturalization application is filed, as well as other
20 adjudicative actions. If an application is processed via USCIS ELIS, not all of the
21 information about the case will be available via CLAIMS 4. If a naturalization
22 application is processed via CLAIMS 4, the case will generally not appear in USCIS
23 ELIS.

24 9. CLAIMS 3 and CLAIMS 4 are manual systems in which an employee or
25 contractor must type in pertinent and adjudicative information. Because the data in
26 CLAIMS 3 and CLAIMS 4 is generally entered manually, it is possible for
27 typographical errors to occur, or for the systems to not always be completely up-to-date.
28 USCIS ELIS is an online system. Since April 2016, certain naturalization applications

1 have been filed online and adjudicated with ELIS. Other individuals have mailed paper
2 applications, which USCIS employees or contractors then scanned into USCIS ELIS for
3 adjudication. Certain other naturalization applications have continued to be adjudicated
4 using the paper application, and are recorded only in CLAIMS 4. Some manual data
5 entry was required when applications submitted by mail were scanned into the electronic
6 immigration system, making it possible for typographical errors to occur, or for the
7 electronic system to not always be completely up-to-date.

8 10. When an individual's case raises national security concerns, pertinent
9 information is recorded in an electronic system known as the Fraud Detection and
10 National Security Data System ("FDNS-DS"). FDNS-DS is the primary case
11 management system used to record requests and case determinations involving
12 immigration benefit fraud, public safety, and national security concerns.

13 11. FDNS-DS is not used to adjudicate applications, and does not record the
14 same data as CLAIMS 3, CLAIMS 4, or USCIS ELIS. For example, the fact that an
15 individual's case has raised a national security concern may not be evident from the
16 information recorded about the case in CLAIMS 3, CLAIMS 4, or USCIS ELIS.
17 Similarly, FDNS-DS does not systematically record certain adjudicative information,
18 including the date that the specific application was filed. Rather, FDNS-DS would
19 record the date that the individual's case was entered as a fraud, public safety, or
20 national security concern.

21 12. Similar to CLAIMS 3 and CLAIMS 4, FDNS-DS is a manual system in
22 which an individual person must type in pertinent information and case updates.
23 Because it is a manual system, it is possible for typographical errors to occur, or for the
24 systems to not always be completely up-to-date.

25 **Process to Identify Class Members and Burden on Agency**

26 13. The Office of Performance and Quality ("OPQ"), within USCIS's
27 Management Directorate, is responsible for data and operational analyses of USCIS
28 systems, including CLAIMS 3, CLAIMS 4, and USCIS ELIS. OPQ conducts system

1 queries and responds to a variety of data requests, such as from USCIS stakeholders or
2 the public.

3 14. Within the Fraud Detection and National Security Directorate (“FDNS”), the
4 Reports and Analysis Branch (“RAB”) has technical expertise within the FDNS-DS
5 system. RAB’s role in FDNS is to coordinate data quality efforts, assist in inferential
6 analysis of FDNS data, and produce all official statistics out of the FDNS-DS system.
7 RAB is the authority for reporting and analysis of, among other things, national security
8 concerns data.

9 15. The Case Analysis Branch (“CAB”) is another branch within FDNS. One of
10 CAB’s roles in FDNS is to perform research on national security cases. CAB has the
11 expertise to vet and deconflict national security cases, and to verify the accuracy of any
12 information presented in electronic systems through paper file and electronic system
13 review.

14 16. To identify all of the individuals in the naturalization subclass, OPQ would
15 first have to conduct a query of data in CLAIMS 4 and USCIS ELIS to identify the
16 receipt number, A number, applicant name, and filing date for all naturalization cases
17 that have been pending for six months or more.

18 17. USCIS estimates it would take approximately 10 employee work hours and
19 cost the agency approximately \$600 for OPQ to complete this task.

20 18. To identify all of the individuals in the adjustment of status subclass, OPQ
21 would similarly have to conduct a query of data in the CLAIMS 3 system to identify the
22 receipt number, A number, applicant name, and filing date for all adjustment of status
23 cases that have been pending for six months or more.

24 19. USCIS estimates it would take approximately 5 employee work hours and
25 cost the agency approximately \$500 for OPQ to complete this task.

26 20. RAB would then use the data provided by OPQ, indicating receipt numbers
27 for responsive records from adjudicative systems, to conduct a query to obtain open
28 national security concern cases from FDNS-DS with matching receipt numbers. RAB

1 would pull from FDNS-DS additional information for those matching open national
2 security cases.

3 21. USCIS estimates it would take 5 approximately employee work hours and
4 cost the agency approximately \$500 for RAB to complete this task.

5 22. After RAB completes this task, CAB would need to conduct quality
6 assurance by reviewing the physical Alien File (A file), and cross-checking various
7 electronic systems. This quality assurance and verification is a necessary step to
8 determine that the electronic information is accurate and up-to-date.¹ This review would
9 include identifying whether any errors existed in the electronic systems. Errors could
10 include an incorrect filing date, such that the case has not actually be pending for six
11 months, or that a case is still marked as open even though the case was already
12 adjudicated. CAB would also confirm the case involves a naturalization or adjustment
13 of status application that has been pending for six months or more, in which an open
14 national security concern existed on the date that RAB ran its initial query.

15 23. Based on historical numbers of CARRP cases, USCIS estimates that this
16 would require review of approximately 3,000 cases. However, this number is
17 impossible to estimate with certainty before the queries described above are performed.

18 24. A files may be located in various field offices and service centers across
19 USCIS, and it would be necessary to transport those A files to USCIS Headquarters for
20 the CAB team to complete its review.

21 25. USCIS estimates it would take approximately 2000 employee work hours
22 and it would cost the agency approximately \$93,000 for the A files to be routed and
23 delivered.

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26 ¹ The A file review would ensure that any individual identified as a class member through the electronic system
27 checks is accurate. However, it is important to emphasize that it is possible that a data entry error (such as
28 inaccurately marking a case as closed, or the filing date being marked incorrectly) in the electronic systems could
lead to an individual not being identified as a class member, even though he or she is in fact a class member.
Unfortunately, there is no way, short of a manual review of potentially hundreds of thousands of A files, to identify
and account for those errors. These data entry errors do not mean that the case is not being adjudicated.

1 26. USCIS estimates it would take approximately 15,000 employee work hours
2 and cost the agency approximately \$1,173,000 for CAB to complete its quality assurance
3 review.

4 27. In aggregate, making reasonable assumptions, USCIS estimates it would
5 take approximately 17,020 employee work hours and cost the agency approximately
6 \$1,267,600 to identify all of the class members in this lawsuit.

7 28. Further, the class in this case changes over time as new individuals become
8 class members as their applications reach six months since filing, and other individuals
9 are no longer class members after their case is adjudicated. The shifting nature of the
10 class would presumably require the agency to update the list of class members over time.
11 Thus, the overall burden to the agency to identify the class members in this case is far
12 larger than \$1.2 million, with the precise number dependent on how often the agency is
13 required to update the class roster.

14 29. Identifying the class members in this case would have a significant impact
15 on the agency as a whole, but particularly, this effort would impact the ability of FDNS
16 staff to conduct its core mission to enhance the integrity of the legal immigration system
17 by leading USCIS's efforts to identify threats to national security and public safety,
18 detect and combat immigration benefit fraud, and remove systematic and other
19 vulnerabilities.

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

21 Executed this ___10th___ day of October, 2017 at Washington, D.C.

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24 James W. McCament
25 Deputy Director
26 U.S. Citizenship and Immigration Service
27 Washington, D.C.
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