

# Exhibit H

The Honorable Richard A. Jones

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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 MATTHEW E.  
EMRICH IN SUPPORT OF  
DEFENDANTS' RESPONSE TO  
PLAINTIFFS' MOTION TO COMPEL

I, Matthew E. Emrich, do hereby declare and say:

1. I am the Associate Director of the Fraud Detection and National Security (FDNS) Directorate, United States Citizenship and Immigration Services ("USCIS"), Department of Homeland Security.

2. As the Associate Director of FDNS, 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 public safety, detect and combat immigration benefit fraud, and remove systematic and other vulnerabilities. I have held this position since November 15, 2015.

3. Prior to becoming the Associate Director, beginning November 2012, I was the Deputy Associate Director of FDNS. I first joined USCIS in May 2010, as the chief of

1 the Intelligence Division within FDNS. Prior to joining FDNS, I held various positions  
2 within the Department of Homeland Security (DHS) and its components, including as the  
3 chief of the DHS Threat Task Force and the Deputy Assistant Director of Immigration  
4 and Customs Enforcement (ICE)'s Office of Intelligence.

5 4. Currently, and since I began to work at USCIS in May 2010, I hold a Top  
6 Secret security clearance that would allow me to review any classified information that  
7 has been presented to USCIS.

8 5. The matters contained in this declaration are based on my review of the Motion  
9 to Compel in *Wagafe, et al., v. Trump, et al.*, Case No. 2:17-cv-00094, now pending in  
10 the United States District Court for the Western District of Washington, and after  
11 consideration of information available to me in my capacity Associate Director of FDNS.

12 6. I am aware of the class action litigation involving Plaintiffs that has been filed  
13 in the United States District Court for the Western District of Washington, and that in this  
14 class action Plaintiffs challenge the Controlled Application Review and Resolution  
15 Program (hereinafter "CARRP").

16 7. I am familiar with the USCIS Memorandum entitled, *Policy for Vetting and*  
17 *Adjudicating Cases with National Security Concerns*, dated April 11, 2008 (hereinafter  
18 "CARRP Memorandum"), which established the CARRP policy. As Deputy Associate  
19 Director, and now as Associate Director, my duties have included overseeing the  
20 implementation of the CARRP Memorandum, and overseeing any efforts to consider any  
21 updates, reviews, or modifications of the CARRP policy.

22 8. Because it is my responsibility to oversee CARRP policy, I am aware of all  
23 CARRP policy or guidance that has been developed and implemented since CARRP was  
24 created in April 2008. I am also aware of the reasoning and information that lead to the  
25 development of CARRP, from consultations with my staff and colleagues.

26 9. I am also familiar with classified national security information as defined by  
27 Executive Order 13526, § 6.1(i), 75 Fed. Reg. 707, 727 (Dec. 29, 2009) (hereinafter  
28 "classified information"). This order prescribes a uniform system for classifying,

1 safeguarding, and declassifying national security information, including information  
2 relating to defense against transnational terrorism.

3 10. To the best of my knowledge, information, and belief, USCIS did not use or  
4 otherwise consult any classified information in developing and drafting the CARRP  
5 Memorandum. To the best of my knowledge, information, and belief, any subsequent  
6 revisions, modifications, or updates to the CARRP policy have not involved the use of  
7 any classified information.

8 11. To the best of my knowledge, information, and belief, there is not currently,  
9 nor has there been since the CARRP Memorandum was issued, any classified CARRP  
10 policy, guidance, or training.

11 12. While there may be individual case information relating to specific individuals  
12 who may have been processed through CARRP that is classified, to the best of my  
13 knowledge, information, and belief, and based on discussions with individuals familiar  
14 with the creation of CARRP, efforts to develop CARRP policy, guidance, and training  
15 have not been discussed over classified email.

16 13. If directed to search for classified information relating to CARRP policy and  
17 its development, adoption, review, or revision, I would not know where to look for such  
18 information, as to the best of my knowledge, information, and belief, such information  
19 does not exist at USCIS.

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

22 Executed this 10th day of October, 2017 at Washington, D.C.

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24 \_\_\_\_\_  
25 Matthew E. Emrich  
26 Associate Director, FDNS  
27 U.S. Citizenship and Immigration Service  
28 Washington, D.C.