



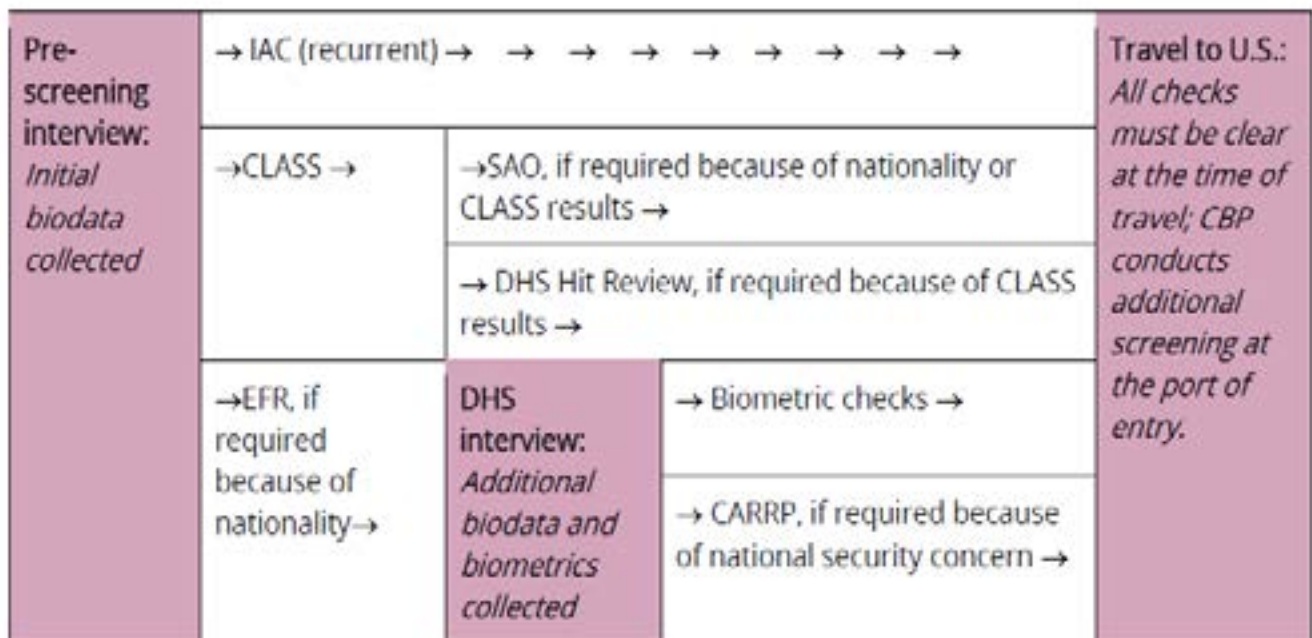
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Debunking “Extreme Vetting”: Recommendations to Build Back the U.S. Refugee Admissions Program

June 2021

Appendix A: Refugee Security Check Flows

This chart shows the order in which security checks generally occur from the pre-screening interview until admission to the United States. Each of these checks are described in further detail in Appendix B.



Appendix B: Refugee Security Check Descriptions

This chart provides, in alphabetical order, known information about the major security checks that apply to refugees. Some information may be outdated.

Biometric Checks (fingerprints/photos)

- **For:** All refugees within designated age ranges 14 through 79.¹⁰³
- **Vetting by:** FBI, DHS DOD.
- **What:** Fingerprints are vetted against:
 - (1) FBI records in NGI (Next Generation Identification) for U.S. and select international criminal history;
 - (2) DHS records in OBIM (Office of Biometric Identity Management)'s IDENT for previous immigration encounters and select biometric watchlist records (to be replaced by HART, see below, Evolution); and
 - (3) DOD records in ABIS (Automated Biometric Identification System) which includes fingerprints encountered in DOD operations, such as those taken from IEDs; enemy combatants, detainees, locally-employed personnel, Enemy Prisoners of War from the 1991 Persian Gulf War, and the Iraqi criminal fingerprint records. CBP's National Targeting Center-Passenger (NTC-P) conducts biographic vetting of all ABIS biometric matches against various classified and unclassified U.S. government databases.¹⁰⁴
- **When/how initiated:** DHS initiates these checks after collecting biometrics, at the DHS interview or before where possible. DHS is planning to transition biometric capture at time of prescreening in all locations.¹⁰⁵
- **Results:** DHS returns the result as CLR, NCL, no decision, redo, not required, or exemption.¹⁰⁶
- **Length of time to complete check:** Unknown.
- **Expiration:** 15 months.¹⁰⁷

103 Ex. 32 (Security SOP) at 18.

104 Ex. 33 (Security Checks Lesson Plan) at 3; USRAP PIA, *supra* n. 13, at 8-9.

105 Ex. 33 (Security Checks Lesson Plan) at 4, n.4.

106 Ex. 32 (Security SOP) at 19.

107 *Id.*

- **Evolution:** DOD biometric screening began for Iraqi applicants in 2007 and was subsequently expanded in 2009 and 2010 before becoming universal. As of 2019, biometric information collected by the UNHCR also feeds into IDENT. As of 2020, DHS has proposed regulatory changes to expand biometric vetting and is in the process of replacing IDENT with a vastly expanded biometric system called Homeland Advanced Recognition Technology (HART), which includes facial and iris matching services.¹⁰⁸

CARRP (Controlled Application Review and Resolution Process)

- **For:** Any refugee for whom national security concerns are raised. In general, a national security concern exists when a person or organization has been determined to have an articulable link to past, current, or planned involvement in an activity or organization involved in terrorism, espionage, sabotage, or the illegal transfer of goods, technology, or sensitive information.¹⁰⁹
- **Vetting by:** DHS (USCIS).
- **What:** CARRP involves four steps, which may overlap or occur in a different order:¹¹⁰

(1) USCIS refugee officers may identify a national security concern at any stage in the screening or adjudicative processing, including when reviewing the case file and security check results, eliciting testimony from refugees, and/or researching country conditions. Officers must document their analysis and decision on whether a national security concern exists in the Refugee Application Assessment, which undergoes supervisory review. Routine external security vetting checks may also return derogatory information indicating a national security concern.

(2) If a national security concern exists, the case and any cross-referenced or related cases are placed on CARRP hold for review by RAD's Security Vetting and Program Integrity (SVPI), with the exception for cases where an inadmissibility ground under the immigration laws is the sole basis of the national security concern and the case has been approved for an exemption from that inadmissibility ground.

108 See Ex. 33 (Security Checks Lesson Plan) at 3; U.S. DEP'T OF HOMELAND SEC., DHS/USCIS/PIA-081, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) INFORMATION DATA SHARE (2019) <https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis081-unhcr-august2019.pdf>; U.S. DEP'T OF HOMELAND SEC., DHS/OBIM/PIA-004, HOMELAND ADVANCED RECOGNITION TECHNOLOGY SYSTEM (HART) INCREMENT 1 (2020), <https://www.dhs.gov/publication/dhsobimpia-004-homeland-advanced-recognition-technology-system-hart-increment-1>; Collection and Use of Biometrics by U.S. Citizenship & Immigration Services, 85 Fed. Reg. 56338 (proposed Sept. 11, 2020), <https://www.federalregister.gov/documents/2020/09/11/2020-19145/collection-and-use-of-biometrics-by-us-citizenship-and-immigration-services>.

109 USCIS *Refugee Security Screening Fact Sheet* at 7, USCIS (June 3, 2020) ("Screening Fact Sheet"), https://www.uscis.gov/sites/default/files/document/fact-sheets/Refugee_Screening_and_Vetting_Fact_Sheet.pdf; Ex. 8 (Compiled RAD CARRP SOP) at 5, 29.

110 See Ex. 8 (Compiled RAD CARRP SOP); Ex 9 (Discretion Training) at 30-31.

(3) SVPI involves external vetting partners to identify the nature and relevance of the national security concerns identified by USCIS, and inquire with vetting record owners about derogatory information revealed in security checks.

(4) SVPI adjudicates the national security concern, or may remand the case for re-interview to gather more information. Ultimately, a confirmed unresolved national security concern for a principal or derivative applicant or any cross-referenced case is an adverse discretionary factor that cannot be outweighed and will lead to a discretionary denial.

- **When/how initiated:** USCIS initiates internal review.
- **Results:** Adjudication of application based on the CARRP analysis; confirmed unresolved national security concerns result in discretionary denials.
- **Length of time to complete check:** Unknown, but it is a lengthy process and USCIS acknowledges that erroneously placing a case on CARRP hold “is a critical error and will cause undue delay to the applicant.”¹¹¹
- **Evolution:** USCIS launched CARRP in 2008. Version history of the CARRP Standard Operating Procedure indicates that the manual was created on May 14, 2008 and then revised several times during the Trump Administration, including following the 120-day review and the 90-day review, as described in this report.¹¹²

CBP Screening

- **For:** All refugees arriving in the United States.
- **Vetting by:** DHS (CBP).
- **What:** After CBP receives a manifest of individuals who have made reservations to travel to the United States, CBP screens information through the CBP National Targeting Center - Passenger (NTC-P) and Transportation Security Administration (TSA) Secure Flight Program. CBP also conducts TECS name checks and No Fly Selectee checks in coordination with the TSA. CBP inspects applicants for admission at the airport for a final determination.¹¹³
- **When/how initiated:** Upon booking of travel and arrival at U.S. port of entry.

111 Ex. 8 (Compiled RAD CARRP SOP) at 40.

112 *Id.* at 19, 43; see also CARRP Report, *supra* n. 38, at 1.

113 USRAP PIA, *supra* n. 13 at 10.

- **Results:** If cleared, admission to the United States.
- **Length of time to complete check:** It may take a refugee several hours to clear airport screening, and some refugees have been detained for longer upon arrival.

CLASS (Consular Lookout and Support System)

- **For:** All refugees.¹¹⁴
- **Vetting by:** DOS (Consular Affairs).
- **What:** DOS checks name (including its variations), nationality, date of birth, and place of birth of each applicant against DOS/Consular Affairs' CLASS database. CLASS contains information on persons with visa refusals, immigration violations, criminal histories, and terrorism concerns, as well as intelligence information and child support enforcement data. CLASS data sources include DOS, DHS, Interpol, DEA, HHS, and FBI.¹¹⁵
- **When/how initiated:** RSC submits request through WRAPS after collecting biodata at pre-screening interview; check must be re-requested if there are changes to applicant biodata.¹¹⁶
- **Results:** The Name Check team at the RPC reviews the results of the CLASS name check and returns a clear or requires additional checks through SAO or DHS Hit review. CLASS hits range in seriousness and many hits can be resolved, including at the time of the USCIS interview.¹¹⁷
- **Length of time to complete check:** Three (3) business days if no backlog.¹¹⁸
- **Validity period:** 15 months.¹¹⁹
- **Evolution:** CLASS checks began in November 2001 as a result of initiatives launched by the Homeland Security Council.¹²⁰

114 Ex. 34 (USRAP Manual) at 35.

115 Ex. 33 (Security Checks Lesson Plan) at 2.

116 Ex. 32 (Security SOP) at 12; Ex. 34 (USRAP Manual) at 35.

117 Ex. 32 (Security SOP) at 9-12; Ex. 33 (Security Checks Lesson Plan) at 4-5; Ex. 34 (USRAP Manual) at 35-36.

118 Ex. 34 (USRAP Manual) at 36.

119 *Id.*

120 Ex. 33 (Security Checks Lesson Plan) at 2.

EFR (Enhanced FDNS Review)

- **For:** All refugees from SAO countries interviewed or re-interviewed after July 24, 2017 (for principal refugees) or after October 24, 2017 (for FTJs) within designated age ranges above age 12.¹²¹
- **Vetting by:** DHS (USCIS)
- **What:** USCIS RAIO and FDNS work together to conduct two forms of EFR vetting: one component involving classified and unclassified research and another involving screening data against publicly available social media. Social media reviews include Facebook, Twitter, Instagram, and YouTube, along with general internet searches. As of 2017, social media vetting was limited to publicly accessible information, although in some instances FDNS may use masked monitoring (i.e., monitoring using identities that do not reveal government affiliation).¹²²
- **When/how initiated:** USCIS synthesizes information obtained from this review for the interviewing officer to develop inquiries related to the applicant's eligibility and credibility.¹²³
- **Results:** USCIS uses the results for interviews.
- **Length of time to complete check:** Unknown.
- **Expiration:** No expiration.¹²⁴
- **Evolution:** Enhanced FDNS Review appears to have begun as a process for Syrian refugee applicants before it was expanded during the Trump Administration to all refugees from SAO countries.¹²⁵ As described in this report, USCIS formally incorporated social media screening in this vetting in July 2016.

121 Ex. 35 (I-730 Memo) at 139; Ex. 36 (PDR) at 371.

122 Screening Fact Sheet, *supra* n.109, at 6; USRAP PIA, *supra* n. 13, at 7-8.

123 Screening Fact Sheet, *supra* n.109, at 6.

124 Ex. 35 (I-730 Memo) at 138.

125 See *Refugee Admission FY 2017 and Refugee Security Screening, Hearing Before the Senate Committee on the Judiciary and the Subcommittee on Immigration and the National Interest*, 114th Cong. (Sept. 28, 2016) (written testimony of Leon Rodriguez, USCIS Director), <https://www.uscis.gov/hearing-on-refugee-admission-fy-2017-and-refugee-security-screening-before-the-senate-committee-on> ("Rodriguez Testimony"); *Refugee Admissions FY 2018, Hearing Before the Subcommittee on Immigration and Border Security House Committee on the Judiciary* (Oct. 26, 2017) (written testimony of L. Francis Cissna, USCIS Director), <https://www.uscis.gov/hearing-on-the-refugee-admissions-fy-2018-before-the-subcommittee-on-immigration-and-border-security>.

IAC (Inter-Agency Checks)

- **For:** All refugees within designated age ranges 14 through 79.¹²⁶
- **Vetting by:** NCTC & NSA.¹²⁷
- **What:** DOS provides names, dates of birth, and other data to vetting partners for recurrent vetting against their holdings.¹²⁸
- **When/how initiated:** RSC submits request through WRAPS after collecting biodata at pre-screening interview; check must be re-requested if there are changes to applicant biodata.¹²⁹
- **Results:** The vetting partners return the results as clear (CLR) or not clear (NCL) in WRAPS, but due to continuous vetting, status could change from CLR to NCL at any time until departure.¹³⁰
- **Length of time to complete check:** Unknown, but an option to expedite the IAC checks is available if the RSC needs an IAC response within seven (7) or fewer days.¹³¹
- **Validity:** 2.5 years.¹³²
- **Evolution:** IAC began in 2008 as an NCTC-managed check for Iraqi refugees, but expanded in 2010 to apply to all nationalities and to add the NSA as a vetting partner. It became recurrent in 2015 and continues to run for 2.5 years even if the refugee is admitted to the United States during that period.¹³³

SAO Merlins (Security Advisory Opinion)

- **For:** (1) Refugees who are nationals of (or stateless persons who are habitual residents of) countries on the SAO list within designated age ranges 14 through 50 (at any point in processing), (2) refugees who are flagged as a result of CLASS check, (3) refugees who are specifically flagged by PRM or USCIS.¹³⁴

¹²⁶ Ex. 32 (Security SOP) at 3.

¹²⁷ Ex. 18 (Higgins Dep.) at 79:14-80:5.

¹²⁸ Ex. 32 (Security SOP) at 3-4; Ex. 33 (Security Checks Lesson Plan) at 3.

¹²⁹ Ex. 32 (Security SOP) at 3-4, 6.

¹³⁰ *Id.* at 5-6.

¹³¹ *Id.* at 5.

¹³² Ex. 34 (USRAP Manual) at 39.

¹³³ *See id.* at 38; Ex. 8 (Compiled RAD CARRP SOP) at 17 n.31; Rodriguez Testimony, *supra* n. 125.

¹³⁴ Ex. 32 (Security SOP) at 13; Ex. 35 (I-730 Memo) at 138 n.7 (noting that the nationalities as of 2018 were Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, Republic of South Sudan, Syria, Yemen, and certain stateless Palestinians).

- **Vetting by:** FBI & unnamed Intelligence community agencies.
- **What:** DOS sends biographic data provided by refugees to the FBI and Intelligence Community agencies for vetting against their holdings.¹³⁵ The FBI relies on its Domestic Investigations and Operations Guide to guide its vetting.¹³⁶
- **When/how initiated:** The RSC submits a request through WRAPS after collecting biodata at pre-screening interview and the SAO will automatically begin after CLASS completes if the case requires an SAO check. The check may have to be re-requested if there are changes to case information.¹³⁷
- **Results:** The vetting agencies return the results as clear (CLR) or not clear (NCL). USCIS will not approve a case for admission if the SAO is NCL and cases that are cross-referenced (i.e., linked together for processing and/or resettlement purposes) with SAO NCL results may also not move forward to departure pending USCIS review.¹³⁸
- **Length of time to complete check:** While the State Department reports that “most agencies strive to return results within 60 days,”¹³⁹ delays have been a longstanding problem, most notably for the FBI’s portion of the SAO check.
- **Validity period:** 15 months.¹⁴⁰
- **Evolution:** SAO vetting began after 2001.¹⁴¹ As described in this report, the FBI began using a discredited bulk communications matching technique available through its Foreign Terrorist Tracking Task Force (FTTTF) in January 2016 for this vetting and the Trump Administration expanded the populations subject to this vetting. The Nielsen Memo issued after the 90-day review directed the agencies to review the SAO adjudication thresholds and update them to be in line with thresholds applied in other security checks, most notably the IAC, but it is unknown whether this review occurred and what the outcome was.¹⁴²

135 Ex. 33 (Security Checks Lesson Plan) at 3.

136 Ex. 37 (SOC, Apr. 16, 2018); *FBI Domestic Investigations & Operations Guide*, FBI (2016), <https://vault.fbi.gov/FBI%20Domestic%20Investigations%20and%20Operations%20Guide%20%28DI0G%29>.

137 Ex. 32 (Security SOP) at 12-14.

138 Ex. 32 (Security SOP) at 14; Ex. 33 (Security Checks Lesson Plan) at 4; Ex. 34 (USRAP Manual) at 28, 37.

139 Ex. 34 (USRAP Manual) at 38.

140 *Id.*; Ex. 32 (Security SOP) at 14

141 Screening Fact Sheet, *supra* n. 109, at 5.

142 Ex. 20 (Nielsen memo) at 3.