



International Refugee
Assistance Project



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

October 2020

The International Refugee Assistance Project (IRAP) organizes law students and lawyers to develop and enforce a set of legal and human rights for refugees and displaced persons. Mobilizing direct legal aid, litigation, and systemic advocacy, IRAP serves the world's most persecuted individuals and empowers the next generation of human rights leaders.

This report compiles information that IRAP learned in litigating *JFS v. Trump*, No. C17-1707JLR (W.D. Wash.) and *Doe v. Wolf*, No. 5:18-cv-02349-BLF (N.D. Cal.), as well as in representing clients through the refugee admissions process, engaging in policy advocacy, and pursuing Freedom of Information Act (FOIA) requests. In the interest of client safety and privacy, client names are not provided unless otherwise publicly available.

This report was made possible by the efforts of many people outside of IRAP, particularly our clients and co-counsel in *JFS v. Trump* and *Doe v. Wolf*. In litigating *JFS v. Trump*, we worked with the National Immigration Law Center, HIAS, Perkins Coie LLP, and *pro bono* attorneys Lauren Aguiar, Mollie M. Kornreich, and Abigail Sheehan Davis.

In addition, we are grateful to the office of Senator Chris Van Hollen for his advocacy on behalf of refugees and for sharing the reports to Congress on refugee admissions and vetting that informed this report.

CONTENTS

Executive Summary	4
I. Background of the USRAP	7
II. The Road to Extreme Vetting.....	9
A. <i>FBI Bulk Data Vetting</i>	<i>11</i>
B. <i>Social Media Vetting</i>	<i>14</i>
C. <i>CARRP (Controlled Application Review and Resolution Process)</i>	<i>16</i>
III. Extreme Vetting Implemented by the Trump Administration.....	17
A. <i>January - October 2017: Refugee Ban.....</i>	<i>17</i>
B. <i>October 2017: Extreme Vetting Changes</i>	<i>19</i>
C. <i>October - December 2017: Targeted Refugee Ban.....</i>	<i>22</i>
D. <i>January 2018: More Extreme Vetting Changes</i>	<i>25</i>
E. <i>February 2018: Vetting Quotas</i>	<i>26</i>
F. <i>April 2018: Another Layer of Review</i>	<i>28</i>
IV. Impact of Extreme Vetting on Refugees and their Families.....	30
V. Recommendations for Reform.....	32
Conclusion.....	36
Appendix A: Refugee Security Check Flows.....	37
Appendix B: Refugee Security Check Descriptions.....	38
Appendix C: Glossary.....	45
Appendix D: List of Exhibits.....	47

Executive Summary

“Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what the hell is going on.”

“It’s called extreme vetting. We are going to areas like Syria where they’re coming in by the tens of thousands.”

“I am going to . . . stop the massive inflow of refugees.”

– Candidate Donald J. Trump¹

Since taking office in January 2017, President Trump has fulfilled his campaign promise of decimating the U.S. Refugee Admissions Program (USRAP).² The Trump Administration has decidedly abandoned U.S. humanitarian commitments to refugees: the United States admitted **nearly 85,000 refugees in fiscal year 2016 (FY16)**, the last full fiscal year of the previous administration, but admitted **barely over 10,000 refugees in fiscal year 2020 (FY20)**. And even while refugee admissions plummeted drastically across the board, the demographics of this smaller number of refugees arriving to the United States have changed to reflect President Trump’s xenophobic agenda: Muslim refugees accounted for nearly half of all admitted refugees in FY16, but less than a quarter in FY20. The United States resettled 12,587 Syrian refugees in FY16 in response to the civil war, but only 481 in FY20, despite the ongoing humanitarian crisis in the region.³

President Trump’s issuance of the widely coined “Muslim Ban” Executive Order in his first week in office and his announcements of historically low refugee admissions targets during each subsequent fiscal year have garnered public outcry. The public has heard little so far, however, about the series of “extreme vetting” changes that the Administration employed to eviscerate the USRAP and to target Muslim refugees. Because the USRAP has historically operated through internal policies and practices that have not been accessible to the public, the Administration has been able to make many of these changes secretly without any oversight or accountability.

This report begins to shed light on the extreme vetting changes that the Trump Administration made to the USRAP, relying on information that the International Refugee Assistance Project (IRAP) learned by litigating

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- 1 Jenna Johnson, *Trump Calls for ‘Total and Complete Shutdown of Muslims Entering the United States,’* WASH. POST, Dec. 7, 2015, <https://www.washingtonpost.com/news/post-politics/wp/2015/12/07/donald-trump-calls-for-total-and-complete-shutdown-of-muslims-entering-the-united-states/>; Daniel Strauss, *Trump Defends Proposal for Muslim Ban as Call for ‘Extreme Vetting,’* POLITICO, Oct. 9, 2016, <https://www.politico.com/story/2016/10/2016-presidential-debate-donald-trump-muslim-ban-extreme-vetting-229468>; *Remarks at Henderson Pavilion in Henderson, Nevada*, THE AMERICAN PRESIDENCY PROJECT (Oct. 15, 2016), <https://www.presidency.ucsb.edu/documents/remarks-henderson-pavilion-henderson-nevada>.
 - 2 This report focuses on the resettlement of overseas refugees to the United States via the USRAP rather than asylum seekers seeking protection after reaching the United States or at the border.
 - 3 Data pulled from REFUGEE PROCESSING CENTER, <https://ireports.wrapsnet.org/> (last visited Oct. 3, 2020). A fiscal year runs from October 1 to September 30; thus, FY 16 spanned October 1, 2015 to September 30, 2016 and FY 20 spanned October 1, 2019 to September 30, 2020.

against these policy changes, pursuing Freedom of Information Act (FOIA) requests, and representing hundreds of clients in the refugee application process. IRAP filed two cases in particular that form the basis of this report: *JFS v. Trump*, No. C17-1707JLR (W.D. Wash.) (consolidated with *Doe v. Trump*, No. C17-178JLR), which challenged the October 2017 refugee ban targeting Muslim refugees,⁴ and *Doe v. Wolf*, No. 5:18-cv-02349-BLF (N.D. Cal.), which challenges the use of a bulk data matching technique in refugee vetting that has resulted in widespread delays and unprecedented increases in discretionary denials for refugees from Muslim-majority countries like Syria, Iraq, and Somalia.⁵

The report is structured in several parts. **Part I** gives background on the operation of the USRAP. **Part II** explains how even prior to the Trump Administration, vetting in the USRAP expanded in a one-way ratchet and began to incorporate novel and under-tested techniques—including bulk data matching and social media screening—that overwhelmed the system with delays and dubious vetting results. These problems were still unresolved when the Trump Administration took office with the intent to destroy the refugee program.

Part III explains how the Trump Administration was able to take advantage of the lack of accountability, oversight, and transparency in the USRAP to expand the use of the most problematic vetting techniques in a way that ensured that extreme vetting would mean very few Muslim refugees could resettle in the United States. These changes overburdened government agencies running the refugee program with vetting results of questionable quality and trapped tens of thousands of refugees from Muslim-majority countries in endless cycles of new vetting requirements and increasing backlogs.

As reflected in the stories of IRAP clients told throughout this report and in **Part IV**, these vetting changes have had a devastating humanitarian impact on vulnerable people seeking safety through the USRAP. The cumulative effect of these changes is to delay the applications of tens of thousands of refugees, including many who had already completed processing; to deny protection on a “discretionary” basis to those who are otherwise eligible as refugees; to prolong, sometimes indefinitely, the reunification of families; to empty the pipeline of applicants for resettlement, ensuring that refugee arrivals remain low for years to come; and, by reducing refugee arrivals for the foreseeable future, to starve and dismantle the infrastructure for refugee resettlement.

Reversing these effects will likely take months, if not years. Announcing a higher goal for refugee admissions each fiscal year is absolutely necessary but will not be enough to ensure that refugees will begin arriving in the United States in robust numbers. In **Part V**, IRAP urges the U.S. government to take the following steps to restore the USRAP, to uphold U.S. humanitarian commitments, and to ensure that future administrations cannot dismantle the USRAP again at whim:

4 Ex. 1 (Complaint, *JFS v. Trump*). All exhibits to the report are listed at Appendix D and available at <https://refugeerights.org/appendix-d-list-of-exhibits/>.

5 Ex. 2 (Amended Complaint, *Doe v. Wolf*).

1. **Conduct a comprehensive review of the existing security vetting process in the USRAP and implement reforms** to ensure that the system is:
 - **Efficient**, in that the process does not cause unreasonable delays in refugee admissions and makes the best use of finite government resources;
 - **Meaningful**, in that data collected is material to identifying, and results are reliable for, detecting security issues and keeping the country safe;
 - **Fair**, in that refugees have the opportunity to contest derogatory information to the extent possible and discretionary denials on the basis of vetting results are rooted in rational decision-making;
2. **Create an ongoing oversight mechanism** to ensure that existing and future security checks in the USRAP are continually and timely assessed against standards of efficiency, meaningfulness, and fairness, and that processes that fail these requirements are retired or replaced;
3. **Launch transparency initiatives** so that the USRAP can operate with integrity, including by publishing key agency policies and practices, reporting on vetting backlogs, and engaging in rulemaking.

I. Background of the USRAP

The USRAP has provided a lifesaving pathway to safety for thousands of refugees each year since Congress created it through the 1980 Refugee Act. In passing the Refugee Act, Congress declared that it is “the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands[.]”⁶ Congress sought “to emphasize that the plight of the refugees themselves, as opposed to national origins or political considerations, should be paramount in determining which refugees are to be admitted to the United States.”⁷

The Refugee Act requires the President to set an annual goal for the number of refugees to be resettled in each fiscal year through a consultative process that results in a “Presidential Determination.”⁸ It also specifies that within the numerical limitation of the Presidential Determination the Secretary of the Department of Homeland Security (DHS) may admit refugees so long as their admission has been determined to be of special humanitarian concern, they are not inadmissible under the immigration laws, and they have not been firmly resettled in a third country. Apart from these instructions, Congress gave DHS the authority to issue regulations that set forth how the USRAP operates.

Despite these straightforward directives in the Refugee Act, the USRAP, as it currently operates, is convoluted and opaque. For a refugee to resettle to the United States through the USRAP, they must navigate a multi-step process:⁹

- 1. Access to the USRAP:** Refugees are considered for resettlement through the USRAP based on an individual referral for consideration from the UN High Commissioner for Refugees (UNHCR), U.S. Embassy, or certain non-profit organizations (called P-1 referrals);¹⁰ membership in a group the United States has designated as being of special humanitarian concern (called P-2 groups of special concern); or family reunification in the case of certain nationalities (called P-3 family reunification).
- 2. Pre-screening interview:** Refugees who are considered for resettlement undergo a pre-screening interview with a Resettlement Support Center (RSC), an entity operated by an international or nongovernmental organization under contract with the State Department. In this interview,

6 Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102.

7 H.R. Rep. No. 96-608, at 13 (1979).

8 Immigration and Nationality Act Section 207, 8 U.S.C. § 1157.

9 See *United States Refugee Admissions Program*, USCIS, https://www.uscis.gov/sites/default/files/document/charts/USRAP_FlowChart.pdf (last visited Oct. 3, 2020); *The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing Priorities*, USCIS, <https://www.uscis.gov/humanitarian/refugees-and-asylum/refugees/the-united-states-refugee-admissions-program-usrap-consultation-and-worldwide-processing-priorities> (last visited Oct. 3, 2020).

10 At the beginning of fiscal year 2020, the Trump Administration announced that the USRAP will no longer accept referrals from the UNHCR except in narrow categories of cases, even though such referrals were one of the main ways for a refugee to access the USRAP. See *Report to Congress on Proposed Refugee Admissions for FY 2020*, U.S. DEP'T OF STATE, <https://www.state.gov/reports/report-to-congress-on-proposed-refugee-admissions-for-fy-2020/> (last visited Oct. 3, 2020).

the RSC compiles basic biographic information, records the individual's narrative, and collects documentation such as identity and civil documents. The RSC is also responsible for requesting security checks that are necessary for approving an applicant's admission to the United States.

3. **USCIS interview:** Refugees must then complete an interview with a DHS U.S. Citizenship and Immigration Services (USCIS) refugee officer, who determines whether an individual is eligible for refugee status under U.S. immigration law. These interviews are conducted by USCIS on “circuit rides” —scheduled visits to places where refugees are located. Additional security checks are initiated after the USCIS interview.
4. **Pre-admission steps:** Prior to travel, refugees must pass multiple security checks, clear medical checks, attend a cultural orientation, and receive an “assurance” from a resettlement agency (a non-profit contracted with the U.S. government) in the United States that will promise to assist the refugees in settling into their new communities.
5. **Arrival in the United States:** Upon arrival at the airport, refugees are subject to further vetting by DHS's Customs and Border Protection (CBP).

This process is managed by the State Department's Bureau of Population, Refugees, and Migration (PRM), while USCIS is responsible for adjudicating refugee cases. As described below, PRM and USCIS work with many other government agencies for vetting.

Even prior to the Trump Administration, the U.S. government reported that this process, from accessing the USRAP until arrival to the United States, took an average of 18-24 months.¹¹ For some groups of refugees, the process consistently took longer—for many, as long as, or even longer than, five years.

In addition to the USRAP pathways described above, Congress provided for a pathway called the follow-to-join (FTJ) refugee process to assist with family reunification in cases where a refugee becomes separated from their family members while fleeing from persecution or during the lengthy process while they wait in often dangerous conditions for their refugee applications to be approved.¹² The FTJ refugee process allows a refugee resettled in the United States to petition for their spouse or unmarried children under 21 in the first two years of arrival to the United States. FTJ refugee family members entering through this process are entitled to be admitted to the United States as refugees and are counted against the Presidential Determination numerical limit for that fiscal year.

11 *Archive, U.S. Refugee Admissions Program*, U.S. DEP'T OF STATE, <https://2009-2017.state.gov/j/prm/ra/admissions/index.htm> (last visited Oct. 3, 2020).

12 8 U.S.C. § 1157(c)(2); *see also I-730, Refugee/Asylee Relative Petition*, USCIS, <https://www.uscis.gov/i-730> (last visited Oct. 3, 2020). Congress also provided for a similar FTJ pathway for asylees to reunite with their family members. The FTJ asylee process is not covered by this report.

II. The Road to Extreme Vetting

For decades, refugees have been the most vetted category of people arriving in the United States. Before being approved for admission to the United States, refugees provide detailed identity and biographical information for themselves, their families, and a point of contact (such as a close relative) in the United States. They submit their biometrics, including fingerprints and photographs, and they appear for an interview with a USCIS refugee officer, who assesses the credibility of each refugee and has the opportunity to probe any potentially adverse information in the refugee's files. Many refugees may be interviewed more than once if there are even slight changes in case composition or if additional information comes to light after the initial interview.

The U.S. government employs multiple security checks to vet the information collected in this process against its data holdings across agencies, as detailed in Appendix A and B. Some of these security checks are initiated after the pre-screening interview, some are initiated or re-run after the USCIS interview, and some continue until and even after arrival to the United States. **The vetting involves background checks not only on refugees themselves but their “parents and relatives in the United States and other individuals listed as part of the family tree and including points of contact in the United States and other individuals with whom the [refugee] associates.”¹³**

The results from these vetting processes can have two negative consequences for refugees. First, the refugee could be found ineligible for admission into the United States because of a security-related concern. Under immigration laws, refugees are ineligible for resettlement for a range of reasons based on vetting results, including if the U.S. government “knows, or has reasonable ground to believe” that the person seeks to enter the United States to commit any unlawful activity or that the person “is engaged in or is likely to engage after entry in any terrorist activity.”¹⁴ Second, the government could issue a “discretionary denial” based on speculative concerns rather than expressly articulated security-related reasons that would render someone statutorily ineligible. The latter practice creates a black box inside which DHS has free reign to deny refugee resettlement with little accountability.

Over time, the agencies involved in the USRAP—the State Department, DHS, and their vetting partners—have added layers of new and expansive security checks to the USRAP, often behind closed doors, that prevent refugees, their advocates, and members of Congress from keeping the agencies accountable to the humanitarian goals of the Refugee Act. These secret changes have at times resulted in refugee applications languishing for years and refugees who are otherwise eligible for resettlement receiving discretionary denials without any explanation. The three vetting processes discussed below—FBI bulk data matching,

13 U.S. DEP'T OF HOMELAND SEC., DHS/USCIS/PIA-068, PRIVACY IMPACT ASSESSMENT FOR THE REFUGEE CASE PROCESSING AND SECURITY VETTING at 15-16 (2017), <https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis-refugee-july2017.pdf> (“USRAP PIA”).

14 8 U.S.C. § 1182(a)(3).

social media screening, and CARRP (Controlled Application Review and Resolution Process)—were already causing these issues before the Trump Administration took office and dramatically expanded them.

Jane Doe 4, a recently widowed Iranian mother of Mandaean faith struggling to take care of her adult son with a disability in a society that discriminates against her religion, applied for refugee admission through the Lautenberg program. Congress created the Lautenberg program specifically to facilitate refugee admission for Iranian religious minorities. The United States had for decades operated a successful program through which a U.S. person could sponsor an Iranian refugee applicant and, once the applicant passed initial screening, the U.S. government would invite the applicant to travel to Vienna, Austria to complete processing in a safer location. Until 2018, nearly 100% of all refugee applicants who had traveled to Vienna were processed within a few months and admitted to the United States.

Another of Jane 4's sons, a U.S. citizen living in the Chicago area who had himself immigrated through the Lautenberg program years ago, sponsored his mother and brother through the program so he could support them now that his father had passed away. Jane 4 was approved for travel to Vienna and told that she would be prioritized for travel to the United States because of her son with a disability, who is unable to speak and relies on diapers and prescription medications for daily survival. After arriving in Vienna, Jane 4 and her son were conditionally approved and completed pre-travel medical checks.

After that, however, Jane 4 and her son's cases stalled without explanation, leaving them stranded in Vienna for over two years. Jane 4 unexpectedly found herself living in a small room in Vienna, away from everything she knows, barely able to afford rent or basic necessities for herself or for her son.

After two years of waiting, on February 19, 2018, Jane 4, along with nearly 90 other Iranian refugees who had been stuck in Vienna in similar circumstances, was notified that she and her son had both been denied refugee admission "as a matter of discretion"—i.e., that the United States was rejecting their application even though they were eligible for resettlement.

After a federal court in San Jose ruled that the denials that Jane 4 and her son received were inadequate for failing to explain the reason for the denial,^{*} DHS overturned the denials. Jane 4's family was finally able to reunite in the United States.

^{*} See *Jane Doe 1 v. Nielsen*, 357 F. Supp. 3d 972, 1005 (N.D. Cal. 2018).

A. FBI Bulk Data Vetting

The FBI adopted a “zero tolerance” threshold to a novel bulk data vetting technique, causing backlogs and a spike in discretionary denials.

The FBI is one of the law enforcement agencies involved in refugee vetting, including in a process called the Security Advisory Opinion (SAO) check or vetting.¹⁵ This check applies to refugees from countries that are designated on the so-called “SAO list,” as well as select others as described in Appendix B. Prior to 2016, the FBI had been conducting SAO vetting through its National Namecheck Program, which searched the FBI’s files for instances where refugees were the subject of an FBI investigation or where their name was referenced in an investigation, for example as associates, witnesses, or co-conspirators.¹⁶

Starting January 1, 2016, however, the FBI persuaded the State Department and DHS to allow it to use novel bulk data matching capabilities available to the FBI’s Foreign Terrorism Tracking Task Force (FTTTF).¹⁷ As defined by the Department of Justice, bulk collection of data is:

“[a] collection of a significant amount of data that is unrelated to an individual, group, or entity that is a target of an investigation, where the data is acquired or updated periodically on an ongoing basis. . . . Collections of bulk data may include millions or even billions of data points and are often loaded into computers and analyzed by means of automated searches.”¹⁸

FTTTF’s capability appears to be similar to the NSA telephone metadata program disclosed by former government contractor Edward J. Snowden in 2013 and found unlawful in *ACLU v. Clapper*, 785 F.3d 787 (2d Cir. 2015) and again most recently in *United States v. Moalin*, --- F.3d ---, 2020 WL 5225704 (9th Cir. 2020).¹⁹ The program at issue in those lawsuits involved the NSA’s use of bulk telephone metadata—a mass database containing call details other than voice content, such as the

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- 15 The SAO check also applies to other categories of people seeking admission to the United States. The SAO check that applies to refugees is called “SAO Merlin.” The term “SAO check” or “SAO vetting” as used in this report refers to SAO Merlin vetting for refugees.
- 16 See CITIZENSHIP & IMMIGR. SERVICES OMBUDSMAN, ANNUAL REPORT 2016 at 37 (2016), https://www.dhs.gov/sites/default/files/publications/cisomb/cisomb_2016-annual-report-to-congress.pdf; *Post-9/11 Visa Reforms and New Technology: Achieving the Necessary Security Improvements in a Global Environment*, Hearing Before the Senate Subcommittee on International Operations and Terrorism of the Committee on Foreign Relations, 108th Cong. (2003) (statement of David M. Hardy, Acting Assistant Director, Record/Information Dissemination Section Records Management Division, FBI), <https://archives.fbi.gov/archives/news/testimony/the-fbi-name-check-process>.
- 17 The inter-agency discussions that led to this decision are reflected in Ex. 3 (Compiled Summary of Conclusions).
- 18 U.S. DEP’T OF JUSTICE, OFF. OF INSPECTOR GEN., A REVIEW OF THE DRUG ENFORCEMENT ADMINISTRATION’S USE OF ADMINISTRATIVE SUBPOENAS TO COLLECT OR EXPLOIT BULK DATA (2019) at i, <https://www.oversight.gov/sites/default/files/oig-reports/o1901.pdf>.
- 19 For IRAP’s theory in challenging this vetting change, see Ex. 2 (Amended Complaint, *Doe v. Wolf*) ¶ 75; *Doe 1 v. McAleenan*, No. 18-cv-02349-BLF (VKD), 2019 WL 4235344, at *6 (N.D. Cal. Sept. 6, 2019).

number from which the call was made, the phone number called, and the length of the call. The NSA searched this bulk database to identify all phone numbers that were in touch with a target phone number of interest in an investigation, otherwise known as numbers within “one hop” of the target. The NSA would then search all numbers that were in touch with the numbers within “one hop,” thus identifying all phone numbers that were within “two hops” of the target. The NSA would then search all numbers that were in touch with the numbers within “two hops,” identifying all phone numbers that were within “three hops” of the target.

The bulk telephone metadata analysis involved in the NSA program raised concerns because of its privacy implications and the large number of innocent people who would be ensnared by such an analysis. Research shows that 25,000 people are within “two hops” of an average caller even with certain limitations in place.²⁰ The analysis of bulk telephone metadata can easily be misleading and yield immaterial information without careful scrutiny of each “hop”: if a target of an investigation had called for pizza delivery, or had received a telemarketing call, everyone who had similarly called for pizza from the same store or received a spam call from the same telemarketer would automatically be within two hops of the target of an investigation.

Despite the FBI’s enthusiasm for applying the FTTTF-driven SAO check to refugees, at the time the agency pushed for the State Department and DHS to endorse the change, it still needed to build its capability and, critically, had yet to decide on a threshold for when it would identify a refugee as a security concern based on this technique. As one DHS official explained:

“[The FBI] signed up to do something their staff had never done and the transition was clunky as a result.”²¹

Even worse, as it implemented the new vetting process the FBI unilaterally decided, without consulting the State Department or DHS, to adopt a “zero tolerance” threshold—which included returning a “not clear” result even based on information that other vetting agencies may decide do not pose security concerns.²² Although the U.S. government has prohibited IRAP from publicly disclosing our theory of precisely what this threshold involved, it caused a jump in the “not clear” results and the attendant increase in discretionary denials based on such results, with significant ripple effects for the USRAP. After the FBI’s SAO vetting change, **the Department of Defense raised the alarm that the SAO check was returning “not clear” results for 87 out of a sample of 88**

20 See Jonathan Mayer et al., *Evaluating the Privacy Properties of Telephone Metadata*, 113 PNAS 5536, 5538 (2016), <https://www.pnas.org/content/113/20/5536>.

21 Ex. 4 (E-mails re FTTTF).

22 Ex. 5 (E-mails re Meeting with FBI).

Iraqi refugees who had helped the American military in battle.²³ And in Vienna, Austria, the FBI's SAO vetting change led to an unprecedented mass denial of over 65 Iranian refugees who had traveled there at the invitation of the U.S. government to complete their refugee applications under a special program to assist those fleeing religious persecution in Iran.²⁴ Prior to the FBI's SAO vetting change, no Iranian refugee applicant who had been approved to travel to Vienna in this program had received a "not clear" result in SAO vetting.²⁵

The FBI's 2016 transition to using the bulk data matching technique illustrates the problems with the evolution of the USRAP vetting system. *First*, there was no oversight process for ensuring that the State Department, DHS, and their vetting partners considered whether this vetting change and the threshold adopted were consistent with the mission of the refugee program. Nor was there a process for monitoring whether the FBI had the resources to efficiently, meaningfully, and fairly identify security concerns within the vast amount of data that it was analyzing or for ensuring that the FBI was not cutting corners by overreporting "not clear" results. **The FBI could guarantee that refugees pose zero security risk to the United States by denying resettlement to all refugees without meaningful analysis, but that would undercut Congress's intent in creating the USRAP.**

Second, despite the public controversy that the NSA's use of a similar technique provoked, this major vetting change occurred without public notice that would have allowed stakeholders and members of Congress to seek accountability. This was so even though the FBI's bulk data matching technique affected not only overseas refugees but, like the NSA program, those in the United States whose lives were ensnared in the dragnet vetting. Even as refugee processing slowed and questionable denials increased in the lead up to the Trump Administration, refugees and their advocates were left in the dark about what the FBI was doing.

John Doe 7 is an Iranian-born U.S. citizen living in Texas who sponsored the refugee applications of his aunt and her family to help them escape religious discrimination in Iran. His aunt's family traveled to Vienna and, as expected, was approved for resettlement in September 2017. A resettlement agency in Texas called Doe 7 to ask about his plans to pick them up at the airport in a matter of days.

23 Yeganeh Torbati, *Exclusive: Pentagon Raises Alarm About Sharp Drop in Iraqis Coming to U.S.*, REUTERS (Aug. 20, 2018), <https://www.reuters.com/article/us-usa-immigration-refugees-iraq-exclusive/exclusive-pentagon-raises-alarm-about-sharp-drop-in-iraqi-refugees-coming-to-u-s-idUSKCN1L51N9>.

24 Ex. 2 (*Doe v. Wolf*, Amended Complaint) ¶¶ 101-103.

25 Ex. 6 (Iranians in Vienna NCL Rates).

Immediately before they were supposed to travel, however, Doe 7 was told that his family's case was being placed on hold and that their flights were cancelled. The family heard nothing about their case for over a year, except that Doe 7 was contacted by the FBI regarding his aunt's refugee application. The FBI questioned Doe 7 over the course of two meetings, asking him if he recognized two men in photographs (he did not) and if he had taken his car for repairs at a particular auto shop (he could not remember). After those meetings, Doe 7's aunt received a discretionary denial of her and her family's refugee application. The denial contained no information about the basis of the denial other than that it was security-related.

B. Social Media Vetting

DHS adopted social media vetting despite a flawed pilot and lack of linguistic capabilities or cultural competence to meaningfully interpret social media posts.

In December 2015, DHS began a pilot program to determine the viability of using social media screening to adjudicate refugee applications.²⁶ Following this pilot, in July 2016 DHS launched a Social Media Division within USCIS's Fraud Detection and National Security Directorate (FDNS), with the intent to use social media screening to formulate lines of questioning for USCIS interviews of select refugee populations.²⁷ As with the FBI's bulk data vetting, however, the enthusiasm for adopting social media vetting outpaced any evidence that it would be efficient, meaningful, or fair.

First, the DHS pilot was inconclusive overall on whether the agency should adopt social media vetting. Indeed, a February 2017 report from the DHS Office of Inspector General faulted the pilot for failing to "define what would constitute a successful outcome" and to identify "metrics against which to benchmark its findings."²⁸

Second, the DHS pilot concluded at least that automated social media screening was not feasible²⁹ — yet DHS did not grapple with the consequences of its own conclusion. If automated screening is not feasible, at minimum each refugee's social media profile must be reviewed manually by someone with relevant linguistic abilities, cultural competence, security experience, and refugee eligibility

26 U.S. DEP'T OF JUSTICE, OFF. OF INSPECTOR GEN., OIG-17-40, DHS' PILOTS FOR SOCIAL MEDIA SCREENING NEED INCREASED RIGOR TO ENSURE SCALABILITY AND LONG-TERM SUCCESS at 1 (2017), <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-40-Feb17.pdf> ("OIG Social Media Report").

27 Ex. 7 (Social Media Division SOP) at 4. See Appendix B, EFR vetting, for additional information on social media vetting.

28 OIG Social Media Report, *supra* n. 26, at 2.

29 See *id.* at 3.

expertise. Nonetheless, DHS's guidance on social media screening instructs officers who clearly lack such background to use Google Translate and similar online services for vetting.³⁰ Such online translation services were not designed for, and are notoriously unreliable in, capturing the nuances of informal communications such as social media posts. For instance, in 2017 Facebook issued an apology when its automated translation service turned a Palestinian man's "good morning" message into "hurt them" in English and "attack them" in Hebrew, which resulted in the man's erroneous arrest.³¹ Even when the word-for-word translation is mostly accurate, these free online services have no capacity to capture satire or sarcasm. DHS's reliance on automated translation services inevitably leads to erroneous false positives and needless subsequent delays for refugees.

In fact, by the end of 2016, DHS itself appears to have concluded that social media vetting was largely ineffective, as described in detail in a report published by the Brennan Center for Justice.³² The transition briefing prepared by DHS for the incoming administration questioned the value of social media vetting noting that as of November 4, 2016, no immigration benefits had been denied solely or primarily because of information uncovered through social media vetting, and that such vetting has only "had a limited impact" on "a small number of cases."³³

The previous administration warned the incoming one:

"The process of social media screening and vetting necessitates a labor intensive, manual review in which officers must first attempt to assess whether the content relates to an individual with a pending immigration benefit request. Even if information that definitively relates to such an individual is found, **authenticity, veracity, social context, and whether the content evidences indicators of fraud, public safety, or national security concern are often difficult to determine with any level of certainty . . .**"³⁴

The transition brief further expressed concern that mass social media screening was diverting USCIS personnel from "conducting the more targeted enhanced vetting they are well trained and equipped to do."³⁵ Despite inheriting these warnings, the Trump Administration decided to dramatically expand, rather than roll back, social media vetting in the refugee program.

30 Ex. 7 (Social Media Division SOP) at 16-17; Yeganeh Torbati, *Google Says Google Translate Can't Replace Human Translators. Immigration Officials Have Used It to Vet Refugees*, PROPUBLICA, Sept. 26, 2019, <https://www.propublica.org/article/google-says-google-translate-cant-replace-human-translators-immigration-officials-have-used-it-to-vet-refugees>.

31 Sidney Fussell, *Palestinian Man Arrested After Facebook Auto-Translates 'Good Morning' as 'Attack Them'*, GIZMODO, Oct. 23, 2017, <https://gizmodo.com/palestinian-man-arrested-after-facebook-auto-translates-1819782902>.

32 See THE BRENNAN CENTER FOR JUSTICE, SOCIAL MEDIA MONITORING 4 (2019), https://www.brennancenter.org/sites/default/files/publications/2019_DHS-SocialMediaMonitoring_FINAL.pdf.

33 U.S. CITIZENSHIP & IMMIGR. SERVICES, U.S. CITIZENSHIP AND IMMIGRATION SERVICES BRIEFING BOOK 183, <https://www.dhs.gov/sites/default/files/publications/USCIS%20Presidential%20Transition%20Records.pdf>.

34 *Id.*

35 *Id.* at 184.

C. CARRP (Controlled Application Review and Resolution Process)

Since at least 2008, DHS has been implementing an opaque process for reviewing “national security concerns” that has been criticized for bias.

CARRP is DHS’s program for identifying and adjudicating applications with “national security concerns.”³⁶ CARRP began as a secret program in or around 2008, exposed only after it was discovered in litigation and made public in response to subsequent Freedom of Information Act requests. In 2013, the American Civil Liberties Union of Southern California issued a report detailing concerns about how DHS uses CARRP to secretly blacklist the immigration benefits applications of many Arab, Middle Eastern, Muslim, and South Asian applicants as “national security concerns” based on overbroad criteria and discriminatory profiling.³⁷ The report examined how DHS cedes authority to resolve national security concerns to vetting partners such as the FBI and exposed the ways in which CARRP mandates that officers delay and deny applications.

CARRP has led to massive delays and pretextual denials in immigration benefits processing. In a case called *Wagafe v. Trump*, the American Civil Liberties Union brought litigation challenging CARRP as an unlawful internal vetting policy that imposes vague and overbroad criteria designating applicants as national security concerns—including on the basis of discriminatory factors such as religion and national origin, donating to Muslim charities, or traveling to Muslim-majority countries.³⁸ The plaintiffs, who were foreign nationals of Muslim-majority countries applying for naturalization or adjustment of status, alleged that once an applicant is labeled a national security concern, CARRP encourages officers to deny applications or delay them as long as possible, regardless of whether the applicant meets all the statutory requirements for citizenship or adjustment. The litigation survived a motion to dismiss in 2017 and remains ongoing.

These concerns about CARRP persist in its application to the USRAP. CARRP protocols for refugee officers instruct them to utilize the same steps, which appear to include dragnet security check results and broad definitions of suspicious activities, associates, or affiliations, to identify national security concerns in refugee applications as in other immigration benefits applications. Once a refugee case—and all its cross-referenced or related cases—are placed on hold for CARRP, they can languish indefinitely during the agency’s assessment and potential re-interview without any timeline for DHS’s final adjudication. And as DHS’s policy documents make clear, unresolved national security concerns cannot be outweighed by any positive discretionary factors in the case and mandate a discretionary denial of a refugee application.³⁹ To this day, there is very little that is known about how many refugee applications are stuck in CARRP and how long those applicants will be delayed.

36 See Ex. 8 (Compiled RAD CARRP SOP) at 28.

37 AM. C. L. UNION OF SO. CAL., MUSLIMS NEED NOT APPLY (2013), <https://www.aclusocal.org/sites/default/files/carrp-muslims-need-not-apply-aclu-socal-report.pdf> (“CARRP Report”).

38 No. C17-0094-RAJ, 2017 WL 2671254 at *1 (W.D. Wash. June 21, 2017).

39 See Ex. 8 (Compiled RAD CARRP SOP) at 18; Ex. 9 (RAIO Discretion Training) at 30-31.

III. Extreme Vetting Implemented by the Trump Administration

When President Trump took office, he was able to pursue his goal of stopping the admission of refugees—especially Muslim refugees—by exacerbating the problems with a vetting system already riddled with backlogs and high rates of discretionary denials. The Administration accomplished this through a series of suspensions of the USRAP, followed by targeted suspensions of, and expansions of vetting for, refugees from Muslim-majority countries. The Administration provided no evidence that any of these measures were actually justified on security grounds; to the contrary, a suppressed DHS memorandum leaked around the same time concluded that “country of citizenship is unlikely to be a reliable indicator of potential terrorist activity.”⁴⁰ Former national security officials, including those recently in office, weighed in to testify that they were not aware of any security-driven reasons for the Trump Administration’s nationality-based approach to the USRAP.⁴¹

A. January - October 2017: Refugee Ban

One of President Trump’s first actions in office was suspending refugee resettlement pending a 120-day review of the security vetting regime for the USRAP.

President Trump first suspended the USRAP on January 27, 2017, when he signed Exec. Order No. 13,769, widely known as the “Muslim Ban” for banning entry of nationals from certain Muslim-majority countries.⁴² Section 5 of that Executive Order suspended the USRAP for at least 120 days, ostensibly for a security review, and indefinitely suspended admission of all Syrian refugees. It also mandated that when the USRAP resumes, it prioritize refugee claims made on the basis of religious persecution, but only if the claimant belongs to the minority religion in their country of nationality. A federal court enjoined, or put on hold, those provisions on February 3, 2017.⁴³

Instead of fighting the court battles against the first Executive Order, President Trump revoked it and issued a second Executive Order on March 6, 2017, to go into effect ten days later.⁴⁴ Section 6 of this version also contained a refugee ban that suspended for 120 days “travel of refugees into the United States under the USRAP” and “decisions on applications for refugee status,” as well as a provision

40 See Vivian Salama, *AP Exclusive: DHS Report Disputes Threat from Banned Nations*, AP, Feb. 24, 2017, <https://apnews.com/article/39f1f8e4ceed4a30a4570f693291c866>; Citizenship Likely an Unreliable Indicator of Terrorist Threat to the United States, <https://assets.documentcloud.org/documents/3474730/DHS-intelligence-document-on-President-Donald.pdf>.

41 Ex. 10 (*JFS v. Trump*, Former National Security Officials Decl.) ¶ 6.

42 Exec. Order No. 13,769, 82 Fed. Reg. 8,977 (Feb. 1, 2017).

43 *Washington v. Trump*, No. C17-0141JLR, 2017 WL 462040 (W.D. Wash. Feb. 3, 2017), *denying stay pending appeal*, 847 F.3d 1151 (9th Cir. 2017) (per curiam). Another provision of the first Executive Order reduced the refugee admissions goal for FY 2017 from 110,000 to 50,000; that provision was not enjoined and was therefore in effect starting on January 27, 2017.

44 Exec. Order No. 13,780, 82 Fed. Reg. 13,209 (Mar. 9, 2017).

slashing the refugee admissions goal to 50,000 for FY17. The day the Executive Order was set to take effect, however, a federal district court enjoined these provisions.⁴⁵ The injunction remained in place until June 26, 2017, when the Supreme Court partially stayed it, allowing the refugee ban to go into effect except as to those “who can credibly claim a *bona fide* relationship with a person or entity in the United States.”⁴⁶

Because of the Supreme Court ruling, the second Executive Order’s refugee ban went into effect on June 26, 2017 and lasted 120 days until October 23, 2017, except with respect to refugees who could claim a *bona fide* relationship with a U.S. person. This had the immediate impact of cutting off safe passage to the United States for thousands of refugees who had no family or other connections to the United States—with the impact magnified for certain groups like LGBTI refugees who may not have such family connections. Further, the suspension meant that the validity of some refugees’ security and medical checks began to expire, putting them back in the pipeline to undergo the same checks again even where they had been ready to travel. This cascading expiration of checks had an exponential impact on delaying cases beyond the suspension period.

An Iraqi IRAP client known as Mohammed had fled the Islamic State and his abusive family in Iraq and was living in Turkey when he was referred by the UNHCR to the United States for resettlement.* As an LGBTI refugee, he continued to experience discrimination and harassment in Turkey, including by the police. His application for resettlement to the United States had been accepted and he was waiting for the final steps in his resettlement process when the first Muslim Ban executive order was issued. Nearly three years later, Mohammed was still waiting for an update in his case, until the UNHCR pulled his case from the U.S. pipeline to facilitate referral to another country.

* Patrick Kingsley & Karam Shoumali, *For Abused, Gay Iraqi in Turkey, U.S. Refugee Freeze Is Cruellest Hit*, N.Y. TIMES, July 1, 2017, <https://www.nytimes.com/2017/07/01/world/europe/turkeyiraq-refugee.html>.

45 *Hawai’i v. Trump*, 241 F. Supp. 3d 1119 (D. Haw. 2017) (granting temporary restraining order); 245 F. Supp. 3d 1227 (D. Haw. 2017) (granting a preliminary injunction). The Ninth Circuit affirmed in relevant part on June 12. See *Hawai’i v. Trump*, 859 F.3d 741 (9th Cir. 2017).

46 See *Trump v. Int’l Refugee Assistance Project (“IRAP”)*, 137 S. Ct. 2080, 2089 (2017). At the Supreme Court, *Hawai’i* was consolidated with *IRAP*, in which the plaintiffs had obtained a preliminary injunction of the ban on visas to six Muslim-majority countries (which was also covered by the *Hawai’i* preliminary injunction).

B. October 2017: Extreme Vetting Changes

After the 120-day review, the Trump Administration imposed extreme vetting changes targeted at Muslim refugees.

During the 120-day ban, the second Muslim Ban Executive Order directed the Secretary of State, working with the Secretary of Homeland Security and the Director of National Intelligence, to review the USRAP and to recommend and implement security-related reforms. The product of that 120-day review was a set of additional security screenings outlined in a joint agency memorandum to the President on October 23, 2017 (Agency Memo).⁴⁷

The Agency Memo announced changes to the USRAP that targeted Muslim refugees in two ways. *First*, it singled out refugees from countries on the SAO list (SAO countries) for extreme vetting. This aligned with President Trump's agenda to stop the admission of Muslim refugees because in 2017 this list consisted of 11 countries, 9 of which were Muslim-majority, including countries like Syria, Iraq, and Somalia that Muslim refugees are fleeing in large numbers.⁴⁸ Indeed, 80% of the Muslim refugees who had resettled in the United States in FY16 and FY17 were from one of the SAO countries.⁴⁹ *Second*, it also targeted family reunification for FTJ refugees, who had in recent years been majority Muslim. In FY16 and FY17, the nationalities most represented in the FTJ process were Iraqi, Somali, Burmese, Congolese, Ethiopian, and Eritrean; during those years, 62% of the arriving refugees from those countries in the USRAP generally were Muslim.⁵⁰

The changes mandated by the Agency Memo included the following:

1. **Increased Data Collection:** The Agency Memo required refugees to provide more extensive biographic data, specifically:
 - Phone, email, and address information dating back ten years instead of five;
 - Addresses for all places where any individual on the case file lived for 30 days or longer; and

47 Joint Memorandum to the President on Resuming the U.S. Refugee Admissions Program with Enhanced Vetting Capabilities (Oct. 23, 2017) (Agency Memo), https://www.dhs.gov/sites/default/files/publications/17_1023_S1_Refugee-Admissions-Program.pdf.

48 According to public reporting, the countries on the list as of October 2017 were Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, South Sudan, Sudan, Syria, and Yemen. See, e.g., Yeganeh Torbati & Mica Rosenberg, *Under Trump Plan, Refugees from 11 Countries Face Additional U.S. Barriers*, REUTERS, Oct. 24, 2017, <http://reut.rs/2gRvoDh>; Sabrina Siddiqui, *Trump Ends Refugee Ban With Order to Review Program For 11 Countries*, THE GUARDIAN, Oct. 24, 2017, <https://www.theguardian.com/us-news/2017/oct/24/trump-refugee-ban-end-immigration-executive-order>; Ted Hesson, *Trump Targets 11 Nations in Refugee Order*, POLITICO, Oct. 24, 2017, <http://politi.co/2gJQ5NW>.

49 Ex. 11 (*JFS v. Trump*, Casey Smith Decl.) ¶ 20.

50 *Id.* ¶ 21.

- Current phone and email contacts for all close relatives, not just relatives who are listed on their forms as contacts in the United States.⁵¹

This new data collection requirement had a more significant impact than might appear at first blush. *First*, although all refugees had to provide this information prospectively at the time of the USCIS interview, refugees from SAO countries who had completed USCIS interviews could not travel until the RSCs collected the additional data points and re-screened the cases.⁵² This requirement prevented thousands of refugees from SAO countries from traveling, even if they were ready for departure in October 2017.

Second, the data requirement imposed (and continues to impose) a significant burden on refugees, particularly those from countries that do not have formal street addresses or those who do not have consistent access to a phone. Providing a decade worth of phone numbers and addresses for any location where any member of a nuclear family lived for more than 30 days would be difficult for many families in the United States. It is even more so for families fleeing from violence and living in exile. The Administration has yet to justify how the collection of this additional data is meaningful for vetting purposes when it is often attenuated from the refugees, such as a temporary address from 10 years ago when refugees must move frequently or a phone number from 10 years ago when cell phones are often borrowed or passed around.

Finally, the requirement further stalled an already overburdened vetting system. The RSCs had to take the “labor intensive” steps to reach out to each refugee from a SAO country with completed interviews to collect the new information.⁵³ Before the SAO checks could be requested based on the additional information, the State Department had to make technical changes to WRAPS, its refugee processing database—which resulted in the system being unavailable for new automated check requests for over three months from October 23, 2017 to February 8, 2018.⁵⁴ And as described more below, even when SAO checks could resume through WRAPS, the vetting agencies could not keep up with the volume of requests generated by the new requirements, which added no less than 19,500 SAO checks that needed to be re-run based on new data collected.⁵⁵

51 This requirement was implemented through DOS Program Announcement 2018-04, Ex. 12.

52 *Id.* For refugees not from SAO countries and who do not otherwise require an SAO, this data was to be collected prospectively at the pre-screening interview or at the USCIS interview, but the new requirements did not apply to those who had already completed the USCIS interview.

53 Ex. 13 (Ingraham Decl.) ¶ 12.

54 *Id.* ¶¶ 3-8. Although RSCs could request checks manually, the number of checks requested in this manner was “very low” because the process was “extremely time consuming and resource intensive.” *Id.* ¶ 7.

55 *Id.* ¶ 12.

2. **Expanded SAO Checks:** The Agency Memo also expanded the applicability of SAO vetting,⁵⁶ even though, as described in Part II, SAO checks at the time were already backlogged and returning dubiously high “not clear” results. Prior to this guidance, SAO checks were only required for men from SAO countries between the ages of 16 and 50; the new guidance expanded the check to all refugees from SAO countries (i.e., men and women) ages 14 to 50.⁵⁷ It also required SAO checks for children younger than 14 if they are expected to turn 14 prior to travel and for adults older than 50 years of age if they were under the age of 50 when they began processing.⁵⁸ These requirements applied immediately to all cases that were pending—i.e., all refugee cases including women and younger or older family members who were newly covered by the vetting requirements, including those who had been scheduled for departure on or after October 25, 2017. Because about half of the refugees in the USRAP are women and approximately 40% are under 17 years old,⁵⁹ this vetting expansion instantly doubled the existing SAO check caseload and added “tens of thousands” of new cases to the existing SAO backlog.⁶⁰
3. **Expanded Social Media Vetting:** The Agency Memo further expanded social media vetting (which is a component of EFR vetting as described in Appendix B) from select refugee populations to any refugee from a SAO country above the age of 12 who was interviewed or re-interviewed by USCIS after July 24, 2017 (for principal refugees) or after October 24, 2017 (for FTJ refugee family members).⁶¹ This happened in spite of unresolved uncertainties about the efficiency, meaningfulness, and fairness of such vetting, including the lack of linguistic capacity.
4. **Expanded Vetting for FTJ Refugee Families:** The Agency Memo also announced that FTJ refugees will be subject to the same vetting process as principal refugees going forward, which meant that all of the changes above applied immediately to FTJ refugees from SAO countries.⁶² These changes also required internal shifts in FTJ processing, including changing the offices responsible for processing, the databases, and the paperwork, all before

56 This requirement was implemented through DOS Program Announcement 2018-05, Ex. 14.

57 Liz Robbins & Miriam Jordan, *Apartments Are Stocked, Toys Donated. Only the Refugees Are Missing*, N.Y. TIMES, May 16, 2018, <https://www.nytimes.com/2018/05/16/us/refugee-admissions.html>; U.S. Refugee Admissions Plummet in FY18, Int’l Rescue Comm., <https://reliefweb.int/sites/reliefweb.int/files/resources/ircusrefugeeadmissionsplummetinfy18.pdf>; *Security Advisory Opinion Fact Sheet*, REFUGEE COUNCIL USA (Nov. 13, 2017), <https://rcusa.org/resources/security-advisory-opinion-fact-sheet/>.

58 See Ex. 15 (Interim Guidance) at 3; Ex. 16 (Ingraham Dep.) at 157:4-158:6; Ex. 17 (Gauger Dep.) at 210:16-211:6.

59 U.S. DEP’T OF STATE, ANNUAL FLOW REPORT – REFUGEES AND ASYLEES: 2017 at 5-6 (2019), https://www.dhs.gov/sites/default/files/publications/Refugees_Asytees_2017.pdf.

60 Ex. 13 (Ingraham Decl.) ¶ 12.

61 Agency Memo, *supra* n. 47, at Addendum 3; see Appendix B, EFR vetting.

62 In addition, FTJ refugees would be subject to additional IAC vetting by the NSA (previously, FTJs were only subject to IAC vetting by NCTC). See Agency Memo, *supra* n. 47, at Addendum 4; Ex. 18 (Higgins Dep.) at 77:1-80:5, 81:20-82:4.

additional security checks could be requested. These changes were announced without any prior planning that would facilitate a shift in processing and without any consideration for the delays in family reunification that would result.⁶³

One of IRAP's clients who goes by the name of Sam was approved for travel to the United States when the Agency Memo was issued. At that point, Sam had been waiting for three years for resettlement. As an Iraqi interpreter who had worked for U.S. forces in Iraq, he was a target of militias and had fled to Egypt to keep himself and his family safe. In Egypt, however, he lives under constant threat of deportation, remains separated from his family, and is not allowed to work. Despite having undergone all necessary interviews and security checks, and despite having former U.S. supervisors ready to welcome him, Sam's travel was suddenly stalled. He was asked for additional information and has been waiting to clear the newly required security checks ever since, while remaining in continually dangerous circumstances.

C. October – December 2017: Targeted Refugee Ban

The Trump Administration continued to suspend resettlement for certain refugees in a manner that targeted Muslim refugees.

Although the Agency Memo deemed that the USRAP could generally resume following the 120-day review, it continued the ban on admitting and processing refugees from SAO countries for 90 days while it purported to conduct an additional review of vetting for those refugees.⁶⁴ During this time, the Agency Memo instructed the State Department and DHS to reallocate the resources for processing refugees from SAO countries to refugees from other countries. Thus, absent a case-by-case waiver, the refugee ban beginning on October 24, 2017 prohibited scheduling refugees from SAO countries for travel or for USCIS interviews, approving their applications, or lifting holds on their cases.⁶⁵

63 See also *Why Refugee Families Cannot Reunite*, INT'L REFUGEE ASSISTANCE PROJECT (Feb. 13, 2020), <https://refugeerights.org/why-refugee-families-cannot-reunite/>.

64 See Agency Memo, *supra* n. 47, at 2. The Agency Memo also indefinitely suspended FTJ refugee admission and processing pending the implementation of the vetting changes that it mandated. *Id.* at 3.

65 Ex. 15 (Interim Guidance) at 1-2; Ex. 19 (Email Message #1 FY18) at 2.

According to an NPR interview with Barbara Strack, then-Chief of DHS's Refugee Affairs Division, **the Agency Memo ordered this continued suspension despite the contrary conclusion of the 120-day review.**⁶⁶

Zoe Chace (NPR): My impression from Barbara and the others who worked on [the 120-day review] was we implemented every improvement we could imagine to a process that was already tight. And the final conclusion of this group of experts was if you institute these improvements into the process that we already have, for sure, it is safe to turn the program back on. So go ahead. Start admitting the refugees again with the more extreme vetting that you wanted. And then, on about 110 of the 120 days, they hear back from the White House. The White House did not like the conclusion of this review. And according to Barbara and the others I spoke to in the group, the White House wanted it to change.

Barbara Strack: They had expressed concern about the recommendation to resume refugee processing of all nationalities.

Zoe Chace: And do you know which nationalities the White House was worried about?

Barbara Strack: . . . I was told that there was particular concern about Somali nationals.

. . . .

Zoe Chace: Why?

Barbara Strack: I don't know.

. . . .

Zoe Chace: And there's no rationale that you were given? Like, because Somalia is like this or like that.

Barbara Strack: The rationale wasn't shared with me.

Zoe Chace: Two government officials confirmed this for me. Somalia wasn't the only concern, they said, but it was a major concern. . . . I think it was bullshit, one guy in the group told me. At the end of the day, the data didn't show that Somalis were any special risk. So after 120 days, the White House reopened the refugee program for some countries, but not for a handful of countries who make up a lot of the refugees that are resettled here. For Somalia and 10 others, including all the countries in the original travel ban, the refugee program would stay suspended. For them, the 120 day review got another 90 days.

66 Transcript 656: *Let Me Count the Ways*, THIS AMERICAN LIFE (Sept. 14, 2018), <https://www.thisamericanlife.org/656/transcript>.

Somalis have been the frequent target of President Trump’s xenophobic attacks and **President Trump had previously asked then-acting Homeland Security Secretary Elaine Duke why he could not ban people from “fucking Somalia.”**⁶⁷

IRAP, along with several partner organizations, filed a lawsuit in November 2017 challenging the suspensions in the Agency Memo. On December 23, 2017, a federal court issued a preliminary injunction that prohibited the U.S. government from implementing the ban with respect to refugees with *bona fide* relationships to U.S. persons.⁶⁸ However, much damage had already been done in the two months that the ban was in effect.

First, while the SAO suspensions were in place, the government did not grant a single waiver, even though the State Department had initially identified approximately 200 cases that it believed merited it.⁶⁹ This meant that no case involving refugees from SAO countries—not even cases that the State Department believed were in the national interest to expedite—could move forward towards travel.

Second, as a result of the suspension, USCIS did not schedule circuit rides in the first two quarters of FY 18 for locations where a high caseload of refugees from SAO countries were waiting to be interviewed, such as Egypt, Jordan, and Iraq.⁷⁰ Nor were many refugees from SAO countries interviewed during this time even when the circuit rides came to their locations,⁷¹ ensuring that those refugees’ cases would remain stalled.

In 2017, IRAP began working with a transgender Egyptian woman facing severe harassment and violence in her home country, including multiple attempted rapes, death threats, and a visit by the state police over her gender identity. IRAP’s legal team successfully applied for her case to be expedited for resettlement to the United States because she was at high risk, but processing of her case halted when the Trump Administration issued the October 2017 refugee ban. Her case only began to move two and a half years later, after the settlement of IRAP’s case challenging the refugee ban.

67 Priscilla Alvarez, *Book: Trump Raged Against Refugees from Somalia in Private Meeting*, CNN (Oct. 7, 2019), <https://www.cnn.com/2019/10/07/politics/trump-border-wars/index.html>.

68 *Doe v. Trump*, 288 F. Supp. 3d 1045 (W.D. Wash. 2017). The lawsuit also challenged, and obtained an injunction against, the FTJ suspension.

69 Ex. 17 (Gauger Dep.) at 64:5-74:10.

70 Ex 16 (Ingraham Dep.) at 90:18-91:2, 98:20-99:2, 124:13-125:7; Ex. 17 (Gauger Dep.) at 58:1-21, 113:13-15; Ex. 18 (Higgins Dep.) at 105:12-108:18, 132:22-133:22.

71 Ex 16 (Ingraham Dep.) at 122:5-125:7.

D. January 2018: More Extreme Vetting Changes

After the 90-day review, the Trump Administration imposed additional extreme vetting changes targeting Muslim refugees.

The additional 90-day review ordered by the Agency Memo concluded in January 2018. Then-Secretary Kirstjen M. Nielsen issued implementing memoranda on January 29, 2018 (Nielsen Memo) outlining additional changes that multiplied hurdles to processing and admission for refugees from SAO countries.⁷²

1. **Expansion of CARRP:** During the 90-day review, the agencies purportedly identified additional “national security indicators” that could subject refugees from SAO countries to CARRP, including “[a]ctual involvement in or association with terrorist activity or a terrorist organization,” “close proximity to violent events or terrorist activity,” and other considerations redacted from public documents.⁷³ This CARRP expansion can subject refugees from SAO countries to longer delays in processing in a system lacking accountability.
2. **Longer interviews and separate interviews for children:** The memoranda required lengthier interviews for refugees from SAO countries “to allow for further exploration of potential national security, inadmissibility, and credibility issues” despite recognizing that this requirement will lead to fewer USCIS interviews of refugees from SAO countries and add to processing delays.⁷⁴ The memoranda also emphasized the importance of interviewing children separately from their parents to “further explore potential national security, identity, inadmissibility, and credibility issues” despite also recognizing that this burdens scheduling needs.⁷⁵ Interviews of children without a parent or a legal representative raise significant concerns about reliability and due process. Nonetheless, the implementing guidance requires that cases be placed on hold if permission is not forthcoming to interview children between the ages of 14 to 17 alone and, even though it recognizes that children

72 Ex. 20 (Nielsen Memo). A more detailed implementation memorandum was issued the same day by Jennifer Higgins, Associate Director of the Refugee, Asylum, and International Operations Directorate. Ex. 21 (Higgins Memo). These memoranda also outlined additional changes that will apply to the USRAP, including how discretion is exercised, how previously undisclosed wounds or injuries are reported, and how biometrics collected by UNHCR are integrated into the USRAP’s identity management system. It also discussed launching a process to update the FBI’s SAO adjudication thresholds and reporting of results, but whether the process occurred and what the outcome was is unknown.

73 Ex. 22 (Updated Guidance).

74 Ex. 21 (Higgins Memo) at 2.

75 See *id.* It is not clear whether this part of the guidance applies only to refugees from SAO countries or more broadly. USCIS’s additional guidance on April 2018 indicates that some “demographic indicators” will require that children be interviewed separately. See Ex. 22 (Updated Guidance) at 393 (also stating that some responses will require a separate interview and that officers always have the option to conduct separate interviews in their discretion).

under the age of 14 should generally not be interviewed alone, it still allows for such interviews in some cases.⁷⁶

E. February 2018: Vetting Quotas

The Trump Administration imposed new quotas on SAO check requests because the extreme vetting measures had overburdened the vetting agencies.

The extreme vetting changes outlined above predictably overwhelmed the USRAP and contributed to the growing backlog. As noted above, the RSCs were unable to request automated SAO checks until the State Department first completed technical changes to its database to accommodate the expanded vetting requirements ordered by the 120-day review. By February 2018, RSCs could resume requesting SAO checks, but they were warned that, given the volume of cases that require these checks and vetting partner capacity, they will be assigned monthly quotas of SAO requests that can be submitted in WRAPS and that “the anticipated turnaround time for SAO responses may be 1-3 months.”⁷⁷

The State Department set a **global monthly quota of 2,010 requests** initially for SAO checks, “based on expected throughput capacity of vetting partners.”⁷⁸ But from **February through April 2018, those vetting partners “provided a complete SAO response for only 110 individual requests, out of which 101 responses were ‘not clear’**,” meaning that the individuals could not move forward with processing. In light of this much lower-than-anticipated throughput, the State Department drastically cut the global monthly quotas on SAO checks on April 30, 2018 from 2,010 to just **500 requests**.

IRAP learned that the quotas were subsequently lifted at some point before February 2019.⁷⁹ However, output for SAO checks remained low, with news reports indicating that “[o]n some days, the FBI . . . managed to review only a handful of cases.”⁸⁰ Indeed, as of August 2018, the FBI had only 38 staff adjudicating SAO checks, “working across all the regional teams, vetting all types of travelers.”⁸¹ Although the FBI reported that it planned to expand capacity with more contractors,

76 See *id.* at 392-93.

77 Ex. 23 (E-mail Message #6 FY18) at 1.

78 Information in this paragraph reflects testimony in Ex. 13 (Ingraham Decl.) ¶ 10.

79 Ex. 16 (Ingraham Dep.) at 218:7-219:10.

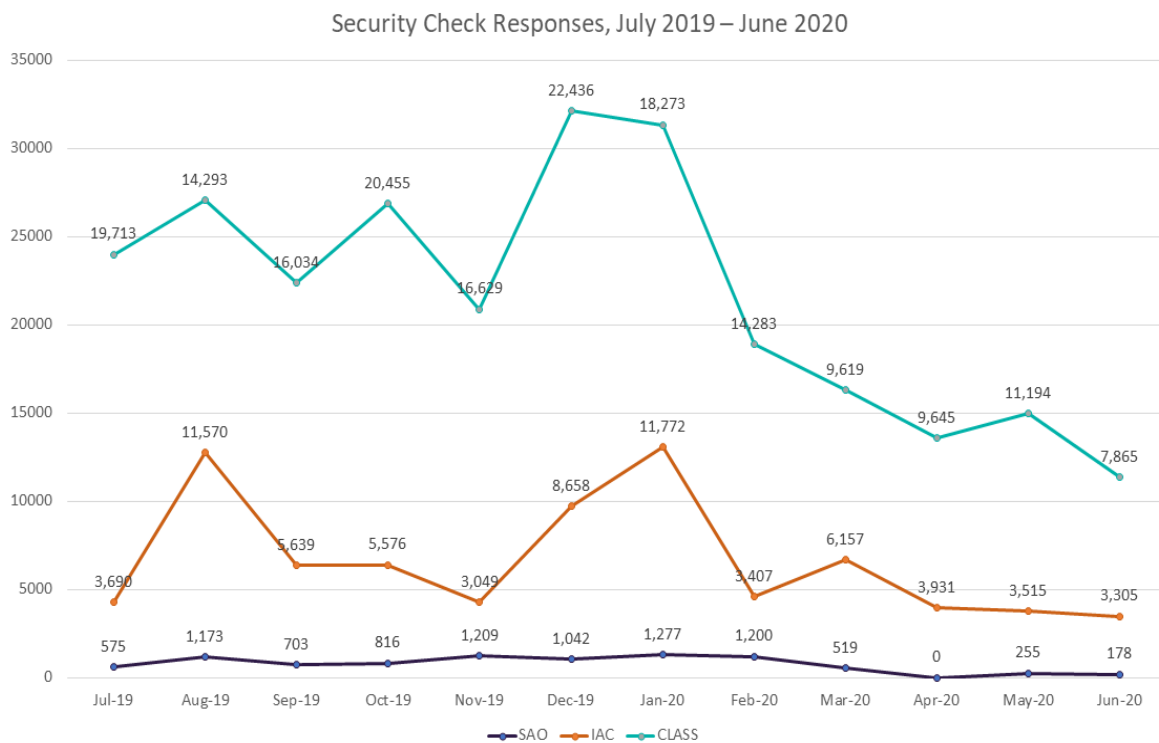
80 Dan De Luce & Julia Ainsley, *Trump Admin Intentionally Slowing FBI Vetting of Refugees, Ex-Officials Say*, NBC News, Aug. 24, 2018, <https://www.nbcnews.com/politics/immigration/trump-admin-intentionally-slowing-fbi-vetting-refugees-ex-officials-say-n903346>.

81 Ex. 24 (E-mails re Visit to FTTTF) at 2.

one State Department official noted:

“While it’s great that they’re expanding with contractors, we’re clearly not going to see a huge increase/return to 2016 or 2017 levels even if they hire 10 more people.”⁸²

The graph below shows that even in the past year, output of SAO checks never reached the global monthly quota of 2,010 that the State Department had hoped for in February 188. The output of SAO checks has remained dismally low, especially as compared to other checks applicable to all refugees.⁸³



⁸² *Id.*

⁸³ Underlying data from the graph pulled from Exs. 25-38 (Reports to Congress, FY19 Q 4-20 Q3). See also Ex. 29 (Report to Congress, FY19) for data prior to July 2019. These documents were obtained through the efforts of Senator Van Hollen’s office.

F. April 2018: Another Layer of Review

The Trump Administration imposed yet another new layer of review on refugees from SAO countries to check compliance with the extreme vetting measures.

At the conclusion of the 90-day review, the Trump Administration imposed yet another time-consuming obstacle before refugees from SAO countries could be admitted to the United States: a process called “Pipeline DHS Review” (PDR). The PDR required DHS to review files of refugees from SAO countries who already completed USCIS interviews to determine whether they needed to be re-interviewed in light of vetting changes.⁸⁴

The Nielsen Memo on January 29, 2018, ordered that USCIS make this determination prior to the start of FY18 3rd quarter refugee processing—i.e., that the PDR be complete by April 1, 2018.⁸⁵ But USCIS did not interpret the Nielsen Memo in this way, in part because in order to implement the directive the agency had to expend resources between February and April developing guidance, training, and making further changes to WRAPS.⁸⁶ Although USCIS began the PDR process prior to April 2018 for cases identified as priorities by the State Department, only two SAO cases cleared the PDR between February and April 2018.⁸⁷

Thus, **instead of completing the PDR by April 2018, USCIS started the PDR in earnest that month.** USCIS’s PDR guidance issued on April 2, 2018 provided no target time for completion and expanded the scope of the PDR beyond what the Nielsen Memo had ordered in two ways: (1) it included within its scope cases that had been interviewed between January and April 2018 and (2) it required a review of the files to check for compliance with the 120-day review vetting changes in addition to the 90-day review changes.⁸⁸

The PDR delayed processing of refugees from SAO countries by months. Between February 1 and November 5, 2018, USCIS initiated PDR on approximately 555 cases and completed PDR on approximately 440 cases. **As of November 2018, some 6,620 cases were still pending PDR, with more than 6,000 of those cases awaiting security checks.**⁸⁹

84 Ex. 20 (Nielsen Memo) at 3; Ex. 21 (Higgins Memo) at 3. Refugee cases with valid security check results that have already been stamped approved were excluded from this review. *See id.* n.2. FTJ refugees were also excluded, with the caveat that DHS maintains the discretion to re-interview any case where “derogatory information or procedural deficiency” is discovered post-interview. *Id.* n.1.

85 Ex. 20 (Nielsen Memo) at 2-3.

86 Ex. 30 (Ruppel Decl.) ¶ 9.

87 *Id.* ¶ 12.

88 Ex. 31 (Memo re PDR Guidance) at 1-2.

89 Information in this paragraph reflects testimony in Ex. 30 (I-730 Memo) ¶ 15.

Four months later, USCIS had barely made a dent on the PDR backlog.⁹⁰ **In February 2019, approximately 1,300 cases had cleared the PDR, with approximately 6,000 cases still pending, and with RAD processing, on average, 150 cases a week.** Of the 1,300 cases that had gone through PDR at that time, 14% resulted in a re-interview, meaning that the vast majority of refugees from SAO countries experienced unnecessary PDR delays.

90 Information in this paragraph reflects testimony in Ex. 18 (Higgins Dep.) at 256:6-20, 264:6-265:1.

IV. Impact of Extreme Vetting on Refugees and their Families

Throughout the report, we have highlighted stories of IRAP's refugee clients whose resettlement has been delayed or denied due to the USRAP's extreme vetting system. They are just several among tens of thousands of refugees who fled persecution in their home countries, who live in transitory and often dangerous situations in a second country, and whose hopes for safety—and for many, reunification with family members—have been upended by the Trump Administration's relentless attacks on the USRAP.

For these refugees, the mounting delays in the USRAP and uncertainty about their futures often represent life or death. Less than one percent of the world's refugees are resettled each year; refugees who have been permitted to access the USRAP are those who have already been identified as especially vulnerable in their current situation.⁹¹ Each additional day they have to wait for resettlement is another day that they must remain in danger. For refugees who are waiting to reunite with their family members in the United States, each day is a missed opportunity to be in each other's lives. Moreover, for many refugees, the uncertainty about the future and insecurity of their status while they wait for resettlement exacerbate the trauma related to past experience in their home countries and experiences during flight.⁹²

Afkab Mohamed Hussein fled the civil war in Somalia and grew up in a refugee camp in Kenya, where he met his wife, another Somali refugee. In September 2015, Afkab was finally approved to resettle in the United States, but he had to leave his pregnant wife behind to avoid further delays. He did so knowing that once he reached the United States he could apply for his wife and newborn child to join him as “follow-to-join” refugees. He submitted the FTJ petitions as quickly as possible, and they were approved in 2016. But Afkab's family has been stuck in processing ever since. Afkab has been in the United States on his own for five years now, waiting for the moment when he can welcome his family and build a life together.

For refugees who receive a “discretionary denial” based on security vetting after waiting through long processing times, the situation is even more dire and unfair. When a refugee receives a discretionary denial based on a security check, they simply receive a standard “Notice of Ineligibility” letter with a box checked indicating that they were denied as a matter of discretion. Because the letter gives the refugee no explanation of the concern that the vetting had raised, even though the refugee may file a request that the

91 See UNHCR USA, Resettlement, <https://www.unhcr.org/en-us/resettlement.html>.

92 Cf. Elizabeth A. Newnham et al., *The Mental Health Effects of Visa Insecurity for Refugees and People Seeking Asylum: a Latent Class Analysis*, 64 INT'L J. OF PUB. HEALTH, 763-772 (2019), <https://link.springer.com/article/10.1007/s00038-019-01249-6> (studying impact of visa insecurity on mental health of refugees and asylum seekers and recommending that countries ensure timely progression to refugee status).

USCIS review its decision, there is no practical opportunity to explain why the “concern” was unfounded, inaccurate, or simply a case of mistaken identity or misinterpretation.

At this point, the refugee’s hope for safe passage has hit a dead end. A refugee denied based on a security check will generally not have any other options for resettlement in a third country. With limited resettlement globally, the UNHCR generally cannot re-submit the same case to another country for resettlement consideration; a U.S. security rejection, no matter how spurious or unsupported, will discourage another country from considering the application. Refugees understand what this means for them. In Nauru, a remote island in the South Pacific where refugees were awaiting resettlement in harrowing conditions, USCIS denied refugee admission to over 260 refugees, many of them Iranian or Somali, as a result of extreme vetting. After receiving the rejection notice, one Iranian woman threw herself into the ocean in an attempted suicide.⁹³

93 See *Nauru Refugees from Iran, Somalia Rejected by U.S.*, RNZ (May 8, 2018), <https://www.rnz.co.nz/international/pacific-news/356900/nauru-refugees-from-iran-somalia-rejected-by-us>; *Final Refugee Children Leave Nauru for U.S.*, SBS NEWS (Feb. 28, 2019), <https://www.sbs.com.au/news/final-refugee-children-leave-nauru-for-us>.

V. Recommendations for Reform

Beyond President Trump's high-profile executive actions, such as the Muslim Ban and the cuts to the annual refugee goal, the Trump Administration succeeded in taking advantage of the structural weaknesses of the refugee vetting system to secure death by a thousand cuts. Because of the lack of accountability, oversight, and transparency in the system, it took years of litigation and direct contact with hundreds of clients for stakeholders like IRAP to understand why tens of thousands of refugee applications were stalled and why refugee arrivals, particularly from Muslim-majority countries, had plummeted. And even as we begin to understand what actions the Administration took in 2017 and 2018 to decimate the USRAP, the Administration is continuing to take additional steps to ensure that the USRAP will remain mired in problems in the future, such as the additional restrictions proposed for this fiscal year's Presidential Determination. There are likely many other changes happening now behind the scenes that the public will not learn about for years to come.

Future administrations that wish to rebuild the USRAP and strengthen it against the political whims of the moment must therefore take active steps to increase accountability, oversight, and transparency of its vetting processes. Specifically, IRAP recommends that a future administration take the following steps:

1. **Conduct a comprehensive review of the existing security vetting process in the USRAP and implement reforms.**

A future administration should conduct a comprehensive review of the existing security vetting system with senior participants from the State Department, DHS, and their vetting partners, and reform vetting in a manner consistent with the findings of that review. The leadership managing this process and its participants must not only have appropriate security clearances and background to appreciate the consequences of employing certain vetting techniques, but be committed to the humanitarian goals of the Refugee Act and understand the contexts in which the USRAP operates.

This review and reform effort should assess turnaround times and "not clear" percentages for each security check and evaluate the current vetting system against standards of **efficiency**, **meaningfulness**, and **fairness**, with a particular focus on bulk data matching, social media screening, CARRP, and the expansion of all three under the Trump Administration. The three pillars of the assessment should be:

- **Efficiency:** The review should assess whether vetting requirements match realistic constraints on agency resources such that finite resources are being used wisely and vetting does not result in unreasonable delays and insurmountable backlogs that leave refugees in dangerous situations and prolong family reunification. This is a particularly important consideration when piloting new vetting techniques, like bulk data techniques and social media vetting, that require a significant investment in trained human

resources. The review should further ensure that adequate resources are dedicated to prioritizing the resolution of security concerns raised by vetting so that refugees can receive prompt decisions on their resettlement applications.

- **Meaningfulness:** The review should assess whether each security check adds a statistically significant value to the mission of keeping the country safe. This includes an evaluation of whether the check generates relevant, reliable, and unique security leads that relate to or match the person being vetted and are material to eligibility and security concerns. The review should assess any data collection requirements through an understanding of what information is likely to be material for reviewing a refugee's file given the experience of those fleeing persecution in countries that often lack infrastructure.
- **Fairness:** The review should assess whether refugees are given a prompt and complete opportunity to be confronted with potentially adverse information and provided a chance to offer a reasonable explanation in order to avoid misunderstandings that could lead to unfair denials of their refugee applications. It should also ensure that any discretionary denials based on vetting results are rooted in rational decision-making and issued under objective and unbiased standards. This includes ensuring that personnel who are trained to understand the context of the USRAP are making the decisions that could make a difference between life and death for a refugee.

The State Department and DHS should publicize the results of this review and steps for reform to the extent possible and promptly begin implementing the reforms. IRAP expects that this review and reform effort will lead to streamlining the vetting process and rolling back the problematic aspects of recent expansions of the vetting system.

Finally, once the reforms are implemented, the administration should take steps to ensure that refugees who had been issued discretionary denials under the previous security checks have the opportunity to file a request for review under the improved vetting regime. As explained above, many refugees do not have other avenues to safety once they are rejected from the USRAP. If they were denied unfairly, they should have the opportunity to ask for a re-assessment of their application.

2. Create an oversight mechanism.

A future administration should create an ongoing oversight body and mechanism to assess new refugee vetting processes when they are proposed and to continually monitor their

implementation.⁹⁴ Such oversight must be structured differently from the interagency process that resulted in the FBI's SAO vetting changes in 2016. In that process, the State Department and DHS, the agencies tasked with implementing the Refugee Act, ceded their authority and deferred to the FBI—an agency that has faced criticism over the past two decades for its discriminatory and unwarranted mass surveillance of Muslim-American communities⁹⁵—without making basic inquiries about what this vetting involved. This dynamic must change. The oversight body must be effective and empowered, when necessary, to push back against the one-way drive towards more vetting and to repeal and retire processes that do not meet the needs of the USRAP.

The oversight body should also adopt objective, transparent measures for how it will continually assess vetting processes. The major criticism that the DHS Office of Inspector General leveled against DHS's pilots of social media vetting was that it lacked criteria for "measuring performance to ensure they meet their objectives."⁹⁶ It cited the Government Accountability Office's best practices of effective pilots in any programs: that pilots have "well-defined, clear, and measurable objectives; criteria or standards for determining pilot performance; and a plan to track the pilot's performance and evaluate the final results."⁹⁷ The oversight body should also define objectives and criteria for its mission; for example, the same pillars of efficiency, meaningfulness, and fairness articulated above could continue to be used for ongoing assessments of the vetting system.

3. Launch transparency initiatives.

A future administration must also provide more transparency to the USRAP to give refugee applicants the dignity of a processing system that is fair and predictable and to give stakeholders and the public an improved understanding of how our government is operating a major humanitarian program. The USRAP may well be the least transparent pathway of migration to the United States, making it most susceptible to unannounced changes, whether intentional or inadvertent, that could destroy the system. Transparency is crucial to remedying this problem.

This transparency should begin with making current policies and procedures publicly accessible. Policies on refugee processing and adjudication, many of which informed this report, are not affirmatively made public by government agencies. IRAP succeeded in obtaining them only

94 An oversight mechanism exists, for example, for the newly launched National Vetting Center. See National Vetting Governance Board Charter (Apr. 20, 2018), https://www.dhs.gov/sites/default/files/publications/national-vetting-governance-board-charter_508.pdf.

95 See, e.g., Glenn Greenwald & Murtaza Hussain, *Meet the Muslim-American Leaders the FBI and NSA Have Been Spying On*, THE INTERCEPT (July 9, 2014), <https://theintercept.com/2014/07/09/under-surveillance/>; Sabrina Alimahomed-Wilson, *When the FBI Knocks: Radicalized State Surveillance of Muslims*, 45 CRITICAL SOCIOLO. 871 (2019).

96 OIG Social Media Report, *supra* n. 26, at 2.

97 *Id.*

through FOIA, litigation, or both, although the policies largely do not contain information that is law enforcement sensitive, much less classified.⁹⁸ Key policy documents, including the State Department’s Overseas Processing Manual, Standard Operating Procedures, and Program Announcements, and USCIS’s policy and procedures manuals, lesson plans, and training materials, should be available on government websites.

Data on processing and refugee admissions should be similarly accessible, just as processing times for other types of USCIS applications are made public.⁹⁹ This data reporting should include processing times for each step of the USRAP and for each type of vetting, so that stakeholders can better understand the backlog for each process such as SAO vetting, social media vetting, and CARRP. This data should also include robust reporting on refugee admissions and demographics with interactive capabilities. Although the State Department has provided these capabilities in the past, it recently announced that it will stop reporting the religion of arriving refugees and no longer give the public the ability to generate interactive reports, pulling back on one of the few tools of transparency in the refugee program.¹⁰⁰

Finally, DHS should consider rulemaking to elaborate on procedural components of the USRAP. Despite congressional instruction that DHS admit refugees and exercise its discretion consistent with published rules, it has rules only on several aspects of the USRAP. By contrast, other immigration benefits are governed by general regulations in 8 C.F.R. 103, which describe application requirements, processing steps, and rights that applicants have in reviewing any derogatory information, as well as more detailed regulations specific to the benefit application.¹⁰¹ Refugee processing would benefit from similar clarity in binding norms and applicable rules, which could then not be changed at whim by future administrations without notice to the public and without following the procedural requirements in the Administrative Procedure Act.

Having a more transparent system will assist in giving all stakeholders in the USRAP—refugees, their families and supporters in the United States, legal and social services providers, and Members of Congress—a meaningful role in overseeing the integrity of the USRAP. This layer of public oversight is critical to ensuring that the USRAP remains, as Congress intended, a robust system of humanitarian protection even against the shifting winds of politics.

98 Making the documents affirmatively public would also allow the agencies to manage confidentiality redactions in a coordinated and informed manner, rather than the inconsistent, case-by-case approach that has been taken so far in response to each lawsuit and FOIA request.

99 *Check Case Processing Times*, USCIS, <https://egov.uscis.gov/processing-times/>.

100 *Admissions & Arrivals (Notice)*, REFUGEE PROCESSING CTR., <https://www.wrapsnet.org/admissions-and-arrivals/>.

101 *See, e.g.*, 8 C.F.R. 208. IRAP has argued that some parts of the general regulations should apply to refugee processing, but the government has taken the position that they do not apply. *See Jane Doe 1 v. Nielsen*, 357 F. Supp. 3d 972, 1000 (N.D. Cal. 2018) (describing government’s argument that 8 C.F.R. 103.2(b)(16)(i) does not apply to refugee processing).

Conclusion

Even as this report is being prepared for publication, President Trump has threatened to return to a substantially similar version of his original Muslim Ban Executive Order in the Presidential Determination for this fiscal year, with a proposal not to admit refugees from countries like Somalia, Syria, and Yemen due to security concerns—unless they belong to certain groups such as “those who have been persecuted or have a well-founded fear of persecution on account of religion.”¹⁰² Not only is this hypocritical in light of the Administration’s claims that the extreme vetting changes of the past few years were necessary to address such concerns, it wholly disregards that refugees are fleeing their homes for the same reason: they are not safe there because of terrorists, militias, and others who seek to destroy their lives. To abandon refugees from high-security risk areas, whether through an outright suspension or through extreme vetting, is to altogether abandon the purpose of the refugee program. The United States must find its way back to honoring the commitments codified in the Refugee Act and demonstrating its humanitarian leadership to the world.

¹⁰² Zolan Kanno-Youngs & Michael D. Shear, *Trump Virtually Cuts Off Refugees as He Unleashes a Tirade on Immigrants*, N.Y. TIMES, Oct. 1, 2020, <https://www.nytimes.com/2020/10/01/us/politics/trump-refugees.html>.

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.

Pre-screening interview: <i>Initial biodata collected</i>	→ IAC (recurrent) → → → → → → → → →						Travel to U.S.: <i>All checks must be clear at the time of travel; CBP conducts additional screening at the port of entry.</i>
	→ CLASS →	→ SAO, if required because of nationality or CLASS results →					
		→ DHS Hit Review, if required because of CLASS results →					
	→ EFR, if required because of nationality →	DHS interview: <i>Additional biodata and biometrics collected</i>	→ Biometric checks →				
→ CARRP, if required because of national security concern →							

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 RAO 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 novel bulk data 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%28DIOG%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.

Appendix C: Glossary

CARRP - Controlled Application Review and Resolution Process, see Appendix B

CBP - U.S. Customs and Border Protection, a unit within DHS

CIA - Central Intelligence Agency

Circuit rides - Scheduled visits by USCIS refugee officers to places where refugees are located to complete in-person interviews

CLASS - Consular Lookout and Support System, see Appendix B

CLR - "Cleared," a code for when security check has cleared because the vetting agency did not identify a security concern

DEA - Drug Enforcement Administration

DOD - Department of Defense

DOJ - Department of Justice

DHS - Department of Homeland Security

DOS - Department of State

EFR - Enhanced FDNS Review, see Appendix B

FBI - Federal Bureau of Investigation, a unit within DOJ

FDNS - Fraud Detection and National Security Directorate, a unit within USCIS

FTJ refugees - Follow-to-join refugees, a pathway for spouses and unmarried children under 21 of resettled refugees to be admitted to the United States. FTJ refugees are also referred to as I-730 refugees because they submit applications called Form I-730s

FTTTF - Foreign Terrorist Tracking Task Force, a unit within the FBI

HHS - Department of Health & Human Services

IAC - Interagency Check, see Appendix B

NCL - "Not cleared," code for when security check has not cleared because the vetting agency identified a potential security concern

NCTC - National Counterterrorism Center, a unit within the Office of the Director of National Intelligence

NSA - National Security Agency, an agency of the DOD

PDR - Pipeline DHS Review, a review required for each refugee from a SAO country who was interviewed prior to April 1, 2018 and whose application was not stamped as approved as of Jan. 29, 2018

PRM - Bureau of Population, Refugees, Migration, a unit within DOS that, among other things, assists with refugee processing

RAD - Refugee Affairs Division, a division within USCIS that adjudicates applications for refugee resettlement

RAIO - Refugee, Asylum, and International Operations, a unit within USCIS that includes RAD

RPC - Refugee Processing Center, a unit within DOS that handles processing of applications for refugee resettlement

RSC - Resettlement Support Center, an international or nongovernmental organization that contracts with DOS to arrange interviews and compile the biographic information of refugees applying for resettlement to the United States

SAO check or vetting - Security Advisory Opinion check/vetting that applies to refugees who are nationals of countries on the SAO list and to certain other refugees, see Appendix B

SAO countries - Countries on the SAO list

SAO list - Security Advisory Opinions list, a list of countries whose nationals are subject to heightened security checks

SVPI - Security Vetting and Program Integrity, a unit within DHS

TECS - Principal system used by CBP for screenings at the border

TSA - Transportation Security Administration

UNHCR - United Nations High Commissioner for Refugees

USCIS - U.S. Citizenship and Immigration Services, a unit within DHS

USRAP - U.S. Refugee Admissions Program, a U.S. government program that admits refugees for resettlement to the United States

WRAPS - Worldwide Refugee Admissions Processing System, the principal database used by the U.S. Government to process refugee applications

Appendix D: List of Exhibits

Exhibits are available at <https://refugeerights.org/appendix-d-list-of-exhibits/>. The source of the document, where not evident, is indicated in parentheses.

1. Complaint, ECF No. 1, *JFS v. Trump*, No.C17-1707JLR (W.D. Wash.)
2. First Amended Complaint, ECF No. 405, *Doe v. Wolf*, No. 5:18-cv-02349-BLF (N.D. Cal.)
3. Compiled Summary of Conclusions, Security Advisory Opinion Requirements Review Board:
 - a. Nov. 10, 2015 (*Doe v. Wolf*, DEF-13914)
 - b. Dec. 23, 2015 (*Doe v. Wolf*, DEF-6575)
4. Emails re FTTTF (July 30, 2018) (*Doe v. Wolf*, DEF-143)
5. Emails re Meeting with FBI (Apr. 10, 2018) (*Doe v. Wolf*, DEF-5618)
6. Iranians in Vienna NCL Rates (*Doe v. Wolf*, DEF-18023)
7. USCIS, Fraud Detection and National Security Directorate, Social Media Division, Administrative Standard Operating Procedures: Follow-to-Join Refugee (USCIS Response to IRAP FOIA Request COW2018000678)
8. Compiled RAD CARRP SOP (USCIS, Refugee Affairs Division, National Security Concerns SOP):
 - a. March 2018 (*JFS v. Trump*, Doe-JFS_USCIS_603)
 - b. Nov. 2019 (*IRAP v. DHS* FOIA, USCIS1104)
9. RAIO Directorate - Officer Training: Discretion, Supplement A: Refugee Affairs Division (Rev. Mar. 2, 2018) (AILA document, posted 12/6/2019)
10. Declaration of Former National Security Officials, ECF No. 46, *JFS v. Trump*, No.C17-1707JLR (W.D. Wash.)
11. Declaration of Casey Smith, ECF No. 44, *JFS v. Trump*, No.C17-1707JLR (W.D. Wash.)
12. U.S. Department of State, Program Announcement 2018-04 (Oct. 23, 2017) (*JFS v. Trump*, Doe-JFS_State_170)
13. Declaration of Hilary E. Ingraham, ECF 169-3, *Doe v. Trump*, No. 2:17-178JLR (W.D. Wash.)
14. U.S. Department of State, Program Announcement 2018-05 (Oct. 24, 2017) (*JFS v. Trump*, Doe-JFS_State_173)

15. Interim Guidance for Decisions on Applications for Refugee Status (Nov. 9, 2017) (*JFS v. Trump*, Doe-JFS-USCIS_3)
16. Transcript of 30(b)(6) Deposition of Hilary Ingraham (*JFS v. Trump*, Feb. 20, 2019)
17. Transcript of Deposition of Kelly Gauger (*JFS v. Trump*, Feb. 13, 2019)
18. Transcript of 30(b)(6) Deposition of Jennifer Higgins (*JFS v. Trump*, Feb. 21, 2019)
19. Email re Message #1 of FY 2018 Update on USRAP Operations (Oct. 24, 2017) (*JFS v. Trump*, Doe-JFS_State_70)
20. Memorandum from Kirstjen M. Nielsen re 90-Day Refugee Review (Jan. 29, 2018) (*JFS v. Trump*)
21. Memorandum from Jennifer B. Higgins re New Procedures and Revised Guidelines for Refugee Adjudications as a Result of the 90-Day Review (Jan. 29, 2018) (*JFS v. Trump*, Doe-JFS_USCIS_9)
22. USCIS, Updated Guidance for Refugee Adjudications Resulting from the 90-Day Review (Apr. 12, 2018) (*JFS v. Trump*, Doe-JFS_USCIS_373)
23. Email re Message #6 of FY 2018 Update on USRAP Operations (Feb. 2, 2018) (*JFS v. Trump*, Doe-JFS_State_166)
24. E-mails re Visit to FTTTF, Monday, August 20 (*Doe v. Wolf*, DEF-18030)
25. Report to Congress, FY19 Q4 (Sen. Van Hollen)
26. Report to Congress, FY20 Q1 (Sen. Van Hollen)
27. Report to Congress, FY 20 Q2 (Sen. Van Hollen)
28. Report to Congress, FY20 Q3 (Sen. Van Hollen)
29. Report to Congress, FY19 (Sen. Van Hollen)
30. Declaration of Joanna Ruppel, ECF No. 169-5, *Doe v. Trump*, No. 2:17-178JLR (W.D. Wash.)
31. Memorandum re Pipeline DHS Review (PDR) Guidance (Apr. 2, 2018) (*JFS v. Trump*, Doe-JFS_USCIS_111)
32. U.S. Department of State, RSC SOP 3: Security (rev. July 19, 2019) (*IRAP v. DHS* FOIA, C06844632)
33. U.S. Department of Homeland Security, Refugee Division Officer Training Course: Security Checks: CLASS, SAO, IAC and Fingerprints (rev. Apr. 2018) (*Doe v. Wolf*, DEF-00020543)
34. U.S. Department of State, Bureau of Population, Refugees, and Migration, USRAP Overseas Processing Manual (Oct. 20, 2015) (*Doe v. Wolf*, DEF-00016914)

35. Memorandum re Implementation of Enhanced Vetting Guidance for I-730 Refugee Cases Abroad, Jan. 31, 2018 (USCIS Response to IRAP FOIA Request COW2018000678)
36. Pipeline DHS Review (*JFS v. Trump*, Doe-JFS_USCIS_369)
37. Summary of Conclusions, Sub-Policy Coordinating Committee, Lautenberg Refugee Program, Apr. 16, 2018 (*Doe v. Wolf*, DEF-10250)