EXHIBIT A

~~FILED UNDER SEAL~~

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf of themselves and others similarly situated, Plaintiffs, v. DONALD TRUMP, President of the United States, *et al.*, Defendants.	No. 2:17-cv-00094-RAJ

EXPERT REPORT OF SEAN M. KRUSKOL

I, Sean M. Kruskol, hereby declare:

I make this declaration based on my own personal knowledge, and if called to testify, I could and would do so competently as follows:

I.   Introduction

A.   My Assignment

1.   I was engaged by counsel for the Plaintiffs ("Plaintiffs") to: 1) review, analyze, and compile summary statistics related to data provided by U.S. Citizenship and Immigration Services ("USCIS"); and 2) review, merge, and analyze various lists of individuals subject to a current USCIS program called the Controlled Application Review and Resolution Program ("CARRP"). I have not been asked to evaluate or opine on any issue of discrimination and offer no such opinion.

2.   My findings and opinions are based on my education, training, professional experience, and the list of documents/information considered and included in Exhibit B. The documents I have considered include items such as pleadings, class lists, data from USCIS, a deposition, and publicly available data and information. I was supported by a team of professionals at Cornerstone Research working under my direction and supervision.

3.   The opinions and analyses presented in this Report are based on currently available information. If new information relating to my analyses or opinions becomes available, I may need to modify this Report. If this matter proceeds to trial, I may use, as exhibits, selected pages of the documents and information relied upon and summaries of that information. Additionally, I may prepare graphical or illustrative exhibits based on the contents of this Report and the underlying data or documents.

B.   Summary of My Qualifications

4.   I am a Principal in the Chicago office of Cornerstone Research, a specialized independent consulting firm. Prior to joining Cornerstone Research in 2013, I was a Manager at Navigant Consulting in its Disputes & Investigations practice. Prior to joining Navigant Consulting in 2011, I was a Director of Finance – Wholesale for Ryan Specialty Group, a private wholesale brokerage company. Prior to joining Ryan Specialty Group in 2010, I was a Senior Associate in the Consumer and Industrial Manufacturing Audit practice of KPMG, LLP.

5.   I currently serve on the Board of Directors and Executive Committee of Illinois Legal Aid Online, a pro bono legal aid organization in Chicago. I also serve on the Advisory Board of the Chicago Bar Foundation's Justice Entrepreneur's Project, a Chicago-based incubator for lawyers seeking to serve low- and middle-income individuals. I also serve on the Illinois CPA Society's Audit & Assurance Committee.

6.   For over 10 years, I have served as a consultant to public and private companies and their counsel in various industries, including global manufacturers, telecommunications firms, large financial institutions, online and brick & mortar retailers, technology firms, and multimedia companies. My work focuses on matters involving large-scale data analytics, complex damages calculations, and issues of liability and loss-causation. I have worked with a variety of large data sets, including product sales, employee time sheets, banking transactions, general ledger transactions, personally identifiable information, and cost information related to computer components. I have conducted numerous forensic investigations for companies and

1 their boards of directors related to financial reporting fraud, the misappropriation of assets, and

2 other corporate misconduct. I am a licensed Certified Public Accountant (CPA) in the state of

3 Illinois. I am a Certified Fraud Examiner (CFE), a globally recognized fraud and investigation

4 credential issued by the Association of Certified Fraud Examiners (ACFE). I am also a

5 Chartered Global Management Accountant (CGMA). I graduated from Miami University (Ohio)

6 where I earned a Masters of Accounting and Bachelors of Science in Accounting, with a Minor

7 in Management Information Systems.

8   7.   I am a recurring guest lecturer at Washington University in St. Louis on the topics

9 of data analysis and data modeling.

10   8.   I have not testified as an expert at trial or by deposition in any case within the past

11 four years, nor have I authored publications within the last 10 years. My current CV is included

12 as Exhibit A.

13   **C.   Professional Standards Applicable to My Work in this Matter**

14   9.   The American Institute of Certified Public Accountants publishes professional

15 standards applicable to my work on this engagement. In general, those standards require CPAs

16 engaged in litigation services to: 1) maintain integrity and objectivity; 2) only undertake

17 engagements that are expected to be completed with professional competence; 3) exercise due

18 professional care in performing the services; 4) adequately plan and supervise the performance

19 of the services; and 5) obtain sufficient relevant data to provide a reasonable basis for the

20 conclusions. I have complied with these professional standards in this engagement.[1]

21   **D.   Compensation**

22   10.   Neither Cornerstone nor I are being compensated for my work on this matter. I

23 have agreed to serve as an expert on a pro bono basis for all work in this matter, including

24 deposition and trial testimony. In the course of my work on this case, I will be reimbursed for all

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[1] Statement on Standards for Forensic Services No. 1, effective for engagements accepted on or after 1/1/20; early application is permissible.

1 reasonable expenses incurred, if any, such as travel expenses, including the actual costs of

2 transportation, meals, and lodging.

3 **II.   Background**

4   **A.   Forms I-485 and N-400**

5   11.   It is my understanding that there are two immigration application forms at issue in

6 this matter: 1) Form I-485, Application to Register Permanent Residence or Adjust Status

7 ("Form I-485"); and 2) Form N-400, Application for Naturalization ("Form N-400"). These

8 applications may be subject to CARRP under certain circumstances, such as when USCIS

9 associates the applicant with a "national security concern."[2]

10   12.   Form I-485 is used by individuals to apply for lawful permanent resident ("LPR")

11 legal status. This legal status enables non-citizens to live permanently in the United States. The

12 benefits of LPR status include fewer restrictions on employment, the availability of financial

13 assistance at colleges and universities, the ability to own property, the ability to join the Armed

14 Forces, and the ability to apply to become a U.S. citizen if certain eligibility criteria are met.[3]

15   13.   Form N-400 is used by individuals to obtain naturalization, which is defined by

16 USCIS as "the process by which U.S. citizenship is granted to a foreign citizen or national after

17 he or she fulfills the requirements established by Congress in the Immigration and Nationality

18 Act ("INA").[4] An individual who is granted U.S. citizenship via an adjudicated Form N-400 has

19 the same legal rights as an individual who acquired citizenship upon birth.[5]

20   14.   USCIS has established policies and procedures for adjudicating immigration

21 applications. These policies and procedures are described in detail on the USCIS website.[6] The

22 following sections provide an overview of the adjudication process for adjustment of status

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24 [2] USCIS Memorandum from Jonathan R. Scharfen, USCIS Deputy Director, to Field Leadership dated 4/11/08 ("4/11/08 USCIS Memo"), p. 1, FN 4.

[3] Lawful Permanent Residents (LPR), U.S. Department of Homeland Security, updated 2/24/20, available at

25 https://www.dhs.gov/immigration-statistics/lawful-permanent-residents.

[4] Citizenship Through Naturalization, USCIS, updated 4/17/19, available at https://www.uscis.gov/us-citizenship/citizenship-through-naturalization.

26 [5] USCIS Policy Manual, Volume 12, Chapter 2–Becoming a U.S. Citizen, current as of 2/26/20.

[6] USCIS Policy Manual, current as of 2/26/20.

1 (Form I-485) and naturalization (Form N-400) applications.

2   15.   For Forms I-485, USCIS generally performs the following:

3   a.   Review of initial evidence – A USCIS officer verifies that documents such

4 as a Form I-485, birth certificate, and certain medical records are contained in the

5 applicant's A-file.[7]

6   b.   Interview – A USCIS officer interviews the applicant to gather

7 information related to the applicant's eligibility for adjustment.[8]

8   c.   Adjudication – USCIS verifies the eligibility and admissibility of the

9 applicant and performs background checks on the applicant.[9] If the applicant

10 meets eligibility requirements and USCIS determines the applicant warrants

11 favorable discretion, the application may be approved.[10]

12   16.   For Forms N-400, USCIS generally performs the following:

13   a.   Background investigation – USCIS conducts criminal background checks

14 and security checks, including fingerprinting, a Federal Bureau of Investigation

15 name check, and other interagency checks.[11]

16   b.   Examination – Upon completion of the background investigation,

17 applicants are subject to an examination that includes an in-person interview and

18 an English and civics test. The interview is conducted by a USCIS officer who

19 has reviewed the record of information on file for the applicant. After the

20 examination, the USCIS officer notifies the applicant of the examination results.

21 If the case is continued, the notice should include an explanation of next steps,

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23 [7] USCIS Policy Manual, Volume 7, Chapter 4(A)–Initial Evidence, current as of 2/26/20. A-file is a term used by USCIS to signify a collection of documents required for adjudication.

24 [8] USCIS Policy Manual, Volume 7, Chapter 5–Interview Guidelines, current as of 2/26/20.
[9] USCIS Policy Manual, Volume 7, Chapter 6–Adjudicative Review, current as of 2/26/20.

25 [10] USCIS Policy Manual, Volume 7, Chapter 10–Legal Analysis and Use of Discretion, current as of 2/26/20. According to USCIS, most adjustment of status applications are subject to approval based on USCIS discretion. As such, an applicant may meet all eligibility criteria and be denied if USCIS determines negative factors of approving

26 the application outweigh positive factors. Some applications are excluded from USCIS discretion and must be approved if the applicant meets all eligibility requirements.
[11] USCIS Policy Manual, Volume 12, Chapter 2–Background and Security Checks, current as of 2/26/20.

1   such as a request for additional information or re-examination.[12]

2   c.   Issuance of decision (i.e., adjudication) – USCIS typically either approves,

3   denies, or continues examination of the applicant. Cases may also be adjudicated

4   via: 1) administrative dismissal (if an applicant does not follow through with the

5   application, respond to requests for evidence, and/or fails to appear at an

6   examination); or 2) withdrawal (based on notice provided to USCIS by the

7   applicant). In some circumstances, cases will not be adjudicated and will be held

8   in abeyance until adjudication is possible.[13]

9   17.   Under the INA, a time limit for adjudication of cases is statutorily imposed on

10 certain applications.[14] The INA requires Forms N-400 to be adjudicated within 120 days after a

11 naturalization examination has been conducted, and USCIS recognizes that a litigation risk exists

12 if adjudication does not occur within this timeframe.[15] In an effort to "eliminate the current

13 backlog in the processing of immigration benefit applications," in October 2000, U.S. Code

14 further established that immigration benefit applications "should be completed not later than 180

15 days after the initial filing of the application."[16]

16   **B.**   **CARRP**

17   18.   If USCIS determines that a national security ("NS") concern exists during its

18 processing of Forms I-485 or N-400, the application is subject to additional policies and

19 procedures known as the Controlled Application Review and Resolution Program ("CARRP").

20 CARRP was first introduced on April 11, 2008 when the USCIS Deputy Director issued a

21 memorandum to USCIS Field Leadership with the subject line "Policy for Vetting and

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[12] USCIS Policy Manual, Volume 12, Chapter 3–Naturalization Interview, current as of 2/26/20.

[13] USCIS Policy Manual, Volume 12, Chapter 4–Results of the Naturalization Examination, current as of 2/24/20.

24 [14] Applications subject to time limits include Forms I-90, I-131, I-765, and post-examination N-400. See, Operational Guidance: The Withholding of Adjudication (Abeyance) Regulation Contained at 8 CFR Section 103.2(b)(18) dated October 28, 2013 ("10/28/13 Operational Guidance"), p. 90.

25 [15] 10/28/13 Operational Guidance, p. 91.

[16] United States Code, Title 8–Aliens and Nationality ("8 U.S. Code"), § 1571. "The term 'immigration benefit application' means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.]." 8 U.S. Code § 1572.

1 Adjudicating Cases with National Security Concerns."[17] This policy rescinded previous policies

2 and set forth new guidance related to the identification, recording, and completion of cases for

3 applicants with NS concerns.[18] According to USCIS, an NS concern may exist "when a person

4 or organization has been determined to have a link to past, current, or planned involvement in an

5 activity or organization involved in terrorism, espionage, sabotage, or the illegal transfer of

6 goods, technology, or sensitive information."[19] In addition to USCIS standard policies and

7 procedures, CARRP established the following process for adjudicating applications with NS

8 concerns:[20]

9   a.   Step 1 – Identify Cases with NS Concerns

10   b.   Step 2 – Internally Vet and Assess Eligibility in Cases with NS Concerns

11   c.   Step 3 – Externally Vet Cases with NS Concerns

12   d.   Step 4 – Adjudicate Cases with NS Concerns

13   19.   On February 1, 2017, Plaintiffs filed an Amended Complaint containing

14 allegations related to the use of CARRP in the adjudication of applications for adjustment of

15 status and/or naturalization (Forms I-485 and N-400).[21] On June 21, 2017, the Court certified the

16 following two classes (collectively referred to as "the Class"):[22]

17   a.   **Naturalization Class:** A national class of all persons currently and in the

18   future (1) who have or will have an application for naturalization pending before

19   USCIS, (2) that is subject to CARRP or a successor "extreme vetting" program,

20   and (3) that has not been or will not be adjudicated by USCIS within six months

21   of having been filed.

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23 [17] 4/11/08 USCIS Memo.
   [18] 4/11/08 USCIS Memo, pp. 1–3. Additional operational guidelines on implementing CARRP were issued shortly thereafter on April 28, 2008 via memorandum to USCIS leadership and staff. (USCIS Memorandum from Alanna Ow,

24 USCIS Acting Chief, International Operations, to Overseas District Directors, Field Office Directors, and HQ International Operations Staff, dated 4/28/08 ("4/28/08 USCIS Memo").

25 [19] USCIS Policy Manual, Volume 7, Chapter 6–Adjudicative Review, current as of 2/26/20.
   [20] 4/11/08 USCIS Memo, pp. 3–7.

26 [21] *Abdiqafar Wagafe, et al. v. Donald Trump, et al.,* Amended Complaint, filed 2/1/17. This complaint amended an original complaint filed on 1/23/17.
   [22] Order Granting Class Certification, 6/21/17, pp. 8, 31.

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

20.   Subsequently, USCIS provided seven lists as of certain dates (collectively, "Class Lists") that purported to show applications that: 1) were being or had been processed pursuant to the CARRP policy; 2) had not been adjudicated as of the respective class list date; and 3) were pending for 180 days or longer as of the class list date.[23]

III.   Summary of Opinions

21.   Based on the analyses I performed, and that are described herein, I have reached the following opinions:

a.   For applications received between October 1, 2012 and September 30, 2019, applications subject to CARRP were pending as of September 30, 2019 at two and a half times the rate of applications not subject to CARRP.

b.   For applications received between October 1, 2012 and September 30, 2019, USCIS adjudicated 86.4% of those not subject to CARRP and 65.6% of those subject to CARRP.

c.   For applications received between October 1, 2012 and September 30, 2019, USCIS denied applications subject to CARRP at more than three times the rate of applications not subject to CARRP.

d.   From Fiscal Year 2013 to Fiscal Year 2017, the percentage of Forms I-485 received and subjected to CARRP increased by approximately 500%.

e.   From Fiscal Year 2014 to Fiscal Year 2019, the largest year-over-year

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[23] Plaintiffs' First Requests for Production to Defandants, 8/1/17, ¶4, 20 and Requests 34 and 35. See Section V, Technical Appendix for further detail. The Class Lists are dated as of 4/12/18; 6/30/18; 9/30/18; 12/31/18; 3/31/19; 6/30/19; and 9/30/19.

1 increase in adjudications for Forms I-485 subject to CARRP was approximately

2 412% and occurred between Fiscal Year 2017 and Fiscal Year 2018.

3 f. From Fiscal Year 2013 to Fiscal Year 2017, the percentage of Forms N-

4 400 received and subjected to CARRP increased by approximately 2,900%.

5 g. From Fiscal Year 2014 to Fiscal Year 2019, the largest year-over-year

6 increase in adjudications for Forms N-400 subject to CARRP was approximately

7 870% and occurred between Fiscal Year 2017 and Fiscal Year 2018.

8 h. For applications received between October 1, 2012 and September 30,

9 2019, USCIS subjected Forms I-485 from applicants from Muslim-majority

10 countries to CARRP at over twelve times the rate of those Forms I-485 from

11 applicants from non-Muslim-majority countries.

12 i. For applications received between October 1, 2012 and September 30,

13 2019, USCIS subjected Forms N-400 from applicants from Muslim-majority

14 countries to CARRP at ten times the rate of those Forms N-400 from applicants

15 from non-Muslim-majority countries.

16 j. For Fiscal Years 2015 through 2019, the mean processing times for Forms

17 I-485 and N-400 as produced by USCIS are inconsistent with the mean processing

18 times for Forms I-485 and N-400 as reported on the USCIS website.

19 k. Class members who submitted Form I-485 and were subject to CARRP

20 have spent an average of 1,014 days awaiting adjudication.

21 l. Class members who submitted Form N-400 and were subject to CARRP

22 have spent an average of 727 days awaiting adjudication.

23 m. There are discrepancies in the number of Forms I-485 and N-400 pending

24 as of Fiscal Year Ends 2018 and 2019 when comparing data sources produced by

25 USCIS.

26

IV.   Basis for Opinions

     A.   My Review and Analysis of Application Data Provided by USCIS

22.   I received USCIS data and related summaries for Fiscal Year 2013 through Fiscal Year 2019 regarding USCIS's receipt of immigration benefit applications for naturalization or adjustment of status ("USCIS Data").[24] This USCIS Data also contained information that purported to indicate whether such applications were subject to CARRP or not subject to CARRP ("Not-CARRP").

             1.   Overview of the USCIS Data

23.   USCIS provided data that purported to show the counts, from October 1, 2012 through September 30, 2019, of I-485 and N-400 applications with the following statuses: 1) received by USCIS; 2) adjudicated by USCIS; 3) approved by USCIS; 4) denied by USCIS; and 5) pending. This data also shows counts for each application status segmented by whether the application was subject to CARRP or not subject to CARRP.

24.   The USCIS Data contains two additional segmentations: 1) application data by country of birth; and 2) application data by country of citizenship. When available and applicable, my analyses use application data by country of birth. I used country of birth because country of birth is not chosen by the applicant, and while applicants may have more than one country of citizenship, they will only have one country of birth.[25]

25.   It is my understanding that USCIS has not provided all underlying copies of completed applications.[26] Accordingly, I have been unable to perform validation procedures, such as completeness or accuracy checks, on the USCIS Data.

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[24] USCIS's fiscal year runs from October 1 to September 30 of the following year. See USCIS Glossary, "Fiscal Year," available at https://www.uscis.gov/tools/glossary?topic_id=f, accessed 2/27/20.

[25] The Form N-400 instructions state: "If you are a citizen or national of more than one country, type or print the name of the foreign country that issued your last passport." See Instructions for Application for Naturalization (USCIS, Form N-400), p. 5.

[26] The Court denied Plaintiff's request for 100 additional A Files. See U.S. Distinct Court, Western District of Washington at Seattle, Case No. C17-94 RAJ, Dkt. #274, dated 7/9/19, p. 7. It is my understanding that Defendants produced five redacted A Files to Plaintiffs.

2.   My Calculation of General Application Summary Statistics

26.   The USCIS Data shows that USCIS received 10,621,174 Forms I-485 and N-400 from October 1, 2012 through September 30, 2019 ("Aggregate Applications"). Of the 10,621,174 Aggregate Applications, the USCIS Data shows that 15,203, or 0.1%, were subject to CARRP. USCIS processed 10,605,971, or 99.9% of the Aggregate Applications as Not-CARRP. See Exhibit C.

27.   The USCIS Data subsets the total receipt counts by applications that were adjudicated.[27] According to the USCIS Data, 9,168,435, or 86.3%, of the Aggregate Applications were adjudicated between October 1, 2012 and September 30, 2019. The difference between the adjudicated applications and Aggregate Applications is 1,452,739 applications. Of those 1,452,739 applications, the USCIS Data indicates that 1,390,836 were pending as of September 30, 2019. It is unclear why there is a remaining discrepancy of 61,903 applications. See Exhibit C.

28.   I analyzed pending applications based on USCIS's designation of CARRP or Not-CARRP processing status. Of the 1,390,836 applications pending as of September 30, 2019, the USCIS Data shows that 5,108 applications were subject to CARRP and 1,385,728 were not subject to CARRP. Based on my analysis, I determined that applications subject to CARRP and pending as of September 30, 2019 total 33.6% of the total applications subject to CARRP between October 1, 2012 and September 30, 2019. The total applications pending as of September 30, 2019 and not subject to CARRP total 13.1% of the total applications not subject to CARRP between October 1, 2012 and September 30, 2019. This means that applications received from Fiscal Year 2013 through Fiscal Year 2019 and subject to CARRP were pending as of September 30, 2019 at approximately two and a half times the rate of applications received during the same period and not subject to CARRP. See Exhibit C.

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[27] See 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Adjudicated Proc Times*, sum of cells C8 and C9.

29.   I analyzed the adjudicated applications based on USCIS's designation of CARRP or Not-CARRP processing status. Based on my analysis, I determined that USCIS adjudicated 9,974, or 65.6% of the total applications subject to CARRP and 9,158,461, or 86.4% of the total applications not subject to CARRP. This means that USCIS adjudicated Not-CARRP applications at approximately one and a third times the rate it adjudicated CARRP applications. See Exhibit C.

30.   Of the 9,168,435 adjudicated applications, the USCIS Data shows that 8,413,329 of the Aggregate Applications were approved and 695,916 of the Aggregate Applications were denied between October 1, 2012 and September 30, 2019. The difference between: 1) the total approved and denied applications of 9,109,245; and 2) the 9,168,435 adjudicated applications is 59,190 applications. The USCIS Data does not contain a category for these 59,190 applications. As a result, I do not consider these 59,190 applications in my analysis of approved and denied applications. See Exhibit D.

31.   I separated the total applications (both I-485 and N-400) that were either approved or denied from October 1, 2012 through September 30, 2019 into two categories: 1) CARRP; and 2) Not-CARRP. Then, I analyzed the proportion of denials to approvals and denials in each category. Based on my analysis, I determined that of the CARRP applications that were either approved or denied, denials accounted for 24.0%. Of the Not-CARRP applications that were either approved or denied, denials accounted for 7.6%. As a result, USCIS denied applications subject to CARRP at more than three times the rate it denied applications not subject to CARRP. See Exhibit D.

32.   I performed similar analyses by application type. The results of these analyses are described below.

a) Form I-485

(1) General summary statistics

33. The results for Forms I-485 are similar to the results for the Aggregate Applications. The USCIS Data shows I-485 application receipts of 4,646,062 from October 1, 2012 through September 30, 2019. Of these, 5,642 were processed under CARRP and 4,640,420 were processed as Not-CARRP. See Exhibit E.

34. According to the USCIS Data, USCIS adjudicated 3,845,821 of the total I-485 applications it received from October 1, 2012 to September 30, 2019. Of the 3,845,821 adjudicated I-485 applications, 3,699 were processed under CARRP and 3,842,122 were not processed under CARRP. I analyzed the adjudicated applications processed under CARRP compared to those not processed under CARRP. USCIS processed 5,642 applications under CARRP and adjudicated 3,699, or 65.6% of these applications. USCIS processed 4,640,420 applications not under CARRP and adjudicated 3,842,122, or 82.8% of these applications. This means that USCIS adjudicated Not-CARRP processed applications at approximately one and a quarter times the rate of CARRP processed applications received between October 1, 2012 and September 30, 2019. See Exhibit E.

35. Of the 757,620 Forms I-485 pending as of September 30, 2019, the USCIS Data shows 1,848 were subject to CARRP and 755,772 were not subject to CARRP. Based on my analysis, I determined that 32.8% of total I-485 applications subject to CARRP remained pending as of September 30, 2019. I also determined that 16.3% of the I-485 applications not subject to CARRP remained pending as of September 30, 2019. This means that I-485 applications received during Fiscal Year 2013 through Fiscal Year 2019 and subject to CARRP were pending as of September 30, 2019 at approximately double the rate of applications not subject to CARRP. See Exhibit E.

36. I separated the total I-485 applications that were either approved or denied from

1 October 1, 2012 through September 30, 2019 into two categories: 1) CARRP; and 2) Not-

2 CARRP. Then, I analyzed the proportion of denials to approvals and denials in each category.

3 Based on my analysis, I determined that of the CARRP applications that were either approved or

4 denied, denials accounted for 24.6%. Of the Not-CARRP applications that were either approved

5 or denied, denials accounted for 6.8%. As a result, USCIS denied I-485 applications subject to

6 CARRP at more than three and a half times the rate it denied applications not subject to CARRP.

7 See Exhibit F.

8
(2)   Fiscal Year trend analyses
9

10   37.   I analyzed the number of Forms I-485 subject to CARRP as a percentage of total

11 Forms I-485 received for each fiscal year provided by USCIS. As a result of my analysis, I am

12 able to conclude that the percent of Forms I-485 subject to CARRP increased from 0.04% in

13 Fiscal Year 2013 to 0.20% in Fiscal Year 2017. This represents an approximately 500% increase

14 over a five-year period. Fiscal Year 2017 represents the high-water mark for the percentage of

15 received Forms I-485 subject to CARRP. From Fiscal Year 2017 to Fiscal Year 2019, the

16 percent of Forms I-485 subject to CARRP decreased each year from 0.20% in Fiscal Year 2017

17 to 0.10% in Fiscal Year 2019. This represents an approximately 50% decrease in the percent of

18 received Forms I-485 subjected to CARRP in the most recent three-year period. See Exhibit G.

19   38.   For Fiscal Year 2014 to Fiscal Year 2019, I analyzed the year-over-year change in

20 Form I-485 adjudications for CARRP and Not-CARRP designated applications. As a result of

21 my analysis, I am able to conclude that the largest year-over-year increase in adjudications for

22 Forms I-485 subject to CARRP was between Fiscal Year 2017 and Fiscal Year 2018. Between

23 these two years, the number of adjudications for Form I-485 subject to CARRP increased from

24 245 in Fiscal Year 2017 to 1,254 in Fiscal Year 2018. This represents an approximately 412%

25 year-over-year increase. This increase in adjudicated applications appears to be consistent with

26 the testimony of Daniel Renaud, Associate Director of Field Operations for USCIS, who stated

that adjudications for CARRP designated applications increased after the complaint was filed in this matter.[28] See Exhibit H.

b)   Form N-400

(1)   General summary statistics

39.   The results for Forms N-400 are similar to the results for the Aggregate Applications. The USCIS Data shows N-400 application receipts of 5,975,112 for October 1, 2012 through September 30, 2019. Of these, 9,561 were processed under CARRP and 5,965,551 were processed as Not-CARRP. See Exhibit I.

40.   According to the USCIS Data, USCIS adjudicated 5,322,614 of the total N-400 applications it received from October 1, 2012 to September 30, 2019. Of the 5,322,614 adjudicated N-400 applications, 6,275 were processed under CARRP and 5,316,339 were not processed under CARRP. I analyzed the adjudicated applications processed under CARRP compared to those not processed under CARRP. USCIS processed 9,561 applications under CARRP and adjudicated 6,275, or 65.6% of CARRP processed applications. USCIS processed 5,965,551 applications not under CARRP and adjudicated 5,316,339, or 89.1% of these applications. This means that USCIS adjudicated Not-CARRP processed applications at approximately one and a third times the rate of CARRP processed applications received between October 1, 2012 and September 30, 2019. See Exhibit I.

41.   Of the 633,216 Forms N-400 pending as of September 30, 2019, the USCIS Data shows 3,260 were subject to CARRP and 629,956 were not subject to CARRP. Based on my analysis, I determined that 34.1% of the total N-400 applications subject to CARRP remained pending as of September 30, 2019. I also determined that 10.6% of the N-400 applications not subject to CARRP remained pending as of September 30, 2019. This means that N-400

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[28] See Deposition of Daniel Renaud, 1/10/20 ("Renaud Deposition"), pp. 122–126.

1 applications received during Fiscal Year 2013 through Fiscal Year 2019 and subject to CARRP

2 were pending as of September 30, 2019 at more than three times the rate of applications not

3 subject to CARRP. See Exhibit I.

4   42.   I separated the total N-400 applications that were either approved or denied from

5 October 1, 2012 through September 30, 2019 into two categories: 1) CARRP; and 2) Not-CARPP

6 set. Then, I analyzed the proportion of denials to approvals and denials in each category. Based

7 on my analysis, I determined that of the CARRP applications that were either approved or

8 denied, denials accounted for 23.6%. Of the Not-CARRP applications that were either approved

9 or denied, denials accounted for 8.3%. As a result, USCIS denied N-400 applications subject to

10 CARRP at more than two and three quarters times the rate it denied applications not subject to

11 CARRP. See Exhibit J.

12

(2)   Fiscal Year trend analyses

13

14   43.   I analyzed the number of Forms N-400 subject to CARRP as a percentage of total

15 Forms N-400 received for each fiscal year provided by USCIS. As a result of my analysis, I am

16 able to conclude that the percent of Forms N-400 subject to CARRP increased every year from

17 0.01% in Fiscal Year 2013 to 0.29% in Fiscal Year 2017. This represents an approximately

18 2,900% increase in the percent of received Forms N-400 subjected to CARRP over a five-year

19 period. Fiscal Year 2017 represents the high-water mark for the percentage of received Forms

20 N-400 subject to CARRP. From Fiscal Year 2017 to Fiscal Year 2019, the percent of Forms N-

21 400 subject to CARRP decreased each year from 0.29% in Fiscal Year 2017 to 0.15% in Fiscal

22 Year 2019. This represents an approximately 50% decrease in the percentage of received Forms

23 N-400 subjected to CARRP in the most recent three-year period. See Exhibit K.

24   44.   For Fiscal Year 2014 to Fiscal Year 2019, I analyzed the year-over-year change in

25 Form N-400 adjudications for CARRP and Not-CARRP designated applications. As a result of

26 my analysis, I am able to conclude that the largest year-over-year increase in adjudications for

Forms N-400 subject to CARRP was between Fiscal Year 2017 and Fiscal Year 2018. Between these two years, the number of adjudications for Forms N-400 subject to CARRP increased from 225 in Fiscal Year 2017 to 2,184 in Fiscal Year 2018. This represents an approximately 870% year-over-year increase in the number of adjudications for Forms N-400 subject to CARRP. This increase in adjudicated applications appears to be consistent with the testimony of Mr. Renaud, who stated that adjudications for CARRP designated applications increased after the complaint was filed in this matter.[29] See Exhibit L.

3.   My Calculation of CARRP and Not-CARRP Processed Applications for Muslim-Majority Countries

45.   Using the USCIS Data I was able to analyze applications that were subject to CARRP and not subject to CARRP for Muslim-majority countries and non-Muslim-majority countries from October 1, 2012 through September 30, 2019. To determine whether a given country included in the USCIS Data should be designated as Muslim-majority, my process included: 1) creating a unique list of countries of birth by preprocessing the USCIS Data; and 2) reviewing public sources of religion data (e.g., the Central Intelligence Agency World Factbook ("CIA World Factbook") to determine if a country of birth is Muslim-majority. To preprocess the country of birth data I searched for inconsistent country names (e.g., "British Virgin Islands" and "Virgin Islands, British") and records within the USCIS Data that were not countries (e.g., "Europe"). Preprocessing is a standard data analytic technique and includes "correcting inconsistent data."[30] For example, I corrected the country of birth entry of "Virgin Islands, British" to "British Virgin Islands" in order to have consistent names for this country of birth.[31]

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[29] Renaud Deposition, pp. 122–126.

[30] IBM Developer, "Data preprocessing in detail," 7/14/19, available at https://developer.ibm.com/articles/data-preprocessing-in-detail/, accessed 2/13/20 ("Data cleaning refers to techniques to 'clean' data by removing outliers, replacing missing values, smoothing noisy data, and correcting inconsistent data.").

[31] See 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Receipt Count*, cells J529 and J37. By correcting these inconsistent names, I am able to combine the receipt counts for these records into a single observation.

1 Data "cleaning" is one of the primary stages of data preprocessing.[32] I describe this process in

2 more detail in Section V, Technical Appendix.

3   46.   Once I cleaned the USCIS Data, I determined Muslim-majority countries by

4 identifying those countries where the CIA World Factbook or other public sources: 1) indicated

5 that 50% or more of the population practiced Islam; or 2) indicated that Islam was the official

6 religion.[33]

7   47.   After cleaning the USCIS Data and identifying Muslim-majority countries in

8 USCIS's list of countries of birth, I used the USCIS Data to summarize and analyze the counts of

9 applications that were: 1) subject to CARRP; and 2) identified as being submitted by applicants

10 from Muslim-majority countries or non-Muslim-majority countries.[34] The results of my analyses

11 are below.

12

    a)   Form I-485

13

14   48.   Based on my analysis, I determined that USCIS subjected Forms I-485 from

15 applicants from Muslim-majority countries to CARRP at a higher rate than Forms I-485 from

16 applicants from non-Muslim-majority countries. This finding is true on an absolute and relative

17 basis. From October 1, 2012 through September 30, 2019, USCIS received 4,646,062 Forms I-

18 485. On an absolute basis, 3,641 of these applications were subject to CARRP and from

19 applicants from Muslim-majority countries, and 2,001 were subject to CARRP and from

20

21 ───────────────

    [32] IBM Developer, "Data preprocessing in detail," 7/14/19, available at https://developer.ibm.com/articles/data-preprocessing-in-detail/, accessed 2/13/20 ("[D]ata preprocessing is divided into four stages: data cleaning, data
22 integration, data reduction, and data transformation.").

    [33] For select countries, the CIA World Factbook does not provide religious affiliations in terms of percent of total
23 population. However, the CIA World Factbook states that for each country, respective religions are listed "starting with the largest group." The following Muslim-majority countries identified in my analysis are instances where the CIA
    World Factbook did not provide Muslim affiliation as a percent of total population, but rather, "Muslim" was listed first
24 or the CIA World Factbook indicated that Muslim was the official religion: "Eritrea," "Maldives," "Somalia," "Sudan," and "Western Sahara."

25 [34] Whereas my Aggregate Application analysis of the USCIS Data relies on data from all country of birth entries, my analysis of the USCIS Data for Muslim- and non-Muslim-majority countries excludes "Antarctica" and "Europe."
    These entries represent continents and therefore are not applicable to my analysis at the individual country level.
26 Excluding "Antarctica" and "Europe" from my analysis results in the removal of two records between October 1, 2012
    and September 30, 2019.

1   applicants from non-Muslim-majority countries. This means that Form I-485 applicants

2   subjected to CARRP from Muslim-majority countries were approximately one and three quarters

3   the number of applicants subjected to CARRP from non-Muslim-majority countries. See Exhibit

4   M.

5   49.   On a relative basis, USCIS subjected 0.62% of Forms I-485 from applicants from

6   Muslim-majority countries to CARRP, and subjected 0.05% of Forms I-485 from applicants

7   from non-Muslim-majority countries to CARRP. This means that Forms I-485 from applicants

8   from Muslim-majority countries were subjected to CARRP at over twelve times the rate of those

9   Forms I-485 from applicants from non-Muslim-majority countries. This is consistent with each

10 individual period I analyzed. See Exhibit M.

11   50.   For example, in Fiscal Year 2016, USCIS received 710,852 Forms I-485. Of

12 these 710,852 applications, 88,286 were from Muslim-majority countries and 622,566 were from

13 non-Muslim-majority countries. See Exhibit N. On an absolute basis, USCIS subjected 883

14 Forms I-485 from applicants from Muslim-majority countries to CARRP and subjected 458

15 Forms I-485 from applicants from non-Muslim majority countries to CARRP. This is

16 approximately double the number of applicants subjected to CARRP from Muslim-majority

17 countries than from non-Muslim-majority countries. See Exhibit M.

18   51.   On a relative basis, in Fiscal Year 2016 USCIS subjected 1.00% of Forms I-485

19 from applicants from Muslim-majority countries to CARRP, and subjected 0.07% of Forms I-

20 485 from applicants from non-Muslim-majority countries to CARRP. This means that Forms I-

21 485 from applicants from Muslim-majority countries were subjected to CARRP at over fourteen

22 times the rate of those Forms I-485 from applicants from non-Muslim-majority countries.

23   52.   These results are similar for Fiscal Year 2013 through Fiscal Year 2019. See

24 Exhibit M.

25

26

b)   **Form N-400**

53.   Based on my analysis, I determined that USCIS subjected Forms N-400 from applicants from Muslim-majority countries to CARRP at a higher rate than Forms N-400 from applicants from non-Muslim-majority countries. This finding is true on an absolute and relative basis. From October 1, 2012 through September 30, 2019, USCIS received 5,975,112 Forms N-400. On an absolute basis, 6,175 of these applications were subject to CARRP and from applicants from Muslim-majority countries, and 3,386 were subject to CARRP and from applicants from non-Muslim-majority countries. This means that Form N-400 applicants subjected to CARRP from Muslim-majority countries were more than one and three quarters the number of applicants subjected to CARRP from non-Muslim-majority countries. See Exhibit O.

54.   On a relative basis, USCIS subjected 0.70% of Forms N-400 from applicants from Muslim-majority countries to CARRP, and subjected 0.07% of Forms N-400 from applicants from non-Muslim-majority countries to CARRP. This means that Forms N-400 from applicants from Muslim-majority countries were subjected to CARRP at ten times the rate of those Forms N-400 from applicants from non-Muslim-majority countries. This is consistent with each individual period I reviewed. See Exhibit O.

55.   For example, in Fiscal Year 2017, USCIS received 980,799 Forms N-400. Of the 980,799 N-400 applications, 125,793 were from Muslim-majority countries and 855,006 were from non-Muslim-majority countries. See Exhibit P. On an absolute basis, USCIS subjected 1,627 Forms N-400 from applicants from Muslim-majority countries to CARRP and subjected 1,247 Forms N-400 from applicants from non-Muslim majority countries to CARRP. This is approximately one and a third times the number of applicants subjected to CARRP from Muslim-majority countries than from non-Muslim-majority countries. See Exhibit O.

56.   On a relative basis, in Fiscal Year 2017 USCIS subjected 1.29% of Forms N-400 from applicants from Muslim-majority countries to CARRP, and subjected 0.15% of Forms N-400 from applicants from non-Muslim-majority countries to CARRP. This means that Forms N-

1 400 from applicants from Muslim-majority countries were subjected to CARRP at over eight and

2 a half times the rate of those Forms N-400 from applicants from non-Muslim-majority countries.

3   57. These results are similar for Fiscal Year 2013 through Fiscal Year 2019. See

4 Exhibit O.

4. My Comparison of the USCIS Data to Publicly Available Statistics

7   58. The USCIS Data contains mean and median processing times by application

8 status and fiscal year. For example, in the USCIS Data, Form I-485 has a mean processing time

9 for Not-CARRP applications of 187 days for Fiscal Year 2013.[35] I was not provided with the

10 underlying applications or data related to these USCIS processing time statistics. As a result, I

11 am unable to replicate these statistics.

12   59. As part of my analysis of the USCIS Data, I compared the mean processing times

13 presented in the USCIS Data to those published by USCIS on its website.[36] I did this analysis for

14 Form I-485 and N-400.[37] Based on my analysis, the mean processing times for each fiscal year

15 reported in the USCIS Data differ from the mean processing times for each fiscal year presented

16 on USCIS's website.

17   60. For example, in Fiscal Year 2017 the USCIS Data shows a mean processing time

18 of 810 days for Form I-485. The USCIS website shows a mean processing time of 8.4 months,

19 or approximately 256 days.[38] This is less than one-third the mean from the USCIS Data. The

20 USCIS Data shows longer mean processing times than the USCIS website for Form I-485 in

21 each fiscal year presented on the USCIS website. It is unclear why the mean processing times

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[35] See 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Pending Proc Times*, cell O4.

[36] See Historical National Average Processing Time for All USCIS Offices, available at https://egov.uscis.gov/processing-times/historic-pt, accessed 2/22/20.

[37] To calculate mean processing times for each fiscal year from the USCIS Data, I calculated a weighted mean of the CARRP and Not-CARRP mean processing times, weighting by the CARRP and Not-CARRP pending application counts. The USCIS website reports multiple mean processing times for Form I-485, segmented by the "Classification or Basis for Filing." I have used the longest of these mean processing times for my analysis.

[38] 8.4 months represents the maximum of the mean processing times for Fiscal Year 2017 for all classifications of Form I-485. I have converted months to days using a factor of 365/12. See Exhibit Q for further detail.

1 produced by USCIS are inconsistent with the publicly available mean processing times provided

2 on its website for Form I-485. See Exhibit Q.

3   61.   The mean processing times contained in the USCIS Data are also inconsistent

4 with the mean processing times provided on the USCIS website for Form N-400. For Form N-

5 400, the USCIS Data shows mean processing times longer than and shorter than the mean

6 processing times provided on the USCIS website. It is unclear why the mean processing times

7 produced by USCIS are inconsistent with the publicly available mean processing times provided

8 on its website for Form N-400. See Exhibit R.

9   **B.**   **My Review and Analysis of the Class Lists**

10   62.   I received seven class lists (collectively the "Class Lists").[39] Each class list

11 contains fields including: Alien number, Form Number (I-485 or N-400), country of birth,

12 country of citizenship, an application receipt date, and other characteristics of Class Members.[40]

13
     1.   **Overview of the Class Lists Provided by USCIS**
14

15   63.   As previously described, USCIS provided seven Class Lists as of various dates.

16 Based on my review and analysis, the Class Lists contain 11,297 unique Alien numbers

17 associated with either Form I-485 or Form N-400.[41] I identified the 11,297 unique Alien

18 numbers using the following process:

    a.   Determine the number of records contained on each class list;
19

    b.   Remove records containing duplicate Alien number and form combinations per
20
        class list;
21
    c.   Identify the number of unique Alien number and form combinations not included
22
        on any one of the prior class lists.[42]
23

24

25 [39] These class lists are dated 4/12/18; 6/30/18; 9/30/18; 12/31/18; 3/31/19; 6/30/19; and 9/30/19.
  [40] These fields are consistent with Plaintiffs' First Requests for Production, dated 8/1/17, request numbers 34 and 35.
26 [41] When a single alien number is associated with both forms, I treat each form as a separate observation. See Exhibits S, T, and U.
  [42] See Section V, Technical Appendix and Exhibits S, T, and U for further detail.

2.   My Analysis of Class Members' Time Spent Waiting for Adjudication

64.   Using the unique Alien numbers contained on the Class Lists, I performed two analyses related to the number of days a given Alien number spent under CARRP review and awaiting adjudication. I analyzed the mean and median days a given Alien number spent awaiting adjudication. The results of my analyses are below.

a)   Form I-485

65.   Overall, the Class Lists contained 4,399 unique Alien numbers associated with Form I-485. I calculated the mean, or average, number of days a unique Alien number remained pending from the most recent application receipt date to the date of the most recent class list on which it appears. This mean is 1,014 days. This indicates that a Class member who submitted Form I-485 and was subject to CARRP awaited adjudication, or continues to await adjudication, on average 1,014 days. This is approximately 2.8 years. I determined this figure by calculating the number of days between the most recent receipt date and class list date for each unique Alien number associated with Form I-485. For example, the 9/30/19 class list contains a record associated with an Alien number ending in -627 having a receipt date of 2/4/16 for Form I-485. Thus, the Alien number associated with this application spent 1,334 days awaiting adjudication as of 9/30/19.[43]

66.   In addition, I calculated the median, or middle value, number of days pending as 707 days. This indicates that over half of the Class members who submitted Form I-485 spent, or continue to spend, 707 days awaiting adjudication.

67.   I performed a similar calculation for each individual class list. Based on my analysis of each individual class list, the 4/12/18 class list contained Alien numbers with the lowest mean days awaiting adjudication at 919 days. The 9/30/19 class list contained Alien

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[43] See 9/30/19 class list, tab *Class List (as of 9-30-19),* row 3. The difference between the list date of 9/30/19 and the application receipt date of 2/4/16 is 1,334 days.

1   numbers with the highest mean days awaiting adjudication at 1,148 days. See Exhibit V.

2
        b)   Form N-400
3

4   68.   Overall, the Class Lists contained 6,898 unique Alien numbers associated with

5   Form N-400. I calculated the mean number of days pending as 727 days. This indicates that a

6   Class member who submitted Form N-400 and was subject to CARRP awaited adjudication, or

7   continues to await adjudication, on average 727 days. This is approximately 2 years. I

8   determined this figure by calculating the number of days between the most recent receipt date

9   and class list date for each unique Alien number associated with Form N-400. For example, the

10 9/30/19 class list contains a record associated with an Alien number ending in -198 having a

11 receipt date of 1/11/16 for Form N-400. Thus, the Alien number associated with this application

12 spent 1,358 days awaiting adjudication as of 9/30/19.[44]

13   69.   In addition, I calculated the median, or middle value, number of days pending as

14 622 days. This indicates that over half of the Class members who submitted Form N-400 spent,

15 or continue to spend, 622 days awaiting adjudication.

16   70.   I performed a similar calculation for each individual class list. Based on my

17 analysis of each individual class list, the 6/30/19 class list contained Alien numbers with the

18 lowest mean days awaiting adjudication at 666 days. The 9/30/18 class list contained Alien

19 numbers with the highest mean days awaiting adjudication at 733 days. See Exhibit V.

20
        3.   My Comparison of the USCIS Data and the Class Lists
21

22   71.   The USCIS Data purports to contain the number of pending Forms I-485 and N-

23 400 that were subject to CARRP at Fiscal Year End 2013 through Fiscal Year End 2019. The

24 9/30/18 and 9/30/19 class lists contain the number applications subject to CARRP and pending

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26 [44] See 9/30/19 class list (Class List (as of Sept. 30, 2019) (Confidential - Attorney Eyes Only).xlsx), tab *Class List (as of 9-30-19)*, row 18. The difference between the list date of 9/30/19 and the application receipt date of 1/11/16 is 1,358 days.

1   for more than 180 days as of Fiscal Year Ends 2018 and 2019.

2   72.   I would expect that: 1) the number of pending applications from the USCIS Data

3   as of Fiscal Year Ends 2018 and 2019 would be consistent with the number of unique Alien

4   numbers on the Fiscal Year End 2018 and 2019 class lists; and 2) I would be able to reconcile

5   any differences between these figures (e.g., considering the Class Lists contain applications filed

6   prior to Fiscal Year 2013 while the USCIS Data does not, and the USCIS Data contains

7   applications pending for fewer than 180 days). I analyzed these figures and noted the following

8   discrepancies:

9   a.   2,129 fewer applications as of Fiscal Year End 2018 between the USCIS

10   Data and Class Lists (3,514 – 5,643 = -2,129);[45]

11   b.   1,397 more applications as of Fiscal Year End 2019 between the USCIS

12   Data and Class Lists (5,108 – 3,711 = 1,397).[46]

13   73.   I have not been provided the underlying application detail supporting the USCIS

14   Data. As a result, it is currently unclear why there are discrepancies between these figures.

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[45] See 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Pending Proc Times*, sum of cells N15 and N29; and Exhibit S.
[46] See 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Pending Proc Times*, sum of cells N17 and N31; and Exhibit S.

V.   Technical Appendix

A. USCIS's Electronic Case Processing Systems and Produced Data

74.   USCIS uses various electronic systems to record, track, and adjudicate applications seeking immigration benefits.[47] I-485 applications are recorded in the Computer Linked Application Information Management System 3 ("CLAIMS 3"),[48] while N-400 applications are recorded in either the Computer Linked Application Information Management System 4 ("CLAIMS 4") or the USCIS Electronic Immigration System ("USCIS ELIS").[49] Applications subject to CARRP are tracked in the Fraud Detection and National Security Data System ("FDNS-DS") using Case Management Entities ("CMEs").[50]

75.   Defendants produced the following data from these systems: 1) Class Lists containing data on pending I-485 and N-400 applications for April 12, 2018 and each quarter from June 30, 2018 through September 30, 2019; and 2) a data file named "2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx." I describe each file and the information contained therein in more detail below.

1.   USCIS Data

76.   USCIS produced an Excel file containing five tabs with USCIS country-level data related to I-485 and N-400 applications received from October 1, 2012 through September 30, 2019. The data is presented by fiscal year and is segmented into country of birth and country of citizenship for I-485 and N-400 applications. Each tab also includes information and parameters regarding the data provided. Each tab is described in more detail below.[51] An example of the

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[47] Second Declaration of James W. McCament in Support of Defendants' Response to Plaintiffs' Motion to Compel, dated 10/10/17 ("McCament Declaration"), ¶¶ 7–8.

[48] McCament Declaration, ¶ 7.

[49] McCament Declaration, ¶ 8.

[50] Defendants' Objections and Responses to Plaintiffs' Request for Production of Documents and Third Interrogatory, 10/16/18, p. 22.

[51] In addition to the tabs listed below, the Excel file also contains the following tabs which I did not rely upon in my analyses: *EO v. Non-EO Receipts*; *EO v. non EO Adj Proc Times*; *EO v. non EO Pending Proc Times*;

1 information and parameters from the tab *Receipt Count* is shown below:

2 - FDNS-DS Queried: October 2, 2019

3 - Other Databases Queried: October 10, 2019

4 - Report Created: October 17, 2019

5 - System: C3 Consolidated, C4, ELIS, FDNS-DS

6 - By: Office of Performance and Quality (OPQ), Performance Analysis and

7 Data Reporting (PAER)

8 Parameters:

9 - Date: Applications received Oct 1, 2012 - Sep 30, 2019

10 - Form Number: I-485, N-400

11 - Data Type: Count of Receipts

(1)   Receipt Count

14   77.   The tab *Receipt Count* purports to include the counts of I-485 and N-400

15 applications received by USCIS in each fiscal year, excluding applications that were rejected.[52]

16 The counts of I-485 and N-400 applications received by USCIS are provided for each country of

17 birth and country of citizenship in the USCIS Data and are further segmented into two distinct

18 categories: "Not CARRP Processed" and "Processed Under CARRP." Further, this tab shows

19 "% Not CARRP Processed" as well as "% Processed Under CARRP" for each country of birth

20 and country of citizenship entry.

Adjudicated+Pending Proc Times; *EO v. non EO Adj+Pen Proc Times*; *EO vs Non-EO Denial Rates*; *NS Bases*; and *EO v. non-EO NS Bases.*

[52] The tab notes that "Receipt counts do not include rejections." According to USCIS, rejections occur "[w]hen USCIS determines that an immigration petition or application cannot be accepted for intake, processing and adjudication because it lacks a basic requirement (for example, a required fee or signature)." See USCIS Glossary, "Reject (as compared to denial)," available at https://www.uscis.gov/tools/glossary?topic_id=r, accessed 2/27/20.

(2)   Adjudicated Proc Times

78.   The tab *Adjudicated Proc Times* purports to include the overall counts of I-485 and N-400 applications adjudicated in each fiscal year segmented by CARRP and Not-CARRP, as well as the mean and median number of days that were required to process the adjudicated CARRP and Not-CARRP applications for each country of birth and country of citizenship entry provided in the USCIS Data. This tab also shows overall mean and median number of days that were required to process I-485 and N-400 CARRP and Not-CARRP applications in each fiscal year.

(3)   Pending Proc Times

79.   The tab *Pending Proc Times* purports to include the overall counts of I-485 and N-400 applications pending at the end of each fiscal year, segmented by CARRP and Not-CARRP, as well as the mean and median number of days that CARRP and Not-CARRP applications have been pending for each country of birth and country of citizenship entry provided in the data. Further, this tab provides overall mean and median number of days that I-485 and N-400 CARRP and non-CARRP applications have been pending as of the end of each fiscal year.

(4)   Approval & Denial Rates

80.   The tab *Approval & Denial Rates* purports to include the counts of I-485 and N-400 applications that were approved and denied in each fiscal year, segmented by CARRP and Not-CARRP. Further, the tab provides the counts and percentage of CARRP and Not-CARRP applications that were approved and denied by fiscal year for each country of birth and country of citizenship entry provided in the data.

2.   Preprocessing of the USCIS Data

81.   In Section IV. A. 3 of my report, I explain results from my analysis of the USCIS Data at the country level. To prepare the USCIS Data for my analysis, I followed the procedure described below.

82.   First, I created fields for "application type" and "fiscal year" based on designations provided by USCIS. These fields were used to categorize the USCIS Data based on application type (I-485 or N-400) and fiscal year. Then, I combined all of the unique records from each tab into two datasets based on application type, fiscal year, and country of birth. The resulting datasets contained data by fiscal year related to: 1) I-485 applications by country of birth; and 2) N-400 applications by country of birth.

83.   As discussed in Section IV. A. 1 of my report, I use country of birth as the basis for my analysis of the USCIS Data, including the comparison that I perform between Muslim-majority and non-Muslim-majority countries. I cleaned the country of birth names according to the procedure described in Section V. A. 3 below, and created a new field containing an indicator for Muslim- and non-Muslim-majority countries. Muslim- and non-Muslim-majority countries were determined according to the procedure described in Section IV. A. 3.

3.   Preprocessing of Country of Birth Data

84.   The USCIS Data is inconsistent in the labeling of the country of birth names provided. The USCIS Data contains: 1) countries I was able to reconcile with the CIA World Factbook; 2) name variations of the same country of birth; 3) "countries" that have dissolved or are considered to be established territories of larger countries; and 4) "countries" that are not countries but continents.[53] As a result, in order to perform my analysis of the USCIS Data based

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[53] Examples for each group include: 1) "France"; 2) "British Virgin Islands" and "Virgin Islands, British"; 3) "Netherlands Antilles" is a country that has dissolved and "Reunion" is an overseas department of France; and 4) "Antarctica."

1 on country of birth, country names were cleaned according to the procedure described below.

2   85.   First, I compiled all country of birth names provided in the USCIS Data for Forms

3 I-485 and N-400. I then removed any duplicate names that appeared in the data for both forms.

4 Additionally, I removed "countries" that are continents from my list of countries as it does not

5 represent a specific country of birth. This resulted in 262 unique country of birth names. See

6 Exhibit W.

7   86.   Using this unique country of birth list, I compared each country name to the

8 current country names provided by the CIA World Factbook. I used the CIA World Factbook as

9 it includes both current country names as well as the breakdown of religions for each country

10 based on percentage of total population.[54] This information was necessary for my analysis of the

11 USCIS Data at the Muslim- and non-Muslim-majority level. If the unique country of birth name

12 from the USCIS Data exactly matched to a country name provided by the CIA World Factbook,

13 the country of birth name was not changed. If the country of birth name did not exactly match

14 any of the country names provided by the CIA World Factbook list, I investigated further. After

15 reconciliation, I determined that a total of 35 unique countries did not directly match any of the

16 country names provided by the CIA World Factbook.

17   87.   For the countries of birth that did not directly match any country name provided

18 by the CIA World Factbook, I investigated the reasons why they did not match. Using

19 geographical resources provided by the CIA World Factbook, I determined that the list of unique

20 country of birth names in the USCIS Data included: 1) name variations of the same country; 2)

21 country names that are territories of larger countries; 3) historical country names that have since

22 been changed; and 4) countries that once existed, but have since dissolved into other countries.[55]

23 For these variations in the naming of countries of birth, I standardized the names to match the

24

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25 [54] See "Field Listing: Religions," CIA World Factbook, available at https://www.cia.gov/library/publications/the-world-factbook/fields/401.html, accessed 2/23/20.

26 [55] Examples of each group include: 1) "British Virgin Islands" and "Virgin Islands, British"; 2) "Reunion" is an overseas department of France; 3) "Germany, West" to "Germany"; and 4) "Netherlands Antilles" is a country that has dissolved.

1 country of birth names provided by the CIA World Factbook. As a result, I used 237 unique

2 countries for my analyses.

3
4 **4.   Class Lists**

5   88.   Defendants produced data on pending I-485 and N-400 applications as of April

6 12, 2018 and each quarter from June 30, 2018 through September 30, 2019 that have been

7 subjected to CARRP and pending for at least 180 days. [56]

8   89.   Defendants produced the following Excel files containing the Class Lists:

9   a.   Class List (as of Apr. 12 2018) with Race Religion (002) ATTORNEYS

10   EYES ONLY (Defendant's counsel sent via email on 10-24-2018).xlsx

11   b.   Class List (as of June 30, 2018) (Confidential Attorney Eyes Only)

12   (password protected).xlsx

13   c.   Class List (as of September 30, 2018) (FOUO - Do Not Distribute Outside

14   USG).xlsx

15   d.   Class List (as of December 31,   2018) (Confidential - Attorney Eyes

16   Only).xlsb

17   e.   Class List (as of March 31, 2019)   (Confidential - Attorney Eyes

18   Only).xlsb

19   f.   Class List (as of June 30 2019)   (Confidential - Attorney Eyes Only).xlsx

20   g.   Class List (as of Sept. 30, 2019)   (Confidential - Attorney Eyes Only).xlsx

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[56] Six records on the 4/12/18 class list have pending times between 171 and 179 days. See 4/12/18 class list, tab *pending*, rows 30, 801, 1,768, 2,736, 2,973, and 3,433.

90.   Each file contains information on CARRP designated I-485 and N-400 applications that were pending for at least six months as of the date of the class list on which they appeared. Within the Class Lists, Defendants provided the following fields:[57]

      a.   Last Name

      b.   First Name

      c.   Middle Name

      d.   Alien Number

      e.   Form Number

      f.   Age (as of the list date)

      g.   Country of Birth

      h.   Country of Citizenship

      i.   ELIS Ethnicity

      j.   Race

      k.   Receipt Date

      l.   Application Status

91.   To prepare the Class Lists for my analyses, I followed the process described below.

      a.   I standardized the names of common fields, or columns, provided in the raw Excel files listed above.

      b.   I created a "list date" field to track and sort each unique observation based on the class list on which it appeared.

      c.   I combined the application data provided in these files based on common fields. This resulted in a dataset containing 37,152 total records.

      d.   I removed records associated with Alien numbers that appear with an

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[57] These fields appear on the first tab of each class list file. Each file also contains a second tab purporting to contain information on counts of applications and individuals by religion. I did not rely on this religion information on my analyses as the majority of individuals had religion values of "(blank)."

1 application status of "Approved" or an Approved Not Oathed identifier of "Yes."

2 I removed these Alien numbers from the list on which they appear and from any

3 subsequent class lists I received. This process resulted in the removal of 1,653

4 records. For example, an Alien number ending in -815 associated with a Form N-

5 400 appeared on all Class Lists I received.[58] A record associated with this Alien

6 number that contained an Approved Not Oathed identifier of "Yes" appeared for

7 the first time on the 12/31/18 class list.[59]   Therefore, I retained the records

8 associated with this Alien number on the class lists between 4/12/18 and 9/30/18,

9 but removed the record from the 12/31/18 class list as well as any records on all

10 subsequent lists I received.

11   92. This resulted in a final dataset containing 35,499 total records. Of the 35,499

12 total records, I identified 11,297 unique Alien number and Form combinations across all seven

13 class lists I received. See Exhibit S for the distribution of these records across the Class Lists.

14   93. Of the 35,499 non-approved records contained on the Class Lists, I identified

15 duplicate Alien numbers on a given class list. For certain of these duplicate Alien numbers, I

16 noted inconsistent Application Receipt Dates. For my analyses, I used the records associated

17 with the most recent Application Receipt Date. For example, the 4/12/18 class list included an

18 Alien number ending in -195 in two different records.[60] One record for this Alien number ending

19 in -195 showed an Application Receipt Date of 2/3/2016 for Form I-485. A second record for

20 this Alien number ending in -195 showed an Application Receipt Date of 2/5/2016 for Form I-

21 485. To determine the number of unique Alien numbers for a given class list, I removed the

22 record associated with the 2/3/2016 Application Filing Date.

23

24

[58] See 4/12/18 class list, tab *pending*, row 3,518; 6/30/18 class list, tab *final june 30 pending*, row 791; 9/30/18 class list, tab *final sep 30 pending*, row 709; 12/31/18 class list, tab *31Dec2018 list*, row 635; 3/31/19 class list, tab *31Mar2019 list*, row 586; 6/30/19 class list, tab *30Jun2019 list*, row 492; and 9/30/19 class list, tab *Class List (as of 9-30-19)*, row 379.

[59] See 12/31/18 class list, tab *31Dec2018 list*, row 635.

[60] See 4/12/18 class list, tab *pending*, rows 508 and 509.

1   94.   To calculate the days pending for a given Alien number on a given class list, I

2 subtracted the date of the class list from the most recent Application Receipt Date for that Alien

3 number.[61]

4   95.   I declare under penalty of perjury that the foregoing is true and correct. Executed

5 this 28th day of February 2020 in Chicago, IL.

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8

9 *Sean Kruskol*
   _____
   SEAN M. KRUSKOL

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26 [61] If a given Alien number appeared on more than one class list with different application receipt dates for the same form, I used the most recent application receipt date for that Alien number across all class lists I received. I exclude Alien numbers appearing on a given class list when the date of that list is prior to the Alien number's most recent receipt date across all Class lists. See Exhibit V.

=======================================   **EXHIBIT A**

Sean M. Kruskol, CPA/CGMA, CFE
Principal

Cornerstone Research
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skruskol@cornerstone.com

SUMMARY

Mr. Kruskol has addressed forensic accounting, valuation, causation, and economic damages issues in a wide variety of commercial disputes. He is a Certified Public Accountant (CPA), Chartered Global Management Accountant (CGMA), and a Certified Fraud Examiner (CFE). In dispute-related matters, Mr. Kruskol's clients have included both public and private companies in professional services, manufacturing, pharmaceutical, banking, real estate, healthcare, insurance, entertainment, and technology industries. In investigation-related matters, he has examined financial reporting fraud, Ponzi schemes, asset misappropriation, and other forms of corporate misconduct. He has performed his work in nine different countries across three different continents.

ACADEMIC BACKGROUND

2006–2007	**Miami University (Ohio)** *M.Acc., Accounting*	Oxford, Ohio
2003–2007	**Miami University (Ohio)** *B.S., Accounting*	Oxford, Ohio

PROFESSIONAL EXPERIENCE

2013–Present	**Cornerstone Research, Inc.** *Principal*	Chicago, Illinois
2011–2013	**Navigant Consulting, Inc.** *Managing Consultant*	Chicago, Illinois
2010–2011	**Ryan Specialty Group** *Director of Finance - Wholesale*	Chicago, Illinois
2007–2010	**KPMG, LLP** *Senior Associate*	Chicago, Illinois

Sean M. Kruskol, CPA/CGMA, CFE
Principal

REPRESENTATIVE CONSULTING MATTERS

Data Analytics

Used SQL to analyze a hundred million+ transactional records for a large global automotive manufacturer to study the timing of vehicle sales.

Used SQL to analyze billions of transactional records for a large on-line retailer to study customer behavior.

Used SQL to analyze a billion+ records related to components of computer hardware for a computer manufacturer to study component costs.

Used SQL and SAS to analyze millions of Medicare, Medicaid, and other insurance related claims for various healthcare services including prescription drugs, surgical procedures, and other medical procedures on various cases.

Used SQL to analyze millions of transactional records for a large global manufacturer to study the timing of payments to vendors.

Used SQL to analyze millions of journal entries to find patterns of non-standard journal entries.

Consistently used Computer Assisted Audit Techniques (CAATs) to address fraud risks for clients. Specifically, used ACL and IDEA stored procedures to run analyses regarding Benford's Law, Phantom Employees and Vendors, Accounts Receivable / Payable Aging, and General Ledger entries.

Assisted a large titanium and steel-alloy forging company in assessing potential liability allegations that the company failed to pay proper wages. Used the company's payroll and timekeeping data sets to quantify potential liability based on applicable state laws.

Assisted in the review of qui tam allegations involving the False Claims Act regarding Medicaid claims paid by the Federal Government. Responsibilities included database creation and analysis of Medicaid claims as well as analyzing the plaintiff's sampling methodology. Further responsibilities included drafting text and exhibits for the expert report.

As part of a Fraud in the Audit (FITA) rotation, used Computer Assisted Audit Techniques (CAATs) software to import, validate, analyze, and report on the fraud risk associated with millions of journal entries.

Breach of Contract Disputes

Analyzed the costs incurred by a client on a failed software implementation project. Analyzed thousands of general ledger transactions over a 6-year+ period.

Calculated pre- and post-judgment interest on damages awarded in breach of contract matter.

Provided financial and accounting consulting services in a dispute involving a lost-profits claim due to breach of contract in an entertainment-industry lawsuit.

Assisted counsel with analyzing damages related to an alleged breach of contract on the sale of services for tens of thousands of hardware devices for a technology company.

Assisted counsel with calculating damages and responding to a breach of contract and fraudulent inducement claim over the sale of a manufacturing facility.

Calculated pre-judgment interest on potential damages related to a breach of contract matter.

Sean M. Kruskol, CPA/CGMA, CFE
Principal

Accounting and Auditing

Evaluated financial statements and disclosures for compliance with accounting frameworks (US GAAP and IFRS), GAAS literature (US GAAS and ISA), and SEC filing requirements in various maters across multiple industries.

Analyzed and critiqued claimant's $400 million damages claim in an accounting malpractice dispute. Analyzed the timing and causes of plaintiff's deteriorating financial condition and bankruptcy.

Assisted counsel with evaluating the SEC's claims that two auditors were professionally negligent when overseeing the audit of a Brazilian subsidiary of a large manufacturer.

Provided audit services to clients in the Consumer Products and Financial Services industries. Work included the auditing of revenue transactions under SAB 104 and related revenue recognition accounting literature.

Assisted counsel with the defense of a former independent auditor against claims brought by third party lending institutions.

Recalculated interest amounts on various post-acquisition dispute matters.

Forensic Investigations

Assisted a Special Committee of the Board of Directors for a global automotive manufacturing company by analyzing the timing of revenue recognition associated with six years of vehicle sales.

Analyzed the quarterly accounts payable balance for a global manufacturing company to assist counsel in responding to issues raised by the SEC.

In a post-acquisition dispute, assisted counsel in investigating and reporting on a potential seven-year earnings management scheme.

Analyzed customer bank account activity to identify patterns evidencing transactions consistent with the customer's Ponzi scheme.

Analyzed corporate bank account activity for a loan originator and servicer to identify patterns in cash transfers between operating and fiduciary accounts.

Assisted the Chief Accounting Officer and Internal Audit for the Australian subsidiary of a billion-dollar logistics company with an earnings management investigation and financial statement reconstruction, addressing allegations of improper accounting procedures. Assisted in the development of comprehensive analyses related to the impact of accounting errors on the company's statutory financial statements.

Assisted counsel in investigating a whistleblower complaint related to allegations of improper conduct related to promotional allowance activity in the retail industry.

Assisted the audit committee in investigating claims of improper revenue recognition practices on a long-term government contract.

Assisted the EMEA Controller of a former Fortune 300 brokerage company in the performance of accelerated audits for multiple subsidiaries in four different countries over a period of two and a half months.

Assisted counsel of a global financial services company by analyzing electronic evidence to support a multi-faceted investigation regarding alleged theft of trade secrets. Conducted an analysis of the targets' web-based email, instant messaging, internet browsing history, phone logs, and other electronic evidence.

Sean M. Kruskol, CPA/CGMA, CFE
Principal

Other Consulting and Industry Experience

Assisted the Interim CFO of the Australian subsidiary of a billion-dollar logistics company by providing advice on technical accounting matters, coordinating year-end audit preparation with the external auditors, delegating tasks to support staff, and participating in monthly management meetings.

Led financial due diligence on potential acquisition targets in the wholesale insurance industry, modeled results of financial due diligence, and presented findings to the CEO, CFO, and Business-Unit Presidents.

Performed recalculation of interest on short-term and long-term debt for various audit clients.

Created and used various financial planning and analysis tools and templates for a business segment of a start-up company.

Created and used various financial planning and analysis tools and templates for a business segment of a start-up company.

Performed security administrator duties for a start-up company's ERP, Microsoft Great Plains, and expense reimbursement tool, Concur Expense.

Served as a member of the implementation team for Microsoft Great Plains and Concur Expense for a start-up company.

Sean M. Kruskol, CPA/CGMA, CFE
Principal

CERTIFICATIONS

Certified Public Accountant (CPA). Illinois license number: 065-035214

Chartered Global Management Accountant (CGMA)

Certified Fraud Examiner (CFE)

SPEAKING ENGAGEMENTS

Chicago Bar Association – Startup Bootcamp *Panelist*	April 2017
Miami University Farmer School of Business, Masters of Accountancy Program. Invited Guest Speaker. Topic related to integrity, leadership, and transparency. *First M.Acc. alumnus to be invited back to formally speak to graduate students*	October 2009

TEACHING/INSTRUCTION

Olin Business School at Washington University in St. Louis, Undergraduate Finance *Recurring guest lecturer on modeling damage scenarios*	2015–Present
Justice Entrepreneurs Project *Guest presenter on budgeting for solo and small law firms*	2013–2016
Excel and Access Training for new consultants at Navigant *Taught intermediate Excel/Access functionality and overall data management*	2012–2013
Computer Assisted Audit Techniques (CAATs) Seminar at KPMG *Instructed on data import, analysis, and interpretation*	2008–2009
Ernst & Young Business Excellence Summit at Miami University *Small group leader and discussion facilitator*	September 2008

PROFESSIONAL MEMBERSHIPS

Member, American Institute of Certified Public Accountants

Member, Illinois CPA Society

Member, Association of Certified Fraud Examiners

Associate Member, American Bar Association

PROGRAMMING LANGUAGES USED IN LITIGATION MATTERS

SQL, SAS, R, and VBA

OTHER PROGRAMMING LANGUAGES

Java and COBOL

Sean M. Kruskol, CPA/CGMA, CFE
Principal

OTHER ACTIVITIES

Illinois CPA Society, Audit & Assurance Services Committee, Member	2017–Present
Illinois Legal Aid Online Board Member, Exec. Committee Member	2017–Present
Illinois Legal Aid Online Board Member, Secretary	2019–Present
Illinois Legal Aid Online Board Member, Treasurer	2017–2019
Illinois Legal Aid Online Board Member, Finance Committee Member	2016–Present
Justice Entrepreneurs Project – Chicago, Advisory Board Member	2016–Present
Illinois Legal Aid Online YPB, Executive Committee Member	2013–2016

AWARDS AND RECOGNITION

Illinois CPA Society Distinguished Service Award	2018–2019
Illinois CPA Society, *Insight Magazine,* IN Play: Q&A	Winter 2019

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Exhibit B
Documents Considered

Legal Pleadings

Complaint, *Abdiqafar Wagafe, et al., v. United States Citizenship Immigration Services, et al*., 1/23/17

Amended Complaint, *Abdiqafar Wagafe, et al., v. Donald Trump, et al*., 2/1/17

Plaintiffs' First Requests for Production to Defendants, 8/1/17

Order Granting Class Certification, 6/21/17

Declaration of James W. McCament in Support of Defendants' Response to Plaintiffs' Motion to Compel, 10/10/17

Defendants' Objections and Responses to Plaintiffs' Fifth Request for Production of Documents and Third Interrogatory, 10/16/18

Defendants' Motion for Limited Protective Order, 3/1/18

Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel Production of Documents, 10/19/17

Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel and Defendants' Cross-Motion for a Protective Order, 7/9/19

Depositions

Deposition Testimony and Exhibits 54–67 of Daniel Renaud, 1/10/20

Produced Data

Class List as of 4/12/18 (Class List (as of Apr. 12 2018) with Race Religion (002) ATTORNEYS EYES ONLY (Defendant's counsel sent via email on 10-24-2018).xlsx)

Class List as of 6/30/18 (Class List (as of June 30, 2018) (Confidential Attorney Eyes Only) (password protected).xlsx)

Class List as of 9/30/18 (Class List (as of September 30, 2018) (FOUO - Do Not Distribute Outside USG).xlsx)

Class List as of 12/31/18 (Class List (as of December 31,   2018) (Confidential - Attorney Eyes Only).xlsb)

Class List as of 3/31/19 (Class List (as of March 31, 2019)   (Confidential - Attorney Eyes Only).xlsb)

Class List as of 6/30/19 (Class List (as of June 30 2019)   (Confidential - Attorney Eyes Only).xlsx)

Class List as of 9/30/19 (Class List (as of Sept. 30, 2019)   (Confidential - Attorney Eyes Only).xlsx)

2019-07-26 - Wagafe - USCIS_data_FY2013_to_FY2019.xlsx

2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx

2018-10-16 Defendants' Spreadsheet re Response to Plaintiffs' 3rd Interrogatory No. 3.XLSX

Records #48 FOIA Response.pdf

DEF-00072676 - CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER.xlsx

DEF-00131632.pdf

DEF-00156511 - CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER.xlsx

DEF-00038830.xlsx

DEF-00044519.pdf

Public Materials

Form N-400 and Instructions, available at https://www.uscis.gov/n-400

Form I-485 and Instructions, available at https://www.uscis.gov/i-485

USCIS Affirmative Asylum Application Statistics and Decisions Annual Report, 6/20/16, available at https://www.dhs.gov/sites/default/files/publications/U.S.%20Citizenship%20and%20Immigration%20Services%20-%20Affirmative%20Asylum%20Application%20Statistics%20and%20Decisions%20Annual%20Report%20-%20FY%202016.pdf

Department of Homeland Security Yearbook of Immigration Statistics, FY 2017–FY 2018, available at https://www.dhs.gov/immigration-statistics/yearbook

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Exhibit B
Documents Considered

DHS/USCIS Privacy Impact Assessment for the Enterprise Citizenship and
Immigration Services Centralized Operational Repository (eCISCOR), 7/26/18, available at
https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis-023b-eciscor-july2018.pdf

USCIS Historical Processing Times, available at https://egov.uscis.gov/processing-times/historic-pt

"Data preprocessing in detail," IBM Developer, 6/14/19, available at
https://developer.ibm.com/technologies/analytics/articles/data-preprocessing-in-detail

Memorandum from Jonathan Scharfen, Deputy Director of USCIS to Field Leadership, "Policy for Vetting and
Adjudicating Cases with National Security Concerns," 4/11/08, available at
https://www.uscis.gov/sites/default/files/USCIS/About%20Us/Electronic%20Reading%20Room/Policies_and_M
anuals/CARRP_Guidance.pdf

United States Code, Title 8–Aliens and Nationality, § 1571–1572, effective 10/17/00

Code of Federal Regulations, Title 8, Chapter I, Subchapter C, §335.6 Failure to appear for examination,
amended 8/29/11

Code of Federal Regulations, Title 8, Chapter I, Subchapter C, §335.10 Withdrawal of application, amended
8/29/11

Code of Federal Regulations, Title 8, Chapter I, Subchapter C, §337.10 Failure to appear for oath
administration ceremony, 9/24/93

Adjudicator's Field Manual - Redacted Public Version, Chapter 10.3 General Adjudication Procedures

Adjudicator's Field Manual - Redacted Public Version, Chapter 10.5 Requesting Additional Information

Adjudicator's Field Manual - Redacted Public Version, Chapter 15.1 Interview Policies

Adjudicator's Field Manual - Redacted Public Version, Chapter 20.4 Petition Withdrawal

USCIS Policy Manual, Volume 12, Part B, Chapter 4 Results of the Naturalization Examination, current as of
2/24/20

USCIS Policy Manual, Volume 7, Part A, Chapter 11 Decision Procedures, current as of 2/26/20

Privacy Impact Assessment Update for the Computer Linked Application Information Management System
(CLAIMS 3) and Associated Systems, 3/25/16, available at
https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis-claims3appendixupdated-
september2019.pdf

Privacy Impact Assessment Update for the Computer Linked Application Information Management System 4
(CLAIMS 4), 11/5/13, available at https://www.dhs.gov/sites/default/files/publications/privacy-pia-update-uscis-
claims4-november2013.pdf

Privacy Impact Assessment for the USCIS Electronic Immigration System (USCIS ELIS), 5/17/16, available at
https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis-elisappendixaupdate-may2018.pdf

A Guide to Naturalization, revised 11/16, available at https://www.uscis.gov/sites/default/files/files/article/M-
476.pdf

Annual Report on the Impact of the Homeland Security Act on Immigration Functions Transferred to the
Department of Homeland Security, 4/13/18, available at https://www.uscis.gov/sites/default/files/reports-
studies/Annual-Report-on-the-Impact-of-the-Homeland-Security-Act-on-Immigration-Functions-Transferred-to-
the-DHS.pdf

Trends in Naturalization Rates: FY 2014 Update, 11/16, available at
https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports/Trends-in-Naturalization-Rates-FY14-
Update.pdf

USCIS Form I-485 Performance Data, FY 2016–FY 2019

USCIS Form N-400 Performance Data, FY 2016–FY 2019

The World Factbook, Central Intelligence Agency, available at https://www.cia.gov/library/publications/the-world-
factbook/

Statement on Standards for Forensic Services, No. 1, effective for engagements accepted on or after 1/1/20,
available at
https://www.aicpa.org/content/dam/aicpa/interestareas/forensicandvaluation/resources/standards/downloadable
documents/ssfs-no-1.pdf

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Exhibit B
Documents Considered

Lawful Permanent Residents (LPR), U.S. Department of Homeland Security, updated 2/24/20, available at https://www.dhs.gov/immigration-statistics/lawful-permanent-residents#:~:text=

Citizenship Through Naturalization, U.S. Citizenship and Immigration Services, updated 4/17/19, available at https://www.uscis.gov/us-citizenship/citizenship-through-naturalization#:~:text=

USCIS Policy Manual, Volume 12, Part A, Chapter 2 Becoming a U.S. Citizen, current as of 2/26/20

USCIS Policy Manual, Volume 7, Part A, Chapter 4 Documentation, current as of 2/26/20

USCIS Policy Manual, Volume 7, Part A, Chapter 5 Interview Guidelines, current as of 2/26/20

USCIS Policy Manual, Volume 7, Part A, Chapter 6 Adjudicative Review, current as of 2/26/20

USCIS Policy Manual, Volume 7, Part A, Chapter 10 Legal Analysis and Use of Discretion, current as of 2/26/20

USCIS Policy Manual, Volume 12, Part B, Chapter 2 Background and Security Checks, current as of 2/26/20

USCIS Policy Manual, Volume 12, Part B, Chapter 3 Naturalization Interview, current as of 2/26/20

USCIS Glossary, for entries "Reject (as compared to denial)" and "Fiscal year," available at https://www.uscis.gov/tools/glossary

Pew-Templeton Global Religious Futures Project–Palestinian territories, Pew Research Center, available at http://www.globalreligiousfutures.org/countries/palestinian-territories#/?affiliations_religion_id=0&affiliations_year=2010&region_name=All%20Countries&restrictions_year=2016

Arabia, Encyclopædia Britannica, Britannica Group, Inc., updated 11/20/19, available at https://www.britannica.com/place/Arabia-peninsula-Asia

Yugoslavia, Encyclopædia Britannica, Britannica Group, Inc., updated 2/22/19, available at https://www.britannica.com/place/Yugoslavia-former-federated-nation-1929-2003

Note: Even if not included in this list, I also considered and relied upon any other documents cited in my report or exhibits.

EXHIBIT C

Forms I-485 and N-400 Statistics

Aggregate Application Analysis

FY 2013–FY 2019[1]

	CARRP		Not-CARRP		Aggregate	
	Applications	% of Receipt Count	Applications	% of Receipt Count	Applications	% of Receipt Count
Receipt Count	**15,203**	**100.0%**	**10,605,971**	**100.0%**	**10,621,174**	**100.0%**
Adjudicated	9,974	65.6%	9,158,461	86.4%	9,168,435	86.3%
Approved and Denied	9,784	64.4%	9,099,461	85.8%	9,109,245	85.8%
Unexplained	190	1.2%	59,000	0.6%	59,190	0.6%
Not Adjudicated	5,229	34.4%	1,447,510	13.6%	1,452,739	13.7%
Pending[2]	5,108	33.6%	1,385,728	13.1%	1,390,836	13.1%
Unexplained	121	0.8%	61,782	0.6%	61,903	0.6%

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tabs *Receipt Count*, *Adjudicated Proc Times*, *Pending Proc Times*, and *Approval & Denial Rates*

Note:

[1] The USCIS fiscal year is defined as October 1 through September 30 of the following year.

[2] Pending applications represents the count of I-485 and N-400 applications that had pending system statuses on 9/30/19 that did not have lawful permanent resident or United States citizen status for I-485, or United Sates citizen status for N-400 on 10/10/19.

EXHIBIT D

Forms I-485 and N-400 Statistics

Approved and Denied Application Analysis

FY 2013–FY 2019[1]

	CARRP		Not-CARRP		Aggregate Approved and Denied	
	Applications	**% of Approved and Denied**	**Applications**	**% of Approved and Denied**	**Applications**	**% of Approved and Denied**
Approved and Denied	**9,784**	**100.0%**	**9,099,461**	**100.0%**	**9,109,245**	**100.0%**
Approved	7,439	76.0%	8,405,890	92.4%	8,413,329	92.4%
Denied	2,345	24.0%	693,571	7.6%	695,916	7.6%

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Approval & Denial Rates*

Note:

[1] The USCIS fiscal year is defined as October 1 through September 30 of the following year.

EXHIBIT E

Form I-485 Statistics

Aggregate Application Analysis

FY 2013–FY 2019[1]

	CARRP		Not-CARRP		Aggregate	
	Applications	% of Receipt Count	Applications	% of Receipt Count	Applications	% of Receipt Count
Receipt Count	**5,642**	**100.0%**	**4,640,420**	**100.0%**	**4,646,062**	**100.0%**
Adjudicated	3,699	65.6%	3,842,122	82.8%	3,845,821	82.8%
Approved and Denied	3,653	64.7%	3,821,176	82.3%	3,824,829	82.3%
Unexplained	46	0.8%	20,946	0.5%	20,992	0.5%
Not Adjudicated	1,943	34.4%	798,298	17.2%	800,241	17.2%
Pending[2]	1,848	32.8%	755,772	16.3%	757,620	16.3%
Unexplained	95	1.7%	42,526	0.9%	42,621	0.9%

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tabs *Receipt Count*, *Adjudicated Proc Times*, *Pending Proc Times*, and *Approval & Denial Rates*

Note:

[1] The USCIS fiscal year is defined as October 1 through September 30 of the following year.

[2] Pending applications represents the count of I-485 applications that had pending system statuses on 9/30/19 that did not have lawful permanent resident or United States citizen status on 10/10/19.

EXHIBIT F

Form I-485 Statistics

Approved and Denied Application Analysis

FY 2013–FY 2019[1]

	CARRP		Not-CARRP		Aggregate Approved and Denied	
	Applications	**% of Approved and Denied**	**Applications**	**% of Approved and Denied**	**Applications**	**% of Approved and Denied**
Approved and Denied	**3,653**	**100.0%**	**3,821,176**	**100.0%**	**3,824,829**	**100.0%**
Approved	2,756	75.4%	3,563,072	93.2%	3,565,828	93.2%
Denied	897	24.6%	258,104	6.8%	259,001	6.8%

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Approval & Denial Rates*

Note:

[1] The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Forms I-485 Subject to CARRP
FY 2013–FY 2019

EXHIBIT G

Percent of Applications Received
(Count Subject to CARRP)

Amended Complaint,
Filed 2/1/17

Fiscal Year	Value
2013	0.04% (221)
2014	0.03% (217)
2015	0.08% (533)
2016	0.19% (1,341)
2017	0.20% (1,492)
2018	0.18% (1,229)
2019	0.10% (609)

Fiscal Year

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Receipt Count*; Amended Complaint, 2/1/17

Note: The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Adjudicated Forms I-485 Subject to CARRP
FY 2013–FY 2019

EXHIBIT H

Adjudications
(Year-over-Year % Change)

Fiscal Year

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Adjudicated Proc Times*; Amended Complaint, 2/1/17

Note: The USCIS fiscal year is defined as October 1 through September 30 of the following year.

EXHIBIT I

Form N-400 Statistics

Aggregate Application Analysis

FY 2013–FY 2019[1]

	CARRP		Not-CARRP		Aggregate	
	Applications	% of Receipt Count	Applications	% of Receipt Count	Applications	% of Receipt Count
Receipt Count	**9,561**	**100.0%**	**5,965,551**	**100.0%**	**5,975,112**	**100.0%**
Adjudicated	6,275	65.6%	5,316,339	89.1%	5,322,614	89.1%
Approved and Denied	6,131	64.1%	5,278,285	88.5%	5,284,416	88.4%
Unexplained	144	1.5%	38,054	0.6%	38,198	0.6%
Not Adjudicated	3,286	34.4%	649,212	10.9%	652,498	10.9%
Pending[1]	3,260	34.1%	629,956	10.6%	633,216	10.6%
Unexplained	26	0.3%	19,256	0.3%	19,282	0.3%

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tabs *Receipt Count*, *Adjudicated Proc Times*, *Pending Proc Times*, and *Approval & Denial Rates*

Note:

[1] The USCIS fiscal year is defined as October 1 through September 30 of the following year.

[2] Pending applications represents the count of N-400 applications that had pending system statuses on 9/30/19 that did not have United States citizen status on 10/10/19.

EXHIBIT J

Form N-400 Statistics

Approved and Denied Application Analysis

FY 2013–FY 2019[1]

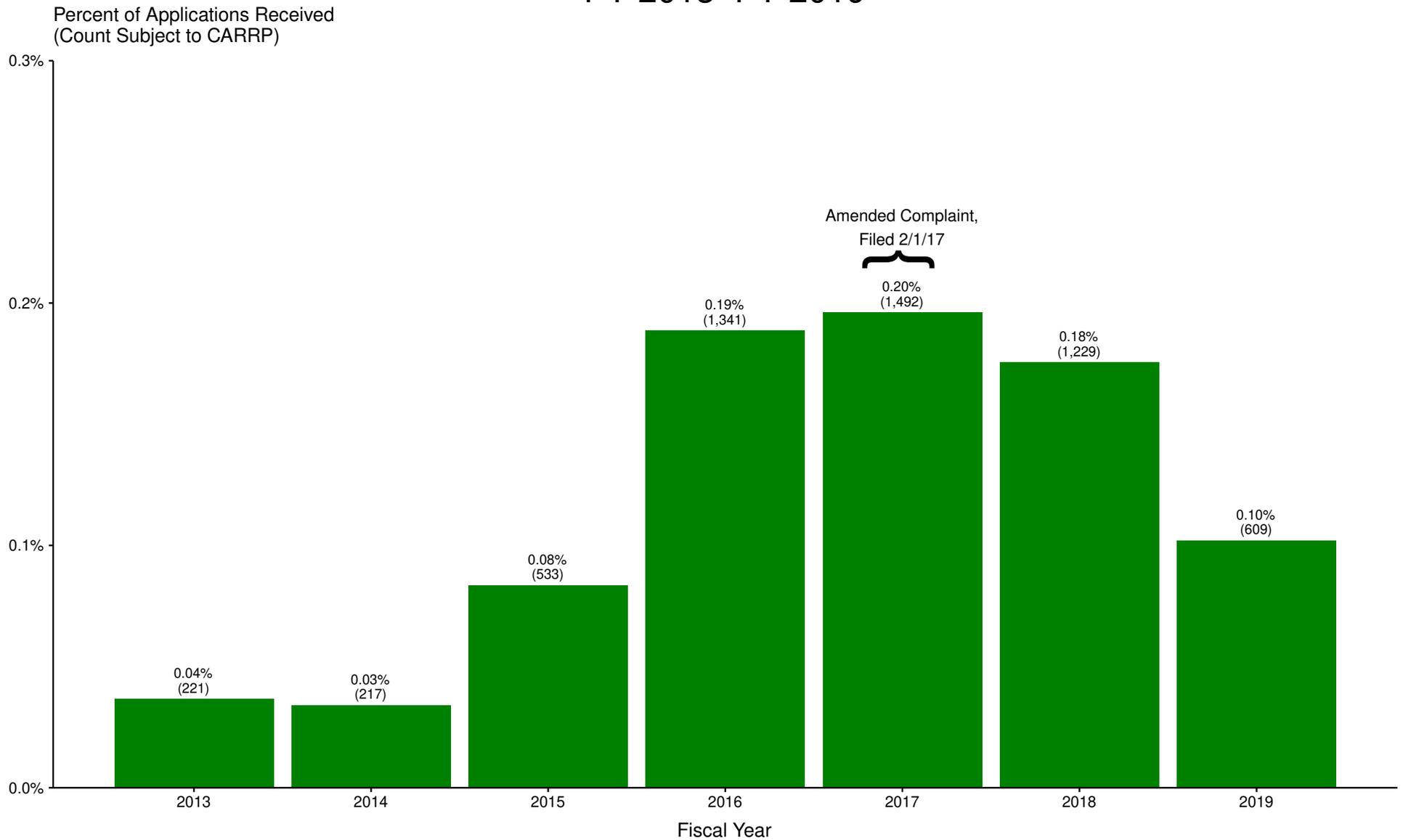|	CARRP		Not-CARRP		Aggregate Approved and Denied	
	Applications	% of Approved and Denied	Applications	% of Approved and Denied	Applications	% of Approved and Denied
Approved and Denied	**6,131**	**100.0%**	**5,278,285**	**100.0%**	**5,284,416**	**100.0%**
Approved	4,683	76.4%	4,842,818	91.7%	4,847,501	91.7%
Denied	1,448	23.6%	435,467	8.3%	436,915	8.3%

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Approval & Denial Rates*

Note:

[1] The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Forms N-400 Subject to CARRP

EXHIBIT K

FY 2013–FY 2019

Percent of Applications Received
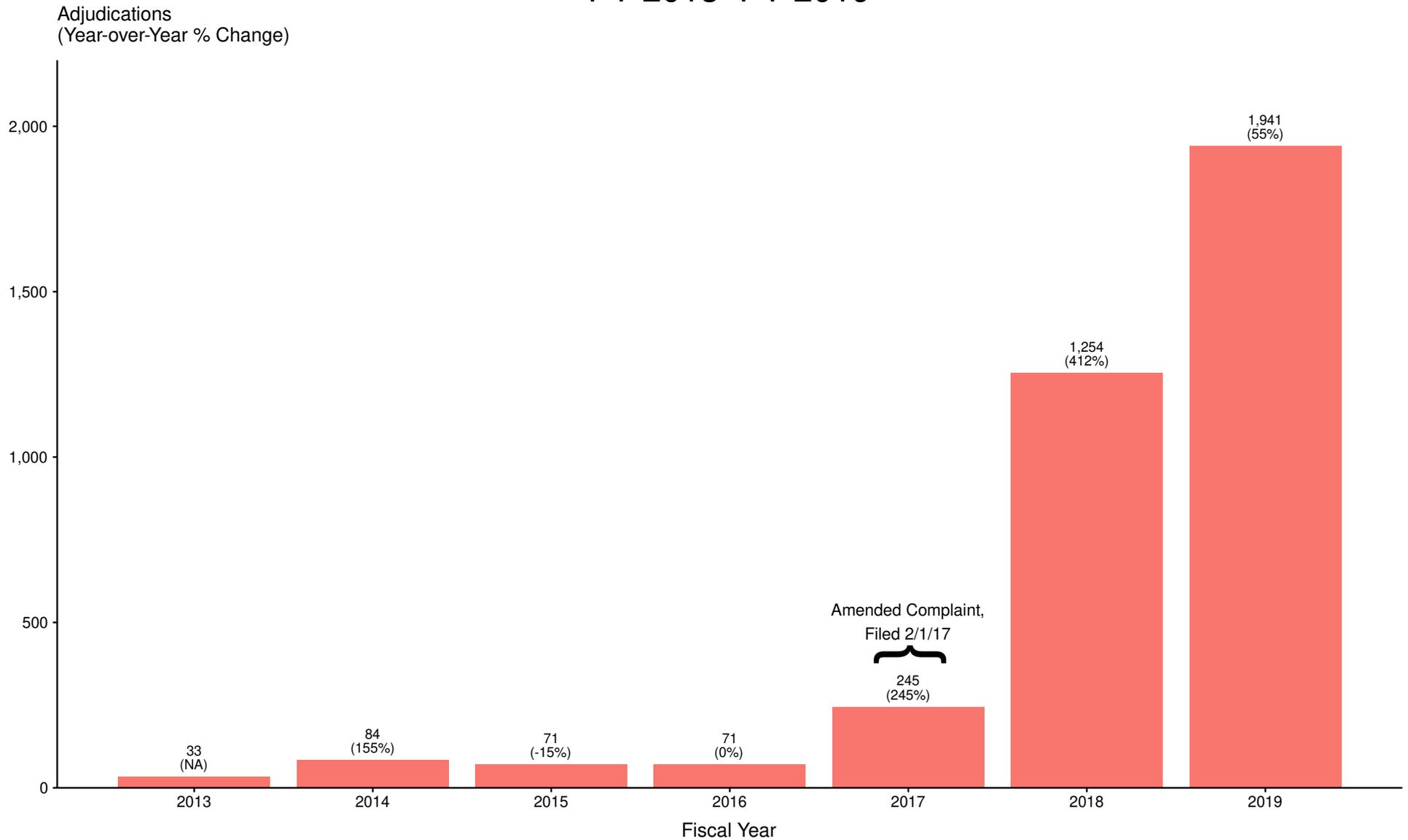(Count Subject to CARRP)

Fiscal Year

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Receipt Count*; Amended Complaint, 2/1/17

Note: The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Adjudicated Forms N-400 Subject to CARRP
FY 2013–FY 2019

EXHIBIT L

Adjudications
(Year-over-Year % Change)

- 2013: 14 (NA)
- 2014: 44 (214%)
- 2015: 64 (45%)
- 2016: 78 (22%)
- 2017: 225 (188%) — Amended Complaint, Filed 2/1/17
- 2018: 2,184 (871%)
- 2019: 3,666 (68%)

Fiscal Year

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Adjudicated Proc Times*; Amended Complaint, 2/1/17

Note: The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Forms I-485 Subject to CARRP

EXHIBIT M

Muslim- vs. Non-Muslim-Majority Countries
FY 2013–FY 2019

Percent Subject to CARRP
(Count Subject to CARRP)

Fiscal Year

■ Muslim-Majority   ■ Non-Muslim-Majority

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Receipt Count*; CIA World Factbook; Encyclopædia Britannica, Britannica Group, Inc.; Pew-Templeton Global Religious Futures Project, Pew Research Center

Note: This analysis is based on annual application data for country of birth. The following USCIS "country" entries are excluded from the analysis: Antarctica and Europe. Muslim-majority countries are countries whose official religion is Islam or countries with 50% or more of the population practicing Islam. The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Forms I-485 Received
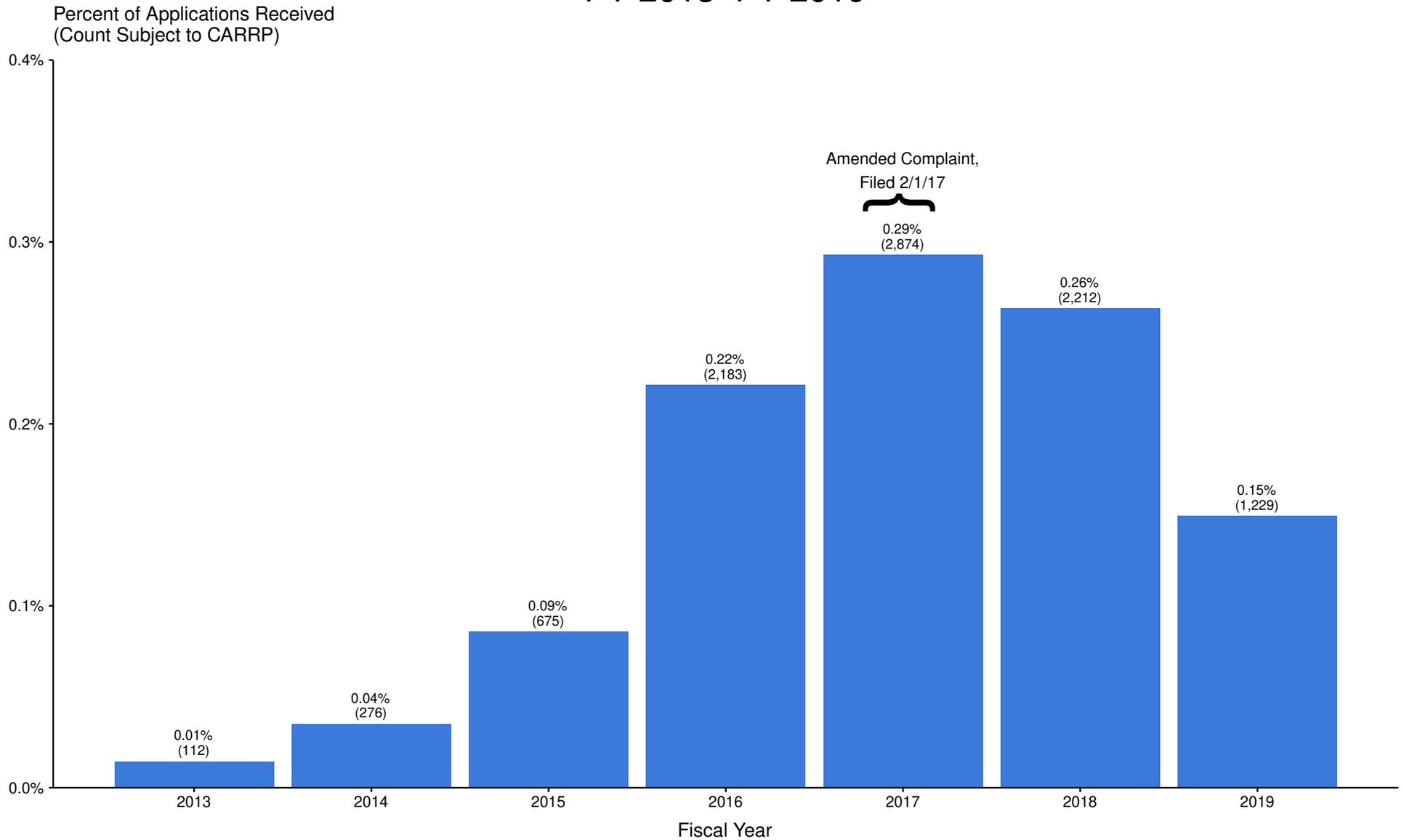
EXHIBIT N

Muslim- vs. Non-Muslim-Majority Countries
FY 2013–FY 2019

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Receipt Count*; CIA World Factbook; Encyclopædia Britannica, Britannica Group, Inc.; Pew-Templeton Global Religious Futures Project, Pew Research Center

Note: This analysis is based on annual application data for country of birth. The following USCIS "country" entries are excluded from the analysis: Antarctica and Europe. Muslim-majority countries are countries whose official religion is Islam or countries with 50% or more of the population practicing Islam. The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Forms N-400 Subject to CARRP

EXHIBIT O

Muslim- vs. Non-Muslim-Majority Countries
FY 2013–FY 2019

Percent Subject to CARRP
(Count Subject to CARRP)

Legend: ■ Muslim-Majority   ■ Non-Muslim-Majority

X-axis: Fiscal Year

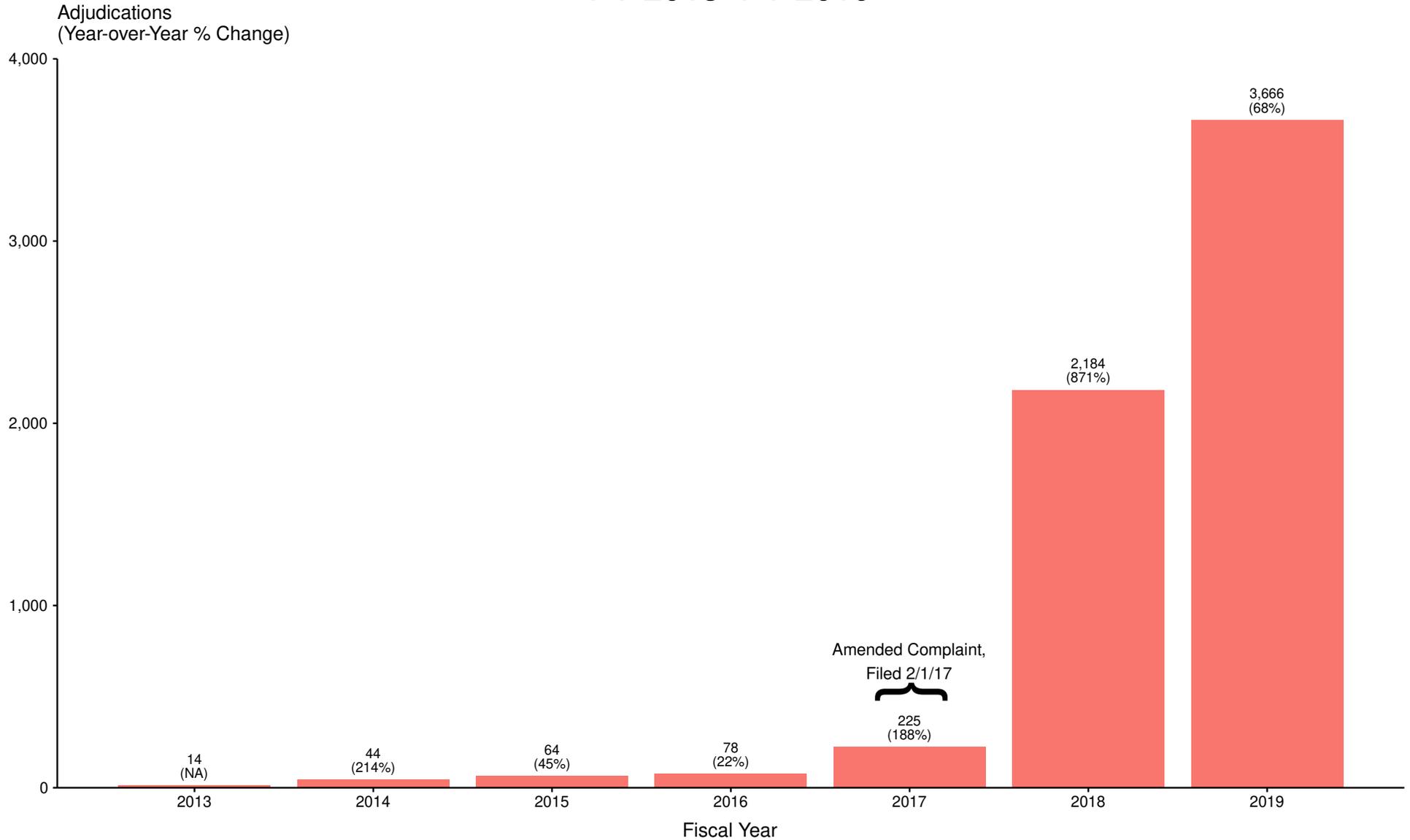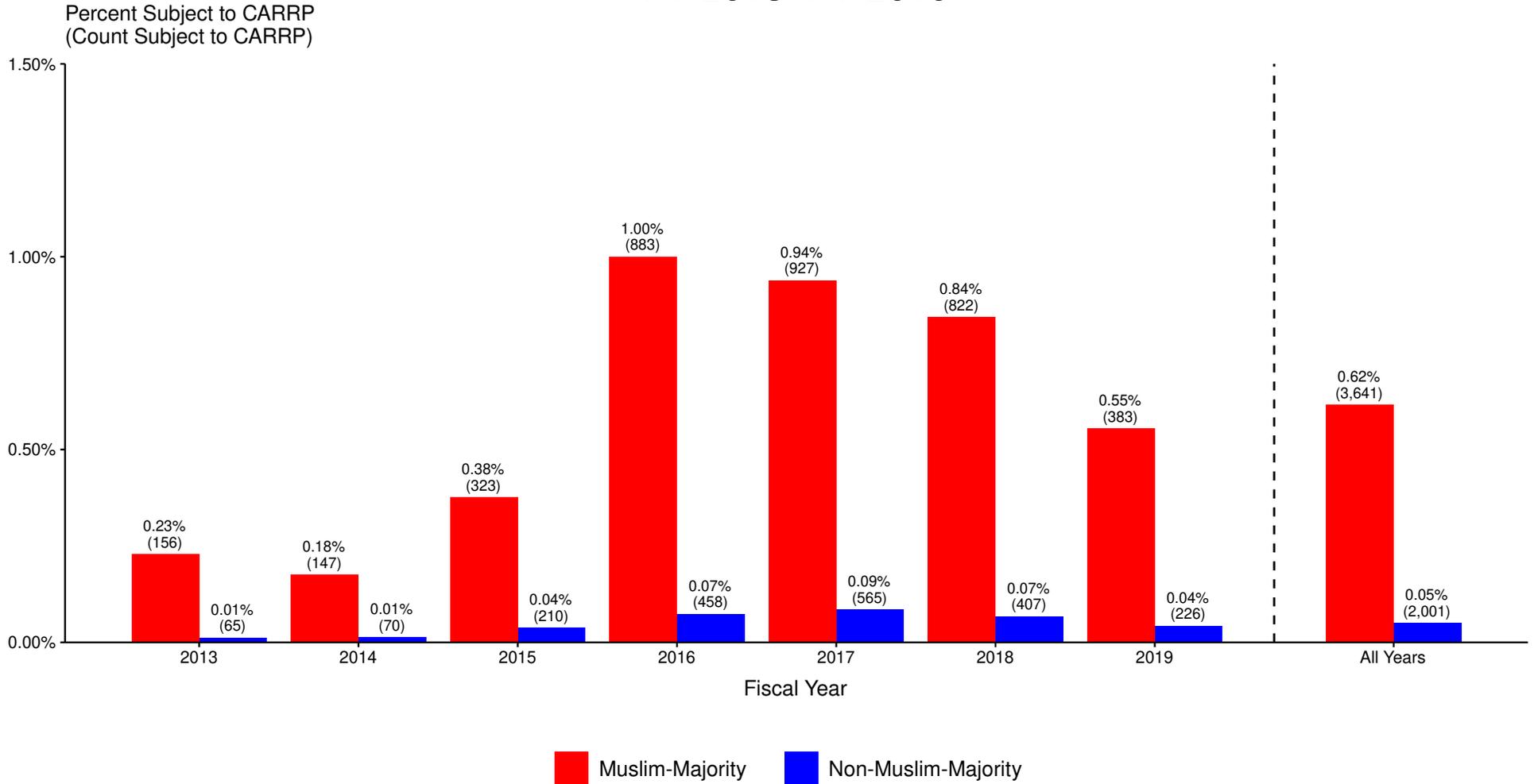| Fiscal Year	Muslim-Majority	Non-Muslim-Majority
2013	0.07% (88)	0.00% (24)
2014	0.19% (227)	0.01% (49)
2015	0.41% (513)	0.02% (162)
2016	1.09% (1,396)	0.09% (787)
2017	1.29% (1,627)	0.15% (1,247)
2018	1.12% (1,399)	0.11% (813)
2019	0.68% (925)	0.04% (304)
All Years	0.70% (6,175)	0.07% (3,386)

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Receipt Count*; CIA World Factbook; Encyclopædia Britannica, Britannica Group, Inc.; Pew-Templeton Global Religious Futures Project, Pew Research Center

Note: This analysis is based on annual application data for country of birth. The following USCIS "country" entries are excluded from the analysis: Antarctica and Europe. Muslim-majority countries are countries whose official religion is Islam or countries with 50% or more of the population practicing Islam. The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Forms N-400 Received
Muslim- vs. Non-Muslim-Majority Countries
FY 2013–FY 2019

EXHIBIT P

Applications Received

Bar chart showing Forms N-400 Received for Muslim-Majority Countries (red) vs. Non-Muslim-Majority Countries (blue) by Fiscal Year:

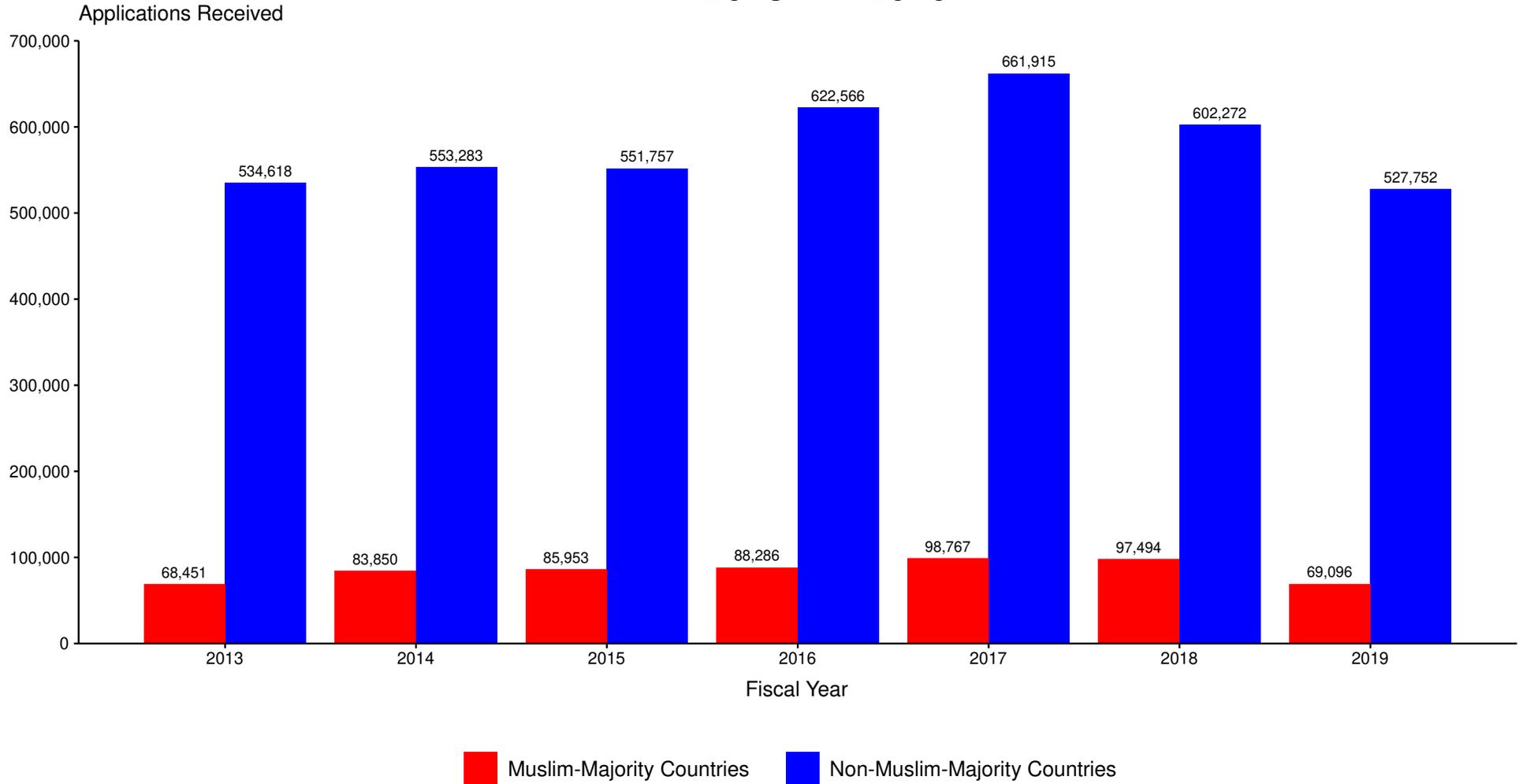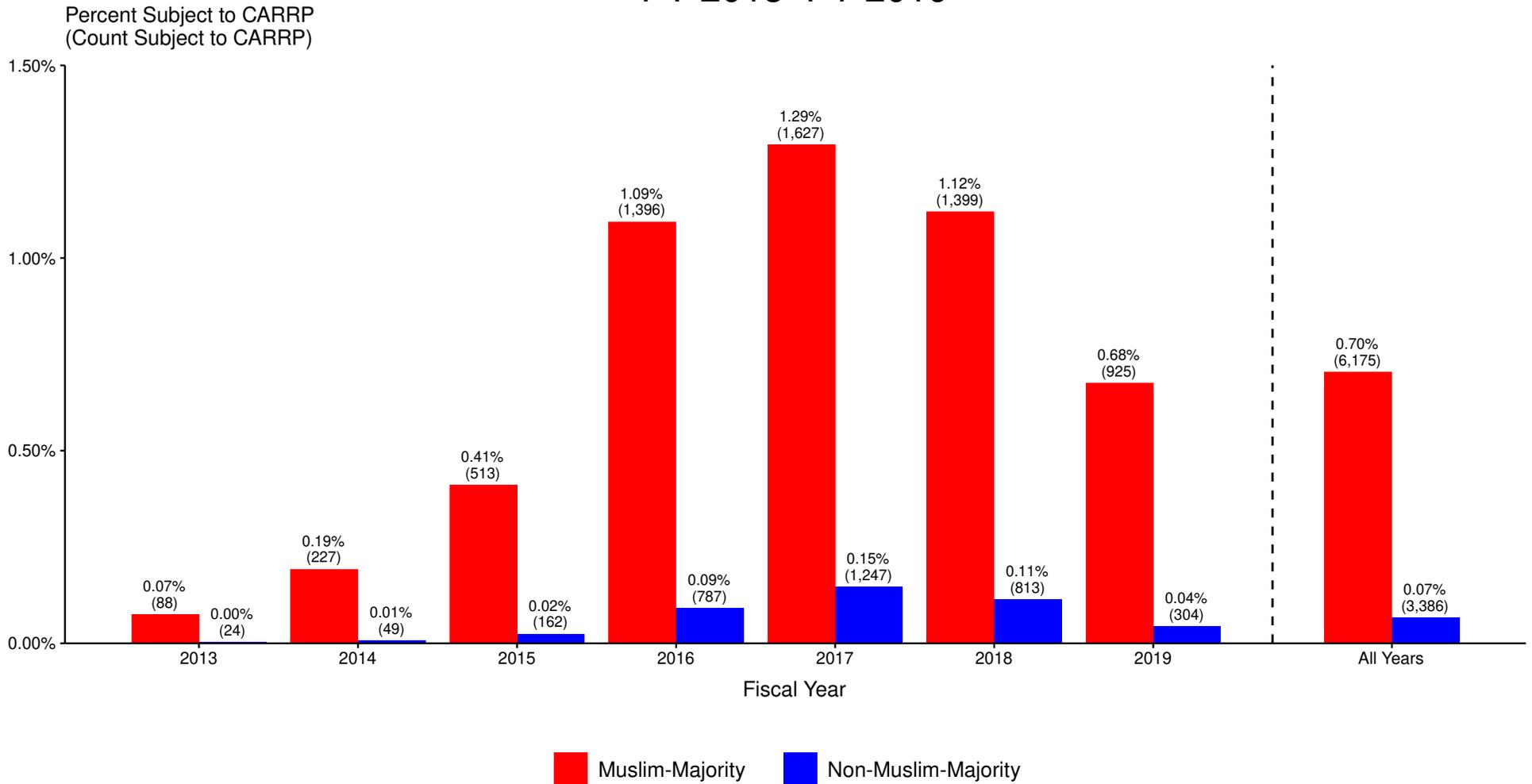| Fiscal Year	Muslim-Majority Countries	Non-Muslim-Majority Countries
2013	119,094	653,976
2014	117,910	668,466
2015	125,061	660,905
2016	127,558	858,791
2017	125,793	855,006
2018	124,924	714,920
2019	136,902	685,806

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Receipt Count*; CIA World Factbook; Encyclopædia Britannica, Britannica Group, Inc.; Pew-Templeton Global Religious Futures Project, Pew Research Center

Note: This analysis is based on annual application data for country of birth. The following USCIS "country" entries are excluded from the analysis: Antarctica and Europe. Muslim-majority countries are countries whose official religion is Islam or countries with 50% or more of the population practicing Islam. The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Pending Forms I-485 Mean Processing Time
USCIS Produced Data vs. USCIS Website
FY 2015–FY 2019

EXHIBIT Q
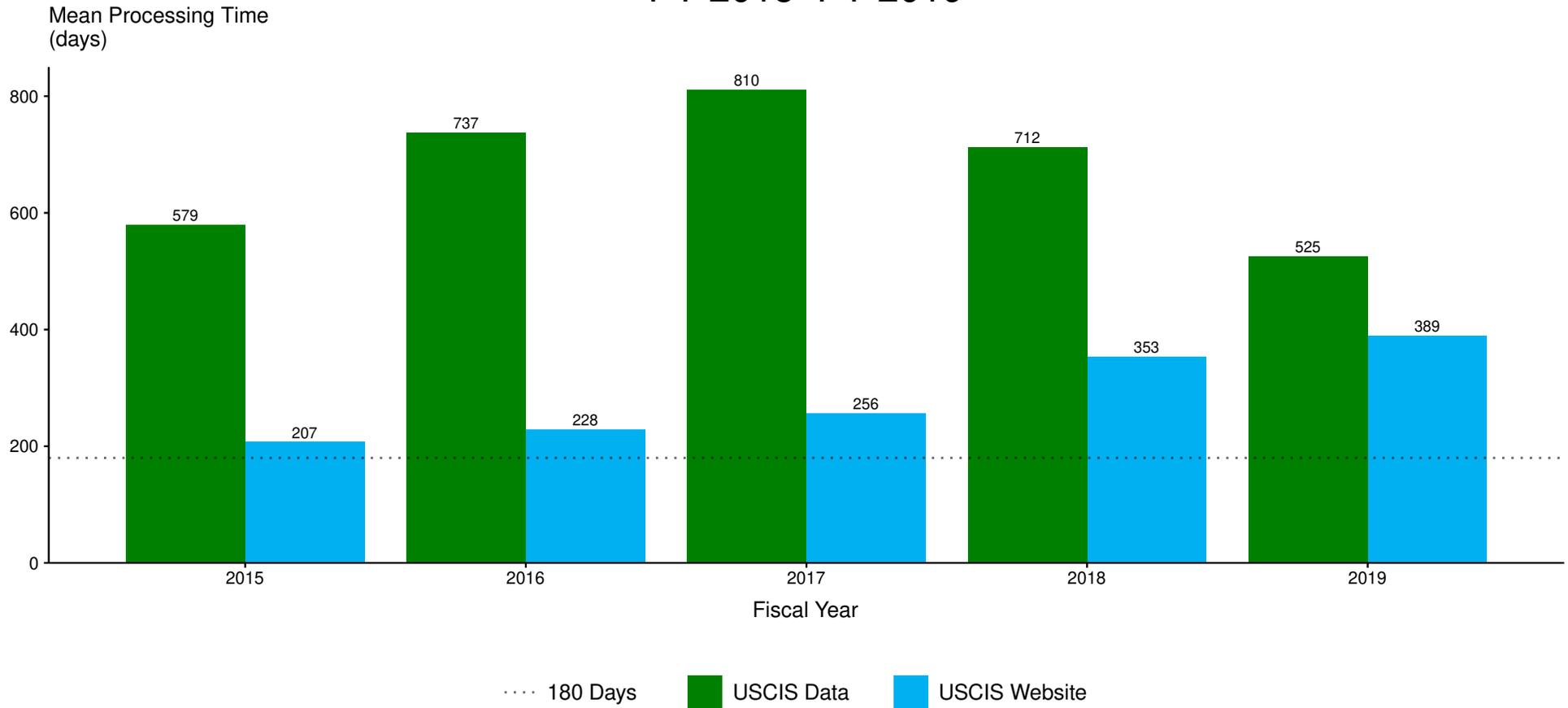
Mean Processing Time
(days)

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Pending Proc Times*; Historical National Average Processing Time for All USCIS Offices, available at https://egov.uscis.gov/processing-times/historic-pt, accessed 2/22/20; 8 U.S. Code § 1571–1572

Note: USCIS Website does not contain data for fiscal years prior to 2015. USCIS Website states that mean processing times "are based on the length of time that an office's application/petition receipts have been awaiting adjudication (pending)." Mean processing times shown from USCIS Website are the maximum of the mean processing times for all classifications of Form I-485. Mean processing times are reported in terms of months on the USCIS Website; I have converted these values to days using a factor of 365/12. Mean processing times are calculated from USCIS Data by taking a weighted mean of CARRP and Not-CARRP mean processing times. USCIS did not provide the underlying data to calculate the means shown in either source. 8 U.S. Code § 1571 states that "processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application." The USCIS fiscal year is defined as October 1 through September 30 of the following year.

Pending Forms N-400 Mean Processing Time
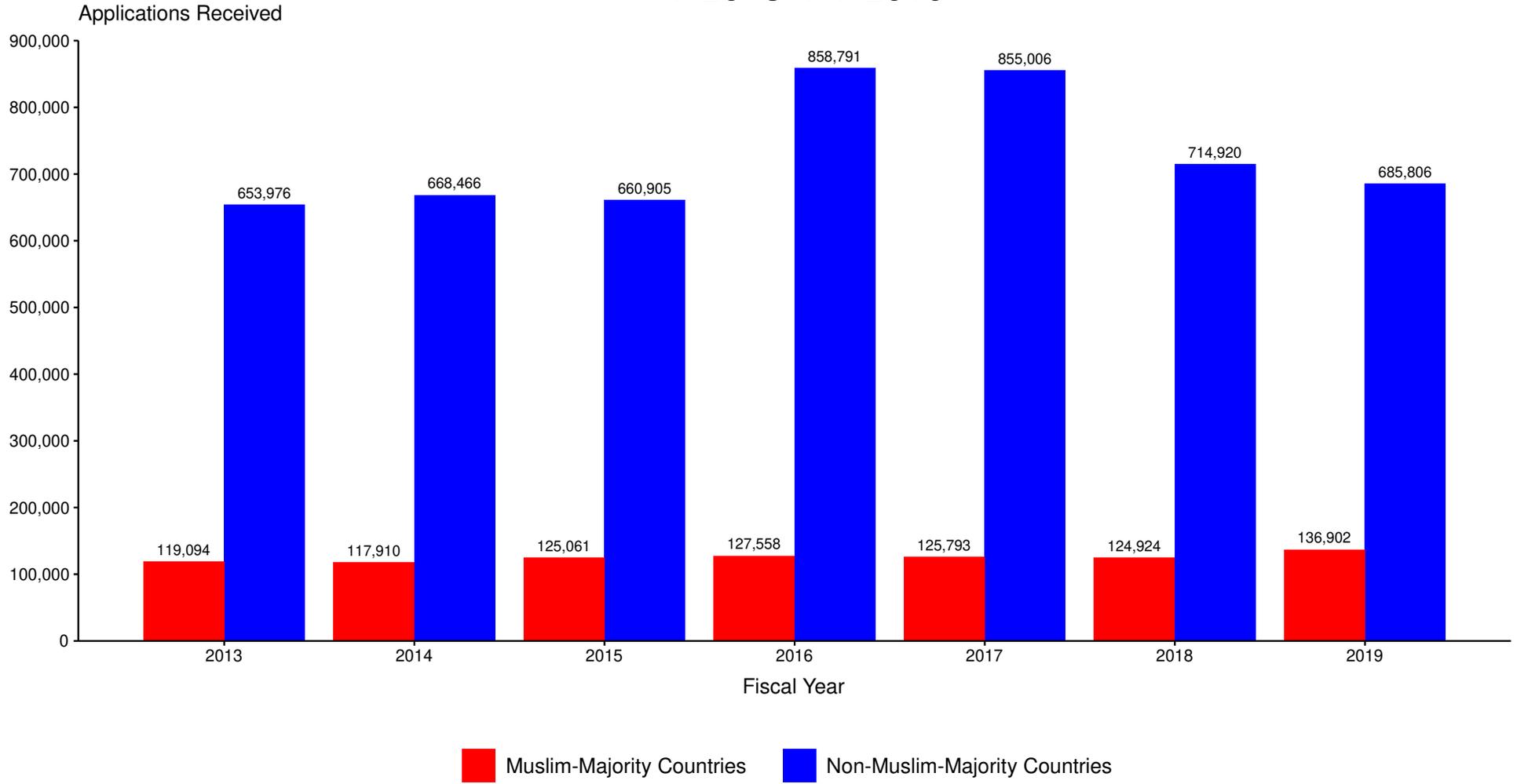## USCIS Produced Data vs. USCIS Website
FY 2015–FY 2019

EXHIBIT R

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx, tab *Pending Proc Times*; Historical National Average Processing Time for All USCIS Offices, available at https://egov.uscis.gov/processing-times/historic-pt, accessed 2/22/20; 8 U.S. Code § 1571–1572

Note: USCIS Website does not contain data for fiscal years prior to 2015. USCIS Website states that mean processing times "are based on the 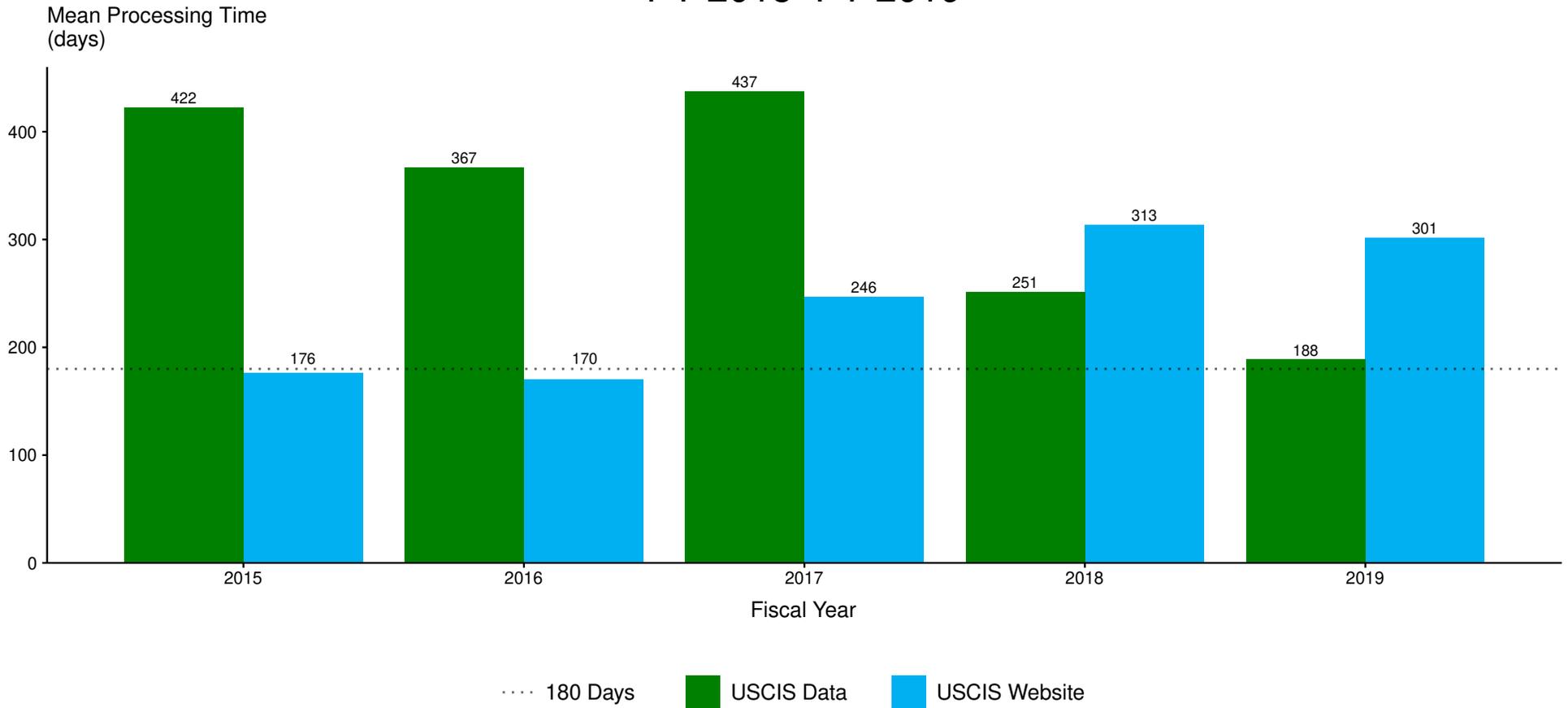length of time that an office's application/petition receipts have been awaiting adjudication (pending)." Mean processing times are reported in terms of months on the USCIS Website; I have converted these values to days using a factor of 365/12. Mean processing times are calculated from USCIS Data by taking a weighted mean of CARRP and Not-CARRP mean processing times. USCIS did not provide the underlying data to calculate the means shown in either source. 8 U.S. Code § 1571 states that "processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application." The USCIS fiscal year is defined as October 1 through September 30 of the following year.

EXHIBIT S

Summary of Class List Data[1]

Forms I-485 and N-400

Class List	Total Records	Unique Alien Number–Form Combinations[2]	Unique Alien Numbers Not on Any Prior List
Overall[3]	**35,499**	**11,297**	**N/A**
4/12/18	4,506	4,502	4,502
6/30/18	6,192	6,009	2,890
9/30/18	5,820	5,643	373
12/31/18	5,507	5,369	1,210
3/31/19	5,070	4,959	1,018
6/30/19	4,612	4,515	927
9/30/19	3,792	3,711	377

Source: Class Lists

Note:

[1] This analysis excludes Alien numbers for which the Application Status column contained the value "Approved" or the Approved Not Oathed column contained the value "Yes." This analysis also excludes these Alien numbers if they appear on subsequent Class Lists after appearing with either of these values.

[2] Count of Unique Alien Number–Form Combinations represents the number of unique Alien numbers associated with each form on each class list.

[3] Overall count of Unique Alien Numbers represents the number of unique Alien number and form combinations across all Class Lists.

EXHIBIT T

Summary of Class List Data[1]

Form I-485

Class List	Total Records	Unique Alien Numbers[2]	Unique Alien Numbers Not on Any Prior List
Overall[3]	**14,811**	**4,399**	**N/A**
4/12/18	1,797	1,794	1,794
6/30/18	2,372	2,262	1,093
9/30/18	2,376	2,259	116
12/31/18	2,462	2,360	541
3/31/19	2,212	2,132	359
6/30/19	1,889	1,826	289
9/30/19	1,703	1,650	207

Source: Class Lists

Note:

[1] This analysis excludes Alien numbers for which the Application Status column contained the value "Approved" or the Approved Not Oathed column contained the value "Yes." This analysis also excludes these Alien numbers if they appear on subsequent Class Lists after appearing with either of these values.

[2] Count of Unique Alien Numbers represents the number of unique Alien numbers associated with an I-485 application on each class list.

[3] Overall count of Unique Alien Numbers represents the number of unique Alien numbers associated with an I-485 application across all Class Lists.

EXHIBIT U

Summary of Class List Data[1]

Form N-400

Class List	Total Records	Unique Alien Numbers[2]	Unique Alien Numbers Not on Any Prior List
Overall[3]	**20,688**	**6,898**	**N/A**
4/12/18	2,709	2,708	2,708
6/30/18	3,820	3,747	1,797
9/30/18	3,444	3,384	257
12/31/18	3,045	3,009	669
3/31/19	2,858	2,827	659
6/30/19	2,723	2,689	638
9/30/19	2,089	2,061	170

Source: Class Lists

Note:

[1] This analysis excludes Alien numbers for which the Application Status column contained the value "Approved" or the Approved Not Oathed column contained the value "Yes." This analysis also excludes these Alien numbers if they appear on subsequent Class Lists after appearing with either of these values.

[2] Count of Unique Alien Numbers represents the number of unique Alien numbers associated with an N-400 application on each class list.

[3] Overall count of Unique Alien Numbers represents the number of unique Alien numbers associated with an N-400 application across all Class Lists.

EXHIBIT V

Class Lists Mean and Median Days Pending

Forms I-485 and N-400

	Form I-485			
Class List	**Count of Unique Alien Numbers**[2]	**Count of Unique Alien Numbers Used in Calculation**[3]	**Mean Days Pending**	**Median Days Pending**
Overall[4]	**4,399**	**4,399**	**1,014**	**707**
4/12/18	1,794	1,746	919	654
6/30/18	2,262	2,215	939	635
9/30/18	2,259	2,229	1,012	706
12/31/18	2,360	2,340	982	678
3/31/19	2,132	2,132	1,011	669
6/30/19	1,826	1,826	1,047	702
9/30/19	1,650	1,650	1,148	742

	Form N-400			
Class List	**Count of Unique Alien Numbers**[2]	**Count of Unique Alien Numbers Used in Calculation**[3]	**Mean Days Pending**	**Median Days Pending**
Overall[4]	**6,898**	**6,898**	**727**	**622**
4/12/18	2,708	2,647	709	623
6/30/18	3,747	3,699	689	571
9/30/18	3,384	3,360	733	612
12/31/18	3,009	2,996	679	595
3/31/19	2,827	2,827	680	593
6/30/19	2,689	2,689	666	580
9/30/19	2,061	2,061	707	606

Source: Class Lists

Note:
[1] This analysis excludes Alien numbers for which the Application Status column contained the value "Approved" or the Approved Not Oathed column contained the value "Yes." This analysis also excludes these Alien numbers if they appear on subsequent Class Lists after appearing with either of these values. Days pending is determined by calculating the number of days between the most recent receipt date and the class list date for each unique Alien number and form combination.
[2] Count of Unique Alien Numbers represents the number of unique Alien numbers associated with each form on each class list.
[3] I exclude Alien numbers appearing on a given class list when the date of that list is prior to the Alien number's most recent receipt date across all Class Lists. For these Alien numbers, the number of days pending would be negative, and so I exclude them from the calculation of mean and median days pending.
[4] Overall values compare the most recent receipt date to the date of the most recent class list on which a unique Alien number and form combination appears.

EXHIBIT W

USCIS Data Country of Birth

Unique vs. Standardized Names

Unique USCIS Country of Birth Name	Standardized Country of Birth Name	Modified	Muslim-Majority
1. AFGHANISTAN	AFGHANISTAN		✔
2. ALBANIA	ALBANIA		✔
3. ALGERIA	ALGERIA		✔
4. AMERICAN SAMOA	AMERICAN SAMOA		
5. ANDORRA	ANDORRA		
6. ANGOLA	ANGOLA		
7. ANGUILLA	ANGUILLA		
8. ANTIGUA AND BARBUDA	ANTIGUA AND BARBUDA		
9. ARABIAN PENINSULA	ARABIAN PENINSULA		✔
10. ARGENTINA	ARGENTINA		
11. ARMENIA	ARMENIA		
12. ARUBA	ARUBA		
13. AUSTRALIA	AUSTRALIA		
14. AUSTRIA	AUSTRIA		
15. AZERBAIJAN	AZERBAIJAN		✔
16. BAHAMAS, THE	BAHAMAS, THE		
17. BAHRAIN	BAHRAIN		✔
18. BANGLADESH	BANGLADESH		✔
19. BARBADOS	BARBADOS		
20. BELARUS	BELARUS		
21. BELGIUM	BELGIUM		
22. BELIZE	BELIZE		
23. BENIN	BENIN		
24. BERMUDA	BERMUDA		
25. BHUTAN	BHUTAN		
26. BOLIVIA	BOLIVIA		
27. BOSNIA AND HERZEGOVINA	BOSNIA AND HERZEGOVINA		✔
28. BOTSWANA	BOTSWANA		
29. BRAZIL	BRAZIL		
30. BRITISH INDIAN OCEAN TERRITORY	UNITED KINGDOM	✔	

EXHIBIT W

USCIS Data Country of Birth

Unique vs. Standardized Names

Unique USCIS Country of Birth Name	Standardized Country of Birth Name	Modified	Muslim-Majority
31. BRITISH SOLOMON ISLANDS	SOLOMON ISLANDS	✔	
32. BRITISH VIRGIN ISLANDS	BRITISH VIRGIN ISLANDS		
33. BRUNEI	BRUNEI		✔
34. BULGARIA	BULGARIA		
35. BURKINA FASO	BURKINA FASO		✔
36. BURMA	BURMA		
37. BURUNDI	BURUNDI		
38. CABO VERDE	CABO VERDE		
39. CAMBODIA	CAMBODIA		
40. CAMEROON	CAMEROON		
41. CAMPBELL ISLAND	NEW ZEALAND	✔	
42. CANADA	CANADA		
43. CANARY ISLANDS	SPAIN	✔	
44. CAPE VERDE	CABO VERDE	✔	
45. CAYMAN ISLANDS	CAYMAN ISLANDS		
46. CENTRAL AFRICAN REPUBLIC	CENTRAL AFRICAN REPUBLIC		
47. CHAD	CHAD		✔
48. CHILE	CHILE		
49. CHINA	CHINA		
50. CHRISTMAS ISLAND	CHRISTMAS ISLAND		
51. COCOS (KEELING) ISLANDS	COCOS (KEELING) ISLANDS		✔
52. COLOMBIA	COLOMBIA		
53. COMOROS	COMOROS		✔
54. CONGO (BRAZZAVILLE)	CONGO, REPUBLIC OF THE	✔	
55. CONGO (KINSHASA)	CONGO, DEMOCRATIC REPUBLIC OF THE	✔	
56. COOK ISLANDS	COOK ISLANDS		
57. COSTA RICA	COSTA RICA		
58. CÔTE D'IVOIRE	COTE D'IVOIRE	✔	
59. CROATIA	CROATIA		
60. CUBA	CUBA		

EXHIBIT W

USCIS Data Country of Birth

Unique vs. Standardized Names

Unique USCIS Country of Birth Name	Standardized Country of Birth Name	Modified	Muslim-Majority
61. CYPRUS	CYPRUS		
62. CZECH REPUBLIC	CZECHIA	✔	
63. CZECHIA	CZECHIA		
64. DENMARK	DENMARK		
65. DJIBOUTI	DJIBOUTI		✔
66. DOMINICA	DOMINICA		
67. DOMINICAN REPUBLIC	DOMINICAN REPUBLIC		
68. EAST GERMANY	GERMANY	✔	
69. ECUADOR	ECUADOR		
70. EGYPT	EGYPT		✔
71. EL SALVADOR	EL SALVADOR		
72. EQUATORIAL GUINEA	EQUATORIAL GUINEA		
73. ERITREA	ERITREA		✔
74. ESTONIA	ESTONIA		
75. ETHIOPIA	ETHIOPIA		
76. FALKLAND ISLANDS (ISLAS MALVINAS)	FALKLAND ISLANDS (ISLAS MALVINAS)		
77. FIJI	FIJI		
78. FINLAND	FINLAND		
79. FRANCE	FRANCE		
80. FRENCH GUIANA	FRANCE	✔	
81. FRENCH POLYNESIA	FRENCH POLYNESIA		
82. FRENCH SOUTHERN AND ANTARCTIC LANDS	FRANCE	✔	
83. FRENCH SOUTHERN TERRITORIES	FRANCE	✔	
84. GABON	GABON		
85. GAMBIA, THE	GAMBIA, THE		✔
86. GEORGIA	GEORGIA		
87. GERMAN DEMOCRATIC REPUBLIC	GERMANY	✔	
88. GERMANY	GERMANY		
89. GERMANY, WEST	GERMANY	✔	
90. GHANA	GHANA		

EXHIBIT W

USCIS Data Country of Birth

Unique vs. Standardized Names

Unique USCIS Country of Birth Name	Standardized Country of Birth Name	Modified	Muslim-Majority
91. GIBRALTAR	GIBRALTAR		
92. GREECE	GREECE		
93. GREENLAND	GREENLAND		
94. GRENADA	GRENADA		
95. GUADELOUPE	FRANCE	✔	
96. GUAM	GUAM		
97. GUATEMALA	GUATEMALA		
98. GUERNSEY	GUERNSEY		
99. GUINEA	GUINEA		✔
100. GUINEA-BISSAU	GUINEA-BISSAU		
101. GUYANA	GUYANA		
102. HAITI	HAITI		
103. HEARD ISLAND AND MCDONALD ISLANDS	AUSTRALIA	✔	
104. HOLY SEE	HOLY SEE (VATICAN CITY)	✔	
105. HONDURAS	HONDURAS		
106. HONG KONG	HONG KONG		
107. HUNGARY	HUNGARY		
108. ICELAND	ICELAND		
109. INDIA	INDIA		
110. INDONESIA	INDONESIA		✔
111. IRAN	IRAN		✔
112. IRAQ	IRAQ		✔
113. IRELAND	IRELAND		
114. ISLE OF MAN	ISLE OF MAN		
115. ISRAEL	ISRAEL		
116. ITALY	ITALY		
117. JAMAICA	JAMAICA		
118. JAPAN	JAPAN		
119. JORDAN	JORDAN		✔
120. KAMPUCHEA	CAMBODIA	✔	

EXHIBIT W

USCIS Data Country of Birth

Unique vs. Standardized Names

Unique USCIS Country of Birth Name	Standardized Country of Birth Name	Modified	Muslim-Majority
121. KAZAKHSTAN	KAZAKHSTAN		✔
122. KENYA	KENYA		
123. KIRIBATI	KIRIBATI		
124. KOREA, NORTH	KOREA, NORTH		
125. KOREA, SOUTH	KOREA, SOUTH		
126. KOSOVO	KOSOVO		✔
127. KUWAIT	KUWAIT		✔
128. KYRGYZSTAN	KYRGYZSTAN		✔
129. LAOS	LAOS		
130. LATVIA	LATVIA		
131. LEBANON	LEBANON		✔
132. LESOTHO	LESOTHO		
133. LIBERIA	LIBERIA		
134. LIBYA	LIBYA		✔
135. LIECHTENSTEIN	LIECHTENSTEIN		
136. LITHUANIA	LITHUANIA		
137. LUXEMBOURG	LUXEMBOURG		
138. MACAU	MACAU		
139. MACEDONIA	NORTH MACEDONIA	✔	
140. MADAGASCAR	MADAGASCAR		
141. MALAWI	MALAWI		
142. MALAYSIA	MALAYSIA		✔
143. MALDIVES	MALDIVES		✔
144. MALI	MALI		✔
145. MALTA	MALTA		
146. MARSHALL ISLANDS	MARSHALL ISLANDS		
147. MARTINIQUE	FRANCE	✔	
148. MAURITANIA	MAURITANIA		✔
149. MAURITIUS	MAURITIUS		
150. MAYOTTE	FRANCE	✔	

EXHIBIT W

USCIS Data Country of Birth

Unique vs. Standardized Names

Unique USCIS Country of Birth Name	Standardized Country of Birth Name	Modified	Muslim-Majority
151. MEXICO	MEXICO		
152. MICRONESIA, FEDERATED STATES OF	MICRONESIA, FEDERATED STATES OF		
153. MOLDOVA	MOLDOVA		
154. MONACO	MONACO		
155. MONGOLIA	MONGOLIA		
156. MONTENEGRO	MONTENEGRO		
157. MONTSERRAT	MONTSERRAT		
158. MOROCCO	MOROCCO		✔
159. MOZAMBIQUE	MOZAMBIQUE		
160. NAMIBIA	NAMIBIA		
161. NAURU	NAURU		
162. NEPAL	NEPAL		
163. NETHERLANDS	NETHERLANDS		
164. NETHERLANDS ANTILLES	NETHERLANDS ANTILLES		
165. NEW CALEDONIA	NEW CALEDONIA		
166. NEW ZEALAND	NEW ZEALAND		
167. NICARAGUA	NICARAGUA		
168. NIGER	NIGER		✔
169. NIGERIA	NIGERIA		✔
170. NIUE	NIUE		
171. NORTH VIETNAM	VIETNAM	✔	
172. NORTHERN IRELAND	UNITED KINGDOM	✔	
173. NORTHERN MARIANA ISLANDS	NORTHERN MARIANA ISLANDS		
174. NORWAY	NORWAY		
175. OMAN	OMAN		✔
176. PACIFIC ISLANDS	PACIFIC ISLANDS		
177. PAKISTAN	PAKISTAN		✔
178. PALAU	PALAU		
179. PALESTINE	PALESTINE		✔
180. PANAMA	PANAMA		

EXHIBIT W

USCIS Data Country of Birth

Unique vs. Standardized Names

Unique USCIS Country of Birth Name	Standardized Country of Birth Name	Modified	Muslim-Majority
181. PAPUA NEW GUINEA	PAPUA NEW GUINEA		
182. PARAGUAY	PARAGUAY		
183. PERU	PERU		
184. PHILIPPINES	PHILIPPINES		
185. PITCAIRN ISLANDS	PITCAIRN ISLANDS		
186. POLAND	POLAND		
187. PORTUGAL	PORTUGAL		
188. PUERTO RICO	PUERTO RICO		
189. QATAR	QATAR		✔
190. REUNION	FRANCE	✔	
191. ROMANIA	ROMANIA		
192. RUSSIA	RUSSIA		
193. RWANDA	RWANDA		
194. SAINT BARTHÉLEMY	SAINT BARTHELEMY	✔	
195. SAINT HELENA	SAINT HELENA, ASCENSION, AND TRISTAN DA CUNHA	✔	
196. SAINT KITTS AND NEVIS	SAINT KITTS AND NEVIS		
197. SAINT LUCIA	SAINT LUCIA		
198. SAINT MARTIN (FRENCH PART)	SAINT MARTIN	✔	
199. SAINT PIERRE AND MIQUELON	SAINT PIERRE AND MIQUELON		
200. SAINT VINCENT AND THE GRENADINES	SAINT VINCENT AND THE GRENADINES		
201. SAMOA	SAMOA		
202. SAN MARINO	SAN MARINO		
203. SAO TOME AND PRINCIPE	SAO TOME AND PRINCIPE		
204. SAUDI ARABIA	SAUDI ARABIA		✔
205. SENEGAL	SENEGAL		✔
206. SERBIA	SERBIA		
207. SEYCHELLES	SEYCHELLES		
208. SIERRA LEONE	SIERRA LEONE		✔
209. SINGAPORE	SINGAPORE		
210. SLOVAKIA	SLOVAKIA		

EXHIBIT W

USCIS Data Country of Birth

Unique vs. Standardized Names

Unique USCIS Country of Birth Name	Standardized Country of Birth Name	Modified	Muslim-Majority
211. SLOVENIA	SLOVENIA		
212. SOLOMON ISLANDS	SOLOMON ISLANDS		
213. SOMALIA	SOMALIA		✔
214. SOUTH AFRICA	SOUTH AFRICA		
215. SOUTH SUDAN	SOUTH SUDAN		
216. SOUTH VIETNAM	VIETNAM	✔	
217. SPAIN	SPAIN		
218. SRI LANKA	SRI LANKA		
219. STATELESS	STATELESS		
220. SUDAN	SUDAN		✔
221. SURINAME	SURINAME		
222. SVALBARD AND JAN MAYEN	NORWAY	✔	
223. SWAZILAND	ESWATINI	✔	
224. SWEDEN	SWEDEN		
225. SWITZERLAND	SWITZERLAND		
226. SYRIA	SYRIA		✔
227. TAIWAN	TAIWAN		
228. TAJIKISTAN	TAJIKISTAN		✔
229. TANZANIA	TANZANIA		
230. THAILAND	THAILAND		
231. TIMOR-LESTE	TIMOR-LESTE		
232. TOGO	TOGO		
233. TONGA	TONGA		
234. TRINIDAD AND TOBAGO	TRINIDAD AND TOBAGO		
235. TRUST TERRITORY	TRUST TERRITORY		
236. TUNISIA	TUNISIA		✔
237. TURKEY	TURKEY		✔
238. TURKMENISTAN	TURKMENISTAN		✔
239. TURKS AND CAICOS ISLANDS	TURKS AND CAICOS ISLANDS		
240. TUVALU	TUVALU		

EXHIBIT W

USCIS Data Country of Birth

Unique vs. Standardized Names

Unique USCIS Country of Birth Name	Standardized Country of Birth Name	Modified	Muslim-Majority
241. UGANDA	UGANDA		
242. UKRAINE	UKRAINE		
243. UNITED ARAB EMIRATES	UNITED ARAB EMIRATES		✔
244. UNITED ARAB REPUBLIC	UNITED ARAB REPUBLIC		✔
245. UNITED KINGDOM	UNITED KINGDOM		
246. UNKNOWN	UNKNOWN		
247. URUGUAY	URUGUAY		
248. USSR	SOVIET UNION	✔	
249. UZBEKISTAN	UZBEKISTAN		✔
250. VANUATU	VANUATU		
251. VENEZUELA	VENEZUELA		
252. VIETNAM	VIETNAM		
253. VIRGIN ISLANDS, BRITISH	BRITISH VIRGIN ISLANDS	✔	
254. WALLIS AND FUTUNA	WALLIS AND FUTUNA		
255. WESTERN SAHARA	WESTERN SAHARA		✔
256. WESTERN SAMOA	SAMOA	✔	
257. YEMEN	YEMEN		✔
258. YUGOSLAVIA	YUGOSLAVIA		
259. ZAIRE	CONGO, DEMOCRATIC REPUBLIC OF THE	✔	
260. ZAMBIA	ZAMBIA		
261. ZANZIBAR	ZANZIBAR		✔
262. ZIMBABWE	ZIMBABWE		

Source: 2019-11 Wagafe_Internal_Data_FY2013_FY2019 (Confidential Pursuant to Protective Order) Feb6 updates.xlsx; CIA World Factbook; Encyclopædia Britannica, Britannica Group Inc.; Pew-Templeton Global Religious Futures Project, Pew Research Center