

# EXHIBIT 7

~~FILED UNDER SEAL~~

THE HONORABLE RICHARD A. JONES

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. 17-cv-00094 RAJ

**DEFENDANTS' OBJECTIONS AND  
RESPONSES TO PLAINTIFFS'  
FIRST REQUESTS FOR ADMISSION**

COME NOW Defendants Donald Trump, President of the United States; United States Citizenship and Immigration Services; Kevin McAleenan, in his official capacity as Acting Secretary of Homeland Security; L. Francis Cissna in his official capacity as Director of the U.S. Citizenship and Immigration Services; <sup>1</sup> Matthew D. Emrich, in his official capacity as Associate Director of the Fraud Detection and National Security

<sup>1</sup> Acting Secretary Kevin McAleenan is automatically substituted for his predecessor, Secretary Kirstjen Nielsen, and Director L. Francis Cissna is automatically substituted for his predecessor, Acting Director James W. McCament. *See* Fed. R. Civ. P. 25(d).

1 Directorate of the U.S. Citizenship and Immigration Services (“FDNS”); and Daniel  
2 Renaud, in his official capacity as Associate Director of the Field Operations Directorate  
3 of the U.S. Citizenship and Immigration Services (collectively, “Defendants”), by and  
4 through counsel, and provide the following responses to Plaintiffs’ First Requests for  
5 Admission, subject to the accompanying objections, without waiving and expressly  
6 preserving all such objections. Defendants’ objections are based on information known  
7 to Defendants at this time, and are made without prejudice to additional objections should  
8 Defendants subsequently identify additional grounds for objection. Defendants also  
9 submit these responses subject to: (a) any objections as to competency, relevancy,  
10 materiality, privilege, and admissibility of any of the responses; and (b) the right to object  
11 to other discovery procedures involving and relating to the subject matter of the requests  
12 herein.

13 **OBJECTIONS WHICH APPLY TO ALL REQUESTS FOR ADMISSION**

14 Defendants object to these discovery requests to the extent that they seek (a)  
15 attorney work product, trial preparation material, or communications protected by the  
16 attorney-client privilege, (b) information protected by the deliberative-process privilege,  
17 the joint defense privilege, common interest privilege, law enforcement privilege, the  
18 state secrets privilege, or executive privilege; (c) material the disclosure of which would  
19 violate legitimate privacy interests and expectations of persons not party to this litigation,  
20 including non-party class members; or (d) material protected by any other applicable  
21 privilege, or by statute, *e.g.*, Privacy Act-protected information, trade secrets, sensitive  
22 security information, *et cetera*.

23 Defendants object to these discovery requests (and the definitions and instructions  
24 thereto) to the extent that they purport to impose obligations other than those imposed by  
25 the Federal Rules of Civil Procedure, the Local Civil Rules of the U.S. District Court for  
26 the Western District of Washington, or an order of the Court.

1 Defendants object to the discovery requests to the extent they call for responses  
2 that are either not relevant to a claim or defense of any party or not proportional to the  
3 needs of the case, considering the importance of the issues at stake in the action, the  
4 parties' relative access to relevant information, the parties' resources, the importance of  
5 the discovery in resolving the issues, and whether the burden of expense of the proposed  
6 discovery outweighs its likely benefit.

7 Defendants object to the discovery requests to the extent they are not reasonably  
8 limited in time or scope.

9 Defendants object to discovery requests to the extent they purport to demand the  
10 President and his close advisors produce responsive documents or information, as the  
11 President and the President's close advisors are immune from injunctions in civil suits  
12 challenging official action as more fully described herein.

13 Defendants further object to any discovery that does not relate to adjudicating  
14 adjustment-of-status or naturalization applications, as discovery into the adjudication or  
15 handling of other types of benefit applications, as well as discovery into any screening or  
16 vetting of aliens for purposes other than adjudicating adjustment-of-status or  
17 naturalization applications, is neither relevant nor proportional to the needs of this case.

18 Each and every response contained herein is subject to the above objections,  
19 which apply to each and every response, regardless of whether a specific objection is  
20 interposed in a specific response. The making of a specific objection in response to a  
21 particular request is not intended to constitute a waiver of any other objection not  
22 specifically referenced in the particular response.

23 Defendants specifically reserve the right to make further objections as necessary to  
24 the extent that additional issues arise as to the meaning of and/or information sought by  
25 discovery.  
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1 Defendants have not completed their investigation of the facts underlying this  
2 case, have not completed their discovery and have not completed their preparation for  
3 trial. Therefore, Defendants reserve the right to supplement these responses in  
4 accordance with Federal Rule of Civil Procedure 26(e), and to produce evidence at trial  
5 of subsequently discovered facts.

6 **INSTRUCTIONS**

7 The following instructions apply when responding to these requests for admission:

8 1. Each request for admission below asks for admission of the truth of the  
9 matter stated in the request.

10 2. For each request that is denied, or otherwise not admitted without  
11 qualification, you must set forth in detail the reason for each such denial or  
12 qualification

13 3. If good faith requires you to qualify a response or to deny only a part of a  
14 matter set forth below, you must specify so much of the matter as is true and  
15 qualify or deny the remainder

16 4. You may not refuse to admit or deny any matter set forth below based  
17 upon lack of information or knowledge unless you also assert that you have made  
18 reasonable inquiry and that the information necessary to admit or deny the matter  
19 stated is not known or readily obtainable

20 5. If you object that a term or phrase is vague or ambiguous, you must  
21 respond with your understanding of the term or phrase and specifically admit or  
22 deny the statement.

23 6. Each matter of which an admission is requested will be deemed admitted,  
24 and conclusively established for purposes of this litigation (unless the Court upon  
25 motion permits withdrawal or amendment of the admission), if you do not serve a  
26 written, signed answer or objection addressed to the matters specified within thirty  
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1 (30) days after service of these requests, or within such other time as to which the  
2 parties may stipulate or the Court may allow.

3 7. These requests are continuing in nature and require supplementation  
4 pursuant to the Federal Rules of Civil Procedure.

5 **OBJECTIONS TO INSTRUCTIONS**

6 1. To the extent that any instructions are inconsistent with any Order of the  
7 Court, Defendants understand that the Order of the Court shall prevail.

8 2. Defendants object to Instruction No. 7 to the extent it might seek to  
9 impose any continuing duty or any duty to supplement beyond any duty under  
10 Fed. R. Civ. P. 26(e)(1).

11 **DEFINITIONS**

12 As used in these requests for admission, the following terms have the  
13 meanings described below:

14 1. “A,” “an,” and “any” include “all,” and “all” includes “a,” “an,” and  
15 “any.” All of these words should be construed as necessary to bring within the  
16 scope of these requests any Documents that might otherwise be construed to be  
17 outside of their scope.

18 2. “And” and “or” shall be construed either conjunctively or disjunctively,  
19 whichever makes the request more inclusive.

20 3. “Adjustment Class” means the following class certified by the Court in  
21 its Order Granting Class Certification, Dkt. 69: A national class of all persons  
22 currently and in the future (1) who have or will have an application for adjustment  
23 of status pending before USCIS, (2) that is subject to CARRP or a successor  
24 “extreme vetting” program, and (3) that has not been or will not be adjudicated by  
25 USCIS within six months of having been filed.

1 4. “CARRP” means the Controlled Application Review and Resolution  
2 Program, an internal vetting policy instituted by USCIS in April 2008. Upon  
3 information and belief, USCIS first outlined the parameters of CARRP in an April  
4 11, 2008 memorandum addressed to field leadership from Deputy Director  
5 Jonathan R. Scharfen regarding “Policy for Vetting and Adjudicating Cases with  
6 National Security Concerns.” *See* Declaration of Jennifer Pasquarella in Support  
7 of Plaintiffs’ Motion for Class Certification, Dkt. 27, Ex. A.

8 5. “Communication” means any oral, written, electronic, or other exchange  
9 of words, thoughts, information, or ideas to another person or entity, whether in  
10 person, in a group, by telephone, by letter, by facsimile, by electronic mail, or by  
11 any other process, electric, electronic, or otherwise. All such communications in  
12 writing shall include, without limitation, printed, typed, handwritten, or other  
13 readable documents, correspondence, memoranda, reports, contracts, drafts (both  
14 initial and subsequent), computer discs or transmissions, e-mails, instant  
15 messages, tape or video recordings, voicemails, diaries, log books, minutes, notes,  
16 studies, surveys and forecasts, and any and all copies thereof .

17 6. “Defendants,” “You,” “Your,” or any similar word or phrase includes  
18 each individual or entity responding to these requests and, where applicable, each  
19 subsidiary, parent, or affiliated entity of each such Person and all Persons acting  
20 on its or their behalf.

21 7. “Describe” means to set forth fully and unambiguously every fact  
22 relevant to the subject of the interrogatory of which You have knowledge or  
23 information, particularized as to time, place, manner, identity of persons and  
24 organizations involved, and identity of documents involved. With respect to a  
25 program or policy, “Describe” includes the rationale, derivation, implementation,  
26 current status, and future plans concerning that program or policy.

1 8. “Known or Suspected Terrorist” or “KST” means the category of  
2 individuals who have been nominated and accepted for placement in the Terrorist  
3 Screening Database, are on the Terrorist Watch List, and have a specially-coded  
4 lookout posted in TECS/IBIS, and/or the Consular Lookout Automated Support  
5 System (CLASS), as used by the Department of State. *See* Pasquarella Decl., Ex.  
6 A (April 11, 2008 memorandum from Deputy Director Jonathan R. Scharfen  
7 regarding “Policy for Vetting and Adjudicating Cases with National Security  
8 Concerns”). In using this definition, Plaintiffs do not agree or concede that any  
9 KST has validly been placed in the Terrorist Screening Database or on the  
10 Terrorist Watch List.

11 9. “Naturalization Class” means the following class certified by the Court  
12 in its Order Granting Class Certification, Dkt. 69: A national class of all persons  
13 currently and in the future (1) who have or will have an application for  
14 naturalization pending before USCIS, (2) that is subject to CARRP or a successor  
15 “extreme vetting” program, and (3) that has not been or will not be adjudicated by  
16 USCIS within six months of having been filed. “Person” means an individual,  
17 proprietorship, partnership, firm, corporation, association, governmental agency,  
18 or other organization or entity.

19 10. “Non-Known or Suspected Terrorist” or “Non-KST” means the  
20 category of remaining cases with national security concerns, regardless of source,  
21 including but not limited to: associates of KSTs, unindicted co-conspirators,  
22 terrorist organization members, persons involved with providing material support  
23 to terrorists or terrorist organizations, and agents of foreign governments. *See*  
24 Pasquarella Decl., Dkt. 27, Ex. A (April 11, 2008 memorandum from Deputy  
25 Director Jonathan R. Scharfen regarding “Policy for Vetting and Adjudicating  
26 Cases with National Security Concerns”).  
27

1 11. “USCIS” means U.S. Citizenship and Immigration Services, a federal  
2 agency that is a component of DHS and is headed by a director, currently Lee  
3 Francis Cissna.

4 12. Where appropriate, the singular form of a word should be interpreted in  
5 the plural and vice versa, to acquire the broadest possible meaning.

6 13. Any term defined herein shall have the indicated meaning whenever  
7 that term is used in these requests for production unless the context clearly  
8 requires otherwise. All defined terms are indicated by capitalizing the first letter of  
9 each term (except “and,” “or,” “relate,” “reflect,” and “refer”), as shown in the  
10 instructions and definitions above.

11 **OBJECTIONS TO DEFINITIONS**

12 1. For purposes of Definition Nos. 3 and 9 (the definitions of “Adjustment  
13 Class” and “Naturalization Class”), Defendants understand the classes to exclude former  
14 unnamed class members whose Adjustment of Status or Naturalization Applications were  
15 adjudicated after the classes were certified. *See* Fed. R. Civ. P. 82; *Amchem Prods., Inc.*  
16 *v. Windsor*, 521 U.S. 591, 612-13 (1997).

17 2. Defendants object to definition No. 4 as vague as it is unclear whether  
18 Plaintiffs intend to limit its scope to the April 11, 2008, memorandum and related  
19 documents, or whether Plaintiffs’ intended scope of the definition would more broadly  
20 and properly encompass the policy, guidance, training and other documents from and  
21 after 2008 that identify and constitute the CARRP policy.

22 3. For purposes of Definition No. 6, Defendants understand “You” and  
23 “Your” with respect to Defendant Trump to extend to the White House Office as defined  
24 by Executive Order 8248, 4 Fed. Reg. 3864 (Sep. 8, 1939), as amended. Defendants do  
25 not understand Executive Branch entities further removed from the President to be  
26 “applicable” subsidiaries for purposes of this request, as such an understanding would  
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1 require unduly burdensome and oppressive searches disproportionate to the needs of the  
2 case. For example, otherwise applicable subordinate agencies could be read to include  
3 the U.S. Department of Agriculture and the U.S. Department of Veterans Affairs, whose  
4 missions have no relation to the claims at issue in this matter.

5 4. Defendants object to Definition No. 6 to the extent that Plaintiffs seek  
6 discovery from the President, as the President is not subject to suit for injunctive relief in  
7 the performance of his official duties and the potential benefit of responding to discovery  
8 demands is exceedingly slight as compared to the burden of conducting the search and  
9 the intrusion on the Executive. The Supreme Court requires Plaintiffs to make a  
10 heightened showing of need before they can require a search for, and force the  
11 government to determine whether to formally assert privileges with respect to, discovery  
12 sought from the President or his close advisers. *See Cheney v. U.S. Dist. Ct. for the Dist.*  
13 *of Columbia*, 542 U.S. 367 (2004) (reversing Court of Appeals decision that the Vice  
14 President and other executive officials must first formally assert privilege before the  
15 Court may address their separation-of-powers objections to discovery requests).  
16 Plaintiffs have not made such showing.

17 The Supreme Court in *Cheney* directed that courts must take special care to ensure  
18 that civil discovery requests do not intrude on the “public interest” in (1) “afford[ing]  
19 Presidential confidentiality the greatest protection consistent with the fair administration  
20 of justice”; and (2) “protecting the Executive Branch from vexatious litigation that might  
21 distract it from the energetic performance of its constitutional duties.” *Cheney*, 542 U.S.  
22 at 382. Courts have thus applied *Cheney* to require a heightened showing of need before  
23 imposing the burden of responding to discovery, as the consideration and assertion of  
24 applicable privileges in these circumstances must be a “last resort.” *United States v.*  
25 *McGraw-Hill Companies, Inc.*, 2014 WL 8662657, at \*8 (C.D. Cal. Sept. 25, 2014); *see*  
26 *also Dairyland Power Co-op v. U.S.*, 79 Fed. Cl. 659, 662 (2007) (“The Court agrees  
27

1 with the Government that, in the case of a discovery request aimed at the President and  
2 his close advisors, the White House need not formally invoke the presidential  
3 communications privilege until the party making the discovery request has shown a  
4 heightened need for the information sought.”).

5 A showing of heightened need is necessary because, as the Supreme Court has  
6 recognized, the separation of powers under our Constitution is directly implicated by  
7 subjecting the President to judicial process in matters arising out of the performance of  
8 his official duties. *Nixon v. Fitzgerald*, 457 U.S. 731, 748-55 (1982); *cf. Mississippi v.*  
9 *Johnson*, 71 U.S. 475, 501 (1866). This is motivated not solely by the concern for  
10 maintaining Presidential confidentiality and preventing the need to address difficult  
11 separation of powers issues, but also with the distractions created by the burden of  
12 responding to discovery requests, and evaluating documents for the assertion of privilege,  
13 in light of the President’s weighty official duties. *See Cheney*, 542 U.S. at 382, 385, 389-  
14 90. The *Cheney* principle also properly avoids embroiling courts in difficult and  
15 potentially unnecessary privilege issues implicating the separation of powers. *Id.*

16 A related principle further precludes discovery from the President in these  
17 circumstances. A federal court cannot “enjoin the President in the performance of his  
18 official duties.” *See Mississippi*, 71 U.S. at 501; *see also County of Santa Clara v. Trump*,  
19 250 F. Supp. 3d 497, 540 (N.D. Cal. 2017) (“the extraordinary remedy of enjoining the  
20 President himself is not appropriate”). *A fortiori*, a federal court likewise could not  
21 compel the President to comply with a civil discovery request. *Cf. Fitzgerald*, 457 U.S. at  
22 748-55 (holding that the President has absolute immunity for civil liability for acts within  
23 his official responsibilities). That conclusion is grounded on the President’s “unique  
24 constitutional position” and “respect for separation of powers.” *See Franklin v.*  
25 *Massachusetts*, 505 U.S. 788, 800 (1992). Although the Supreme Court has recognized  
26 limited exceptions permitting judicial process against the President, *Clinton v. Jones*, 520

1 U.S. 681, 703, 704 n.39 (1997) (civil discovery permitted where private, rather than  
2 official, act was involved); *United States v. Nixon*, 418 U.S. 683, 710-13 (1974)  
3 (permitting subpoena directed at President for use in criminal prosecution), neither of  
4 those exceptions is relevant here. Indeed, Plaintiffs seek discovery concerning Executive  
5 Orders issued pursuant to statutory authority – the zenith of the President’s constitutional  
6 role under Article II. *See Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635  
7 (1952) (Jackson, J., concurring) (“When the President acts pursuant to an express or  
8 implied authorization of Congress, his authority is at its maximum, for it includes all that  
9 he possesses in his own right plus all that Congress can delegate.”). Under these  
10 principles, the President is immune from civil injunctive action challenging his official  
11 conduct. He therefore cannot properly be the subject of discovery in this civil litigation.

12 5. Defendants object Definition No. 7 in using the term “Describe” to  
13 direct Defendants to set forth fully and unambiguously every fact relevant to the  
14 subject of the interrogatory of which You have knowledge or information,  
15 particularized as to time, place, manner, identity of persons and organizations  
16 involved, and identity of documents involved, and to include, for a program or  
17 policy, its rationale, derivation, implementation, current status, and future plans  
18 concerning that program or policy. Plaintiffs’ definitions seeks to impermissibly  
19 expand the scope of requests for admissions beyond that authorized by Fed. R.  
20 Civ. P. 36(b)(2)(B). Defendants further object to the impermissible effect such an  
21 expansive definition would have in multiplying Plaintiffs’ requests for admission  
22 beyond the number allowed under this Court’s scheduling order and, if the  
23 requests were deemed to be interrogatories as Plaintiffs’ definition of “describe”  
24 suggests, beyond the cumulative number of 25 interrogatories allowed, “including  
25 all discrete subparts,” that F.R.C.P. 33(a)(1) allows.



1 **RESPONSE:** Defendants admit that USCIS did not promulgate the CARRP  
2 policy as a proposed rule using the notice-and-comment procedures described at 5  
3 U.S.C. §§ 553(b)-(c), but deny that notice-and-comment procedures were required  
4 to establish the CARRP policy.

5  
6 **REQUEST FOR ADMISSION NO. 4:** Admit that CARRP is only used to  
7 adjudicate immigration benefit applications that present what USCIS considers a  
8 “national security concern.”

9 **RESPONSE:** Defendants deny that the CARRP policy is used only to adjudicate  
10 immigration benefit applications that present what USCIS considers a national  
11 security concern, but admit and affirmatively aver that the CARRP policy is an  
12 agency-wide process for identifying, processing, and adjudicating immigration  
13 benefit applications that raise national security concerns.

14  
15 **REQUEST FOR ADMISSION NO. 5:** Admit that CARRP restricts certain  
16 USCIS field-level adjudicators from approving immigration benefit applications  
17 until the “national security concern” is resolved.

18 **RESPONSE:** Defendants deny that the CARRP policy restricts certain USCIS  
19 field-level adjudicators from approving immigration benefit applications until the  
20 national security concern is resolved, except to admit and affirmatively aver that  
21 pursuant to the CARRP policy, if a non-KST national security concern has not  
22 been resolved, officers must obtain concurrence from a senior-level official,  
23 verified by a supervisor, before approving the application. Also, if a KST national  
24 security concern has not been resolved, officers must obtain concurrence from the  
25 USCIS Director or Deputy Director before approving the application.

1 **REQUEST FOR ADMISSION NO. 6:** Admit that, according to the CARRP  
2 definition, a “national security concern” arises when an individual or organization  
3 has been determined to have an “articulable link” to prior, current, or planned  
4 involvement in, or association with an activity, individual, or organization  
5 described in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the  
6 Immigration and Nationality Act (“INA”).

7 **RESPONSE:** Admit.

8  
9 **REQUEST FOR ADMISSION NO. 7:** Admit that “articulable link” is not  
10 defined in the INA or its implementing regulations.

11 **RESPONSE:** Admit.

12  
13 **REQUEST FOR ADMISSION NO. 8:** Admit that an individual need not be  
14 suspected of engaging in any unlawful activity described in sections 212(a)(3)(A),  
15 (B), or (F), or 237(a)(4)(A) or (B) of the INA to be considered a “national security  
16 concern” under CARRP.

17 **RESPONSE:** Admit.

18  
19 **REQUEST FOR ADMISSION NO. 9:** Admit that an individual need not be  
20 suspected of joining any organization described in sections 212(a)(3)(A), (B), or  
21 (F), or 237(a)(4)(A) or (B) of the INA to be considered a “national security  
22 concern” under CARRP.

23 **RESPONSE:** Admit.

1 **REQUEST FOR ADMISSION NO. 10:** Admit that CARRP distinguishes  
2 between two types of national security concerns: “Known or Suspected Terrorists”  
3 (“KSTs”) and “non-Known or Suspected Terrorists” (“non-KSTs”).

4 **RESPONSE:** Admit.

5  
6 **REQUEST FOR ADMISSION NO. 11:** Admit that, for purposes of CARRP, an  
7 applicant is considered a KST if the applicant is in the Terrorist Screening  
8 Database (“TSDB”).

9 **RESPONSE:** Defendants deny that for purposes of the CARRP policy, an  
10 applicant is necessarily considered a KST if the applicant is in the Terrorist  
11 Screening Database (“TSDB”). Defendants admit and affirmatively aver that for  
12 the purposes of the CARRP policy, the term KST refers to a category of  
13 individuals who have been nominated and accepted for placement in the TSDB,  
14 are on the Terrorist Watch List, *and* have a specially-coded lookout posted in  
15 TECS/Interagency Border Inspection System (“IBIS”), and/or the Consular  
16 Lookout Automated Support System (“CLASS:), as used by the Department of  
17 State.

18  
19 **REQUEST FOR ADMISSION NO. 12:** Admit that indicators of what USCIS  
20 considers a “national security concern” fall into three categories: (1) statutory  
21 indicators; (2) non-statutory indicators; and (3) indicators contained in security  
22 check results.

23 **RESPONSE:** Admit.

24  
25 **REQUEST FOR ADMISSION NO. 13:** Admit that the non-statutory indicators  
26 of a “national security concern” include charitable donations.

1 **RESPONSE:** Defendants deny that the non-statutory indicators of a “national  
2 security concern” include charitable donations, except to admit and affirmatively  
3 aver the following: Certain types of suspicious activities, relationships, or  
4 behavior may or may not be indicators of a national security concern, depending  
5 on the circumstances of the case, and require additional scrutiny to determine  
6 whether a national security concern exists. Possible national security indicators  
7 relevant to establishing a national security concern may include certain charitable  
8 donations, such as material support to designated or undesignated terrorist  
9 organizations. In certain circumstances, such an indicator may lead to further  
10 information which renders an individual ineligible for an immigration benefit for  
11 statutory or discretionary reasons.

12  
13 **REQUEST FOR ADMISSION NO. 14:** Admit that the non-statutory indicators  
14 of a “national security concern” include travel through certain areas.

15 **RESPONSE:** Defendants deny that the non-statutory indicators of a “national  
16 security concern” include travel through certain areas, except to affirmatively aver  
17 and admit the following: Certain types of suspicious activities, relationships, or  
18 behavior may or may not be indicators of a national security concern, depending  
19 on the circumstances of the case, and require additional scrutiny to determine  
20 whether a national security concern exists. Possible national security indicators,  
21 depending on the circumstances of the case, may include unexplained travel or  
22 travel to known areas of conflict or terrorist activities. In certain circumstances,  
23 such an indicator may lead to further information which renders an individual  
24 ineligible for an immigration benefit for statutory or discretionary reasons.

1 **REQUEST FOR ADMISSION NO. 15:** Admit that the non-statutory indicators  
2 of a “national security concern” include residence in certain areas.

3 **RESPONSE:** Defendants deny that non-statutory indicators of a “national  
4 security concern” include residence in certain areas, except to affirmatively aver  
5 and admit the following: Certain types of suspicious activities, relationships, or  
6 behavior may or may not be indicators of a national security concern, depending  
7 on the circumstances of the case, and require additional scrutiny to determine  
8 whether a national security concern exists. Possible national security indicators,  
9 depending on the circumstances of the case, may include residence in known areas  
10 of terrorist activity. In certain circumstances, such an indicator may lead to  
11 further information which renders an individual ineligible for an immigration  
12 benefit for statutory or discretionary reasons.

13  
14 **REQUEST FOR ADMISSION NO. 16:** Admit that the non-statutory indicators  
15 of a “national security concern” include the transfer of funds.

16 **RESPONSE:** Defendants deny that the non-statutory indicators of a “national  
17 security concern” include the transfer of funds, except to affirmatively aver and  
18 admit the following: Certain types of suspicious activities, relationships, or  
19 behavior may or may not be indicators of a national security concern, depending  
20 on the circumstances of the case, and require additional scrutiny to determine  
21 whether a national security concern exists. Possible national security indicators,  
22 depending on the circumstances of the case, may include unexplained affluence or  
23 large scale monetary transfer. In certain circumstances, such an indicator may  
24 lead to further information which renders an individual ineligible for an  
25 immigration benefit for statutory or discretionary reasons.

1 **REQUEST FOR ADMISSION NO. 17:** Admit that the non-statutory indicators  
2 of a “national security concern” include the receipt of funds.

3 **RESPONSE:** Defendants deny that the non-statutory indicators of a “national  
4 security concern” include the receipt of funds, except to affirmatively aver and  
5 admit the following: Certain types of suspicious activities, relationships, or  
6 behavior may or may not be indicators of a national security concern, depending  
7 on the circumstances of the case, and require additional scrutiny to determine  
8 whether a national security concern exists. Possible national security indicators,  
9 depending on the circumstances of the case, may include unexplained affluence or  
10 large scale monetary transfer to include receipt of funds. In certain circumstances,  
11 such an indicator may lead to further information which renders an individual  
12 ineligible for an immigration benefit for statutory or discretionary reasons.

13  
14 **REQUEST FOR ADMISSION NO. 18:** Admit that the non-statutory indicators  
15 of a “national security concern” include a person’s employment, training, or  
16 government affiliation.

17 **RESPONSE:** Defendants deny that the non-statutory indicators of a “national  
18 security concern” would necessarily include a person’s employment, training, or  
19 government affiliation, except to admit and affirmatively aver the following:  
20 Certain types of suspicious activities, relationships, or behavior may or may not be  
21 indicators of a national security concern, depending on the circumstances of the  
22 case, and require additional scrutiny to determine whether a national security  
23 concern exists. Possible national security indicators, depending on the  
24 circumstances of the case, may include certain types of employment, training, or  
25 government affiliation, such as having been employed by a foreign government to  
26 engage in espionage or intelligence gathering; having served as an official or  
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1 diplomat in a hostile foreign government; having received training in espionage,  
2 intelligence gathering, or weapons; having been educated or trained in particular  
3 technical skills, such as cryptography, nuclear physics, chemistry, biology, and  
4 computer systems. In certain circumstances, such an indicator may lead to further  
5 information which renders an individual ineligible for an immigration benefit for  
6 statutory or discretionary reasons.

7  
8 **REQUEST FOR ADMISSION NO. 19:** Admit that the non-statutory indicators  
9 of a “national security concern” include being a family member of an individual  
10 with what USCIS considers a “national security concern.”

11 **RESPONSE:** Defendants deny that the non-statutory indicators of a “national  
12 security concern” would necessarily include being a family member of an  
13 individual with what USCIS considers a “national security concern.” Defendants  
14 admit and affirmatively aver the following: Certain types of suspicious activities,  
15 relationships, or behavior may or may not be indicators of a national security  
16 concern, depending on the circumstances of the case, and require additional  
17 scrutiny to determine whether a national security concern exists. Possible national  
18 security indicators, depending on the circumstances of the case, may include being  
19 a family member of a KST or of a subject with a national security concern. In  
20 certain circumstances, such an indicator may lead to further information which  
21 renders an individual ineligible for an immigration benefit for statutory or  
22 discretionary reasons.

23  
24 **REQUEST FOR ADMISSION NO. 20:** Admit that the non-statutory indicators  
25 of a “national security concern” include being an associate, such as a roommate,  
26  
27

1 co-worker, employee, owner, partner, affiliate, or friend, of an individual with  
2 what USCIS considers a “national security concern.”

3 **RESPONSE:** Defendants deny that the non-statutory indicators of a “national  
4 security concern” would necessarily include being an associate, such as a  
5 roommate, co-worker, employee, owner, partner, affiliate, or friend, of an  
6 individual with what USCIS considers a “national security concern.” Defendants  
7 admit and affirmatively aver the following: Certain types of suspicious activities,  
8 relationships, or behavior may or may not be indicators of a national security  
9 concern, depending on the circumstances of the case, and require additional  
10 scrutiny to determine whether a national security concern exists. Possible national  
11 security indicators, depending on the circumstances of the case, may include being  
12 a close associate, such as a roommate, co-worker, employee, owner, partner,  
13 affiliate, or friend, of a KST or of a subject with a national security concern. In  
14 certain circumstances, such an indicator may lead to further information which  
15 renders an individual ineligible for an immigration benefit for statutory or  
16 discretionary reasons.

17  
18 **REQUEST FOR ADMISSION NO. 21:** Admit that once a USCIS officer  
19 identifies a “national security concern,” the immigration benefit application is then  
20 handled pursuant to CARRP.

21 **RESPONSE:** Defendants admit that once a USCIS officer identifies a “national  
22 security concern,” the immigration benefit application is then handled pursuant to  
23 the CARRP policy, except to deny that handling a case pursuant to the CARRP  
24 policy begins only after a national security concern is identified since the  
25 identification of a national security concern may also be part of the handling of an  
26 immigration benefit application under the CARRP policy.

1  
2 **REQUEST FOR ADMISSION NO. 22:** Admit that CARRP forbids USCIS  
3 field-level adjudicators from granting the requested immigration benefit  
4 application in the absence of supervisory approval and concurrence from a senior-  
5 level USCIS official.

6 **RESPONSE:** Deny. If the national security concern is resolved through the  
7 vetting process and if the applicant is otherwise eligible for the immigration  
8 benefit sought, the USCIS field-level adjudicator may approve the application.

9  
10 **REQUEST FOR ADMISSION NO. 23:** Admit that USCIS does not reveal to  
11 individuals whether their application is being processed pursuant to CARRP.

12 **RESPONSE:** Defendants admit that pursuant to agency policy, USCIS generally  
13 does not confirm or deny whether an individual's immigration benefit application  
14 is being processed pursuant to the CARRP policy. To the extent this request is  
15 deemed to request Defendants to admit that USCIS has never revealed whether  
16 any individual's immigration benefit application has been or is being processed  
17 pursuant to the CARRP policy, Defendants deny that portion of the request.

18  
19 **REQUEST FOR ADMISSION NO. 24:** Admit that applicants do not have the  
20 ability to challenge USCIS's determination to process their application pursuant to  
21 CARRP.

22 **RESPONSE:** Admit.

23  
24 **REQUEST FOR ADMISSION NO. 25:** Admit that immigration benefit  
25 applications processed pursuant to CARRP have on average longer processing  
26 times than applications not processed pursuant to CARRP.

1 **RESPONSE:** Defendants object to the phrases “immigration benefit applications  
2 processed pursuant to CARRP” and “immigration benefit applications not  
3 processed pursuant to CARRP” as vague, and to this request as vague in having no  
4 identifiable time period. For purposes of responding to this specific request,  
5 Defendants define the phrase “immigration benefit applications processed  
6 pursuant to CARRP” as “adjustment of status and naturalization applications that  
7 have been identified as raising national security concerns in USCIS’ FDNS Data  
8 System (FDNS-DS). Defendants define the phrase “immigration benefit  
9 applications not processed pursuant to CARRP” as “adjustment of status and  
10 naturalization applications that have not been identified as raising national security  
11 concerns in FDNS-DS.” Subject to these objections, Defendants admit that  
12 immigration benefit applications processed pursuant to the CARRP policy have on  
13 average longer processing times than applications that do not present national  
14 security concerns, but affirmatively aver that immigration benefit applications that  
15 present complex issues requiring further vetting, such as national security or other  
16 concerns, have on average longer processing times than applications that do not  
17 present any such complex issues.

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20 Dated: April 17, 2019  
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1 Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 17, 2019, pursuant to the agreement of the parties at the Rule 26(f) conference, I served Defendants’ Objections and Response to Plaintiffs’ First Requests for Admissions by email on Nicholas Gellert, *Esq.*, Jennie Pasquarella, *Esq.*, Sameer Ahmed, *Esq.*, David Perez, *Esq.*, Matt Adams, *Esq.*, and Cristina Sepe, *Esq.*, counsel for Plaintiffs.

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