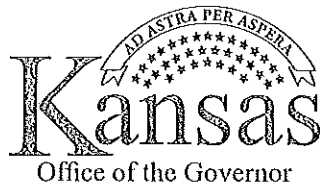


Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor.ks.gov

Brant Laue, Chief Counsel

Office of the Chief Counsel

Sam Brownback, Governor

March 14, 2016

Alvaro M. Huerta
Staff Attorney
National Immigration Law Center
3435 Wilshire Blvd., Suite 2850
Los Angeles, CA 90010

Re: Open Records Act Request

Dear Mr. Huerta:

This responds to your open records request received on January 28, 2016, and previously acknowledged on February 2, 2016. The enclosed documents have been identified as responsive to your request. In addition, pursuant to paragraph 5 of my February 2, 2016 correspondence to you, please be advised that documents within the following statutory exemptions are not included with the enclosed documents: K.S.A. 45-221(a)(14), (20), (25), (30).

Please contact this office if you have any further questions.

Sincerely,

Brant M. Laue
Chief Counsel
Office of the Governor

EXECUTIVE ORDER 15-07

Protecting Kansas From Terrorism

WHEREAS, the well-being of the State of Kansas and its citizens is threatened by the scourge of international terrorism; and

WHEREAS, Kansas locations previously have been targeted for terrorist acts of violence, and the perpetrators have been apprehended and prosecuted; and

WHEREAS, the recent terror attacks in Paris have heightened concerns about protecting Kansas and ensuring the safety and security of our citizens; and

WHEREAS, the terrorist perpetrators of the Paris attacks appear to have ties to the Syrian refugee population; and

WHEREAS, I have concluded that the admission of Syrian refugees to the State of Kansas presents an unacceptable risk to the safety and security of the State of Kansas.

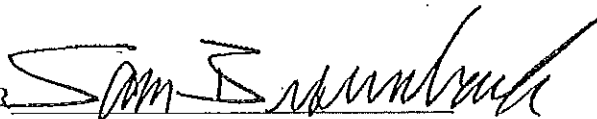
NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order and direct as follows:

No department, commission, board, or agency of the government of the State of Kansas shall aid, cooperate with, or assist in any way the relocation of refugees from Syria to the State of Kansas. This Order includes, but is not limited to, the Kansas Refugee Program, the Refugee Resettlement Program, and the Refugee Social Service Program administered within the Kansas Department for Children and Families, and the Kansas Refugee Preventive Health Program administered within the Kansas Department of Health and Environment. Furthermore, this Order also includes the funding or administration of any grant program under the authority of the State of Kansas.

This document shall be filed with the Secretary of State as Executive Order No. 15-07 and shall become effective immediately.

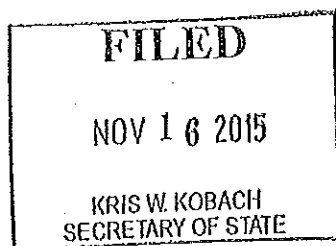
THE GOVERNOR'S OFFICE

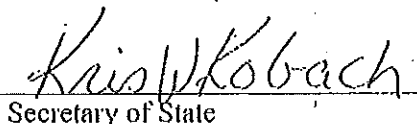
BY THE GOVERNOR

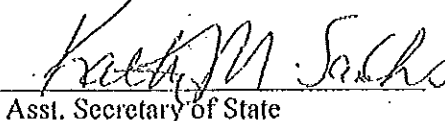


DATED

Nov 16, 2015




Secretary of State


Asst. Secretary of State

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Governor Sam Brownback issues Executive Order on refugee resettlement in the face of Paris terror attacks

Governor Sam Brownback today signed Executive Order No. 15-07, directing that no state agency, or organization receiving grant money from the state, will participate in or assist in any way in the relocation of Syrian refugees in Kansas. The Governor and Lt. Governor issued the following statements:

Statement from Governor Sam Brownback

"My first priority as Governor is the safety of all Kansans. We must take immediate action to ensure terrorists do not enter the nation or our state under the guise of refugee resettlement. The recent attacks in Paris coupled with terrorist organizations indicating a desire to attack the United States are stark reminders of the dangers every nation faces.

"It is imperative that we take action where the White House has not.

"I have therefore directed all state agencies, departments, boards or commissions not to participate or assist in the relocation of Syrian refugees to Kansas. It is unfortunate that we must take this step to protect the safety of Kansans, but the federal government cannot guarantee that Syrian refugees coming to America would not be part of a terrorist organization seeking to harm our citizens.

"America has always provided a refuge for the oppressed and those who seek freedom. However, we must be sure that we are not admitting terrorists as we try to help the innocents who desire the opportunity for a better life and the basic liberty of religious freedom. Most people seeking refugee status are peaceful individuals looking for a better life. But we cannot allow an influx of Syrian refugees, without any meaningful security checks, while ISIS is promising to infiltrate the refugee process.

"Our resources can be better used to help persecuted Syrians. We must consider whether refugees fleeing the persecution of their home country may be better served by resettlement in a friendly nation closer to their homes. Though America will continue to be a country that defends the oppressed, our allies in the region must also step up to stem the tide of this humanitarian crisis."

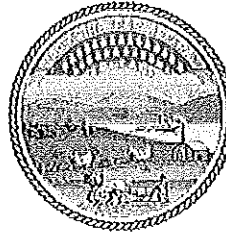
Statement from Lt. Governor Jeff Colyer, M.D.

"The security of Kansas families is our highest priority. While we know the vast majority of Syrian refugees are victims of the atrocities in that region, we must put the safety and well-being of Kansans first."

For an audio clip of Governor Brownback discussing this issue, click [here](#).

The full text of the Executive Order may be found [here](#).





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EXECUTIVE ORDER 16-01

Protecting Kansas From Terrorism

WHEREAS, the well-being of the State of Kansas and its citizens continues to be threatened by the scourge of international terrorism; and

WHEREAS, Kansas locations previously have been targeted for terrorist acts of violence, and the perpetrators have been apprehended and prosecuted; and

WHEREAS, recent terror attacks in Paris and San Bernardino have heightened concerns about protecting Kansas and ensuring the safety and security of our citizens; and

WHEREAS, the terrorist perpetrators of the Paris attacks had ties to refugee populations; and

WHEREAS, we have learned just this week of federal charges filed in Texas and California against terrorist operatives that entered the United States as refugees; and

WHEREAS, I have concluded that the admission of some refugees to the State of Kansas presents an unacceptable risk to the safety and security of the State of Kansas, and thus State government must take action to ensure that it does not assist in the relocation of such refugees to Kansas from anywhere in the world; and

WHEREAS, Kansas should and will remain welcoming to refugees as to which we can be assured there is no risk to the safety and security of our citizens.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order and direct as follows:

No department, commission, board, or agency of the government of the State of Kansas shall aid, cooperate with, or assist in any way the relocation of refugees that present a safety and security risk to the State of Kansas, until such time as an adequate vetting process is in place with adequate assurances to the State. This Order includes, but is not limited to, the Kansas Refugee Program, the Refugee Resettlement Program, and the Refugee Social Service Program administered within the Kansas Department for Children and Families, and the Kansas Refugee Preventive Health Program administered within the Kansas Department of Health and Environment. Furthermore, this Order also includes the funding or administration of any grant program under the authority of the State of Kansas.

Executive Order 15-07 dated November 16, 2015, is hereby rescinded and replaced with this Executive Order 16-01. This document shall be filed with the Secretary of State as Executive Order No. 16-01 and shall become effective immediately.

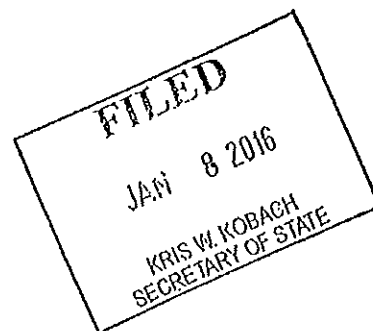
THE GOVERNOR'S OFFICE

BY THE GOVERNOR Sam S. Mumbach

DATED January 8, 2016

Kris W. Kobach
Secretary of State

Devine Taliaferro
Asst. Secretary of State



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Governor Sam Brownback broadens Executive Order dealing with refugee resettlement

Topeka – Governor Sam Brownback today signed Executive Order No. 16-01, broadening his previous Executive Order 15-07 concerning the resettlement of refugees in the State of Kansas.

The Executive Order, Protecting Kansas from Terrorism, recognizes the continuing threat posed by terrorists and those sympathizing with terrorist organizations. The order says in part that "no department, commission, board or agency of the government of the State of Kansas shall aid, cooperate with, or assist in any way the relocation of refugees that present a safety and security risk to the State of Kansas, until such time as an adequate vetting process is in place with adequate assurances to the state."

Statement from Governor Sam Brownback

"Recent events, including the arrest on terrorism charges of two men who entered the country as refugees, demand that we take prudent and responsible action to protect the citizens of Kansas. This is evidence that the Obama administration is disregarding the safety of our citizens through a refugee vetting system that is clearly inadequate.

"It is my responsibility as Governor of this great state to do what we can to protect the citizens of Kansas and I will act to maintain the security of our state."

Statement from Lt. Governor Jeff Colyer, M.D.

"America will continue to be a country that defends the oppressed, and Kansas will continue to be welcoming to refugees when we can be assured there is no risk to the safety and security of our citizens.

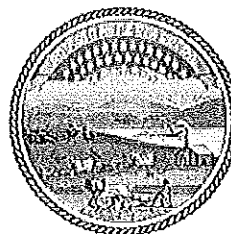
"We must consider whether refugees fleeing the persecution of their home country may be better served by resettlement in a friendly nation closer to their homes. Our allies in the region must also step up to stem the tide of this humanitarian crisis."

The full text of the Executive Order may be found at <http://governor.ks.gov/media-room/executive-orders/2016/01/08/executive-order-16-01>

The indictments for the two individuals who were arrested today in Texas and California may be found at the links below.

[AlHardan Indictment documents](#)

[Al-Jayab indictment document](#)



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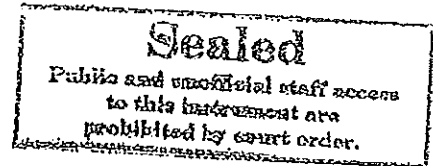
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UNITED STATES DISTRICT COURT UNSEALED 1/7/16
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

V.

OMAR FARAJ SAEED AL
HARDAN,

Defendant

§
§
§
§
§
§
§
§

CRIMINAL NO.:

FILED UNDER SEAL

16 CR 003

United States Court
Southern District of Texas
FILED

JAN 06 2016

David J. Bradley, Clerk of Court

INDICTMENT

THE GRAND JURY CHARGES THAT:

Introduction

1. At all times material to this Indictment:

- a. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.
- b. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under

section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham ("ISIS"), the Islamic State of Iraq and Syria ("ISIS"), ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. Although the group has never called itself "Al-Qaeda in Iraq (AQI)," this name has frequently been used to describe it through its history. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to the Islamic State ("IS"). To date, ISIL remains a designated FTO.

- c. On December 11, 2012, the Secretary of State amended the designation of AQI to include the following aliases: al-Nusrah Front (ANF), Jabhat al-Nusrah, Jahbet al-Nusra, The Victory Front, and Al-Nusrah Front for the People of the Levant. Also, on May 15, 2014, the Secretary of State, in response to the evolving nature of the relationships between ANF and AQI, amended the FTO designation of AQI to remove all aliases associated with al-Nusrah Front. Separately, the Secretary of State then designated al-Nusrah Front, also known as Jabhat al-Nusrah, also known as Jahbet al-Nusrah, also

known as The Victory Front, also known as Al-Nusrah Front for the People of the Levant, also known as Al-Nusrah Front in the Lebanon, also known as Support Front for the People of the Levant, and also known as Jabaht al-Nusrah li-Ahl al-Sham min Mujahedi al-sham fi Sahat al-Jihad, as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 132224. To date, ANF remains a designated FTO.

- d. The defendant, **OMAR FARAJ SAEED AL HARDAN**, is a Palestinian national; born in Iraq on or about December 25, 1991; entered the United States of America as a refugee on or about November 2, 2009; granted Legal Permanent Residence status in the United States on or about August 22, 2011; and currently resides in the Southern District of Texas.

COUNT 1

**Attempting to Provide Material Support to a Designated Foreign Terrorist
Organization
(Title 18, United States Code, Section 2339B)**

Beginning in or about May 2014, and continuously thereafter, up to and including the date of this indictment within the Southern District of Texas, and elsewhere, the defendant,

OMAR FARAJ SAEED AL HARDAN,

did unlawfully and knowingly attempt to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), including personnel, specifically himself, training, and expert advice and assistance, to a foreign terrorist organization, namely, the Islamic State of Iraq and the Levant ("ISIL"), knowing that the organization is a designated foreign terrorist organization, and knowing that ISIL engages in, and has engaged in terrorist activity and terrorism; all in violation of Title 18, United States Code, Section 2339B(a)(1) and Title 18, United States Code, Section 2.

COUNT 2

**Procurement of citizenship or naturalization unlawfully
(Title 18, United States Code, Section 1425(a))**

On or about August 18, 2014, in the Southern District of Texas and elsewhere,
the defendant,

OMAR FARAJ SAEED AL HARDAN,

knowingly procured and attempted to procure, contrary to law, naturalization, to wit: in applying to become a naturalized American Citizen, the defendant, did respond, certify, and swear untruthfully on his formal application for naturalization, Form N-400, dated August 18, 2014. Specifically, when responding to question 10C, the defendant represented that he was not in any way associated (either directly or indirectly) with a terrorist organization, whereas in truth, the defendant knew he associated either directly or indirectly with a terrorist organization, to wit: ISIL throughout 2014, and al-Nusrah Front during 2013 throughout 2014; all in violation of Title 18, United States Code, Section 1425(a).

COUNT 3

False Statement or Representation Made to an Agency of the United States (18 U.S.C. § 1001(a)(1))

On or about October 27, 2015, in the Southern District of Texas,

OMAR FARAJ SAEED AL HARDAN,

defendant herein, did willfully and knowingly falsify, conceal, and cover up by trick, scheme, and device a material fact in a matter within the jurisdiction of the executive branch of the government of the United States; to wit: defendant participated in an interview with an agent from the U.S. Immigration and Customs Enforcement-Homeland Security Investigations and when questioned about his

application for naturalization, Form N-400, dated August 18, 2014, defendant failed to disclose during that interview specifically that he, in question 19, represented that he had never received any type of weapons training, whereas in truth and in fact as the defendant well knew, he had received weapons training, specifically on an automatic machine gun; all in violation of Title 18, United States Code, Section 1001(a)(1).

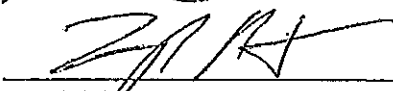
A TRUE BILL

ORIGINAL SIGNATURE ON FILE
FOREPERSON OF THE GRAND JURY

KENNETH MAGIDSON
United States Attorney
Southern District of Texas

By: 

RALPH IMPERATO
Assistant United States Attorney

By: 

KASHYAP P. PATEL
Trial Attorney, Counterterrorism Section, U.S. Department of Justice

SEALED**UNITED STATES DISTRICT COURT**

for the

Eastern District of California

**ORIGINAL
FILED**

JAN - 6 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIABY _____
DEPUTY CLERKUnited States of America
v.

Case No.

2:16 - MJ - 1

EFB

AWS MOHAMMED YOUNIS AL-JAYAB
Defendant(s)**CRIMINAL COMPLAINT**

I, Elizabeth Buckmiller, the complainant in this case, state that the following is true to the best of my knowledge and belief.

In or about the date(s) of October 6, 2014 in the county of Sacramento in the
Eastern District of California, the defendant(s) violated:

Code Section

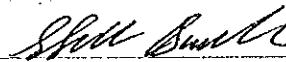
Offense Description

18 U.S.C. § 1001

Providing materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of an agency of the United States, an offense involving international terrorism as defined in 18 U.S.C. § section 2331

This criminal complaint is based on these facts:

(see attachment)

☒ Continued on the attached sheet.

Complainant's signature

Elizabeth Buckmiller, Special Agent, FBI

Printed name and title

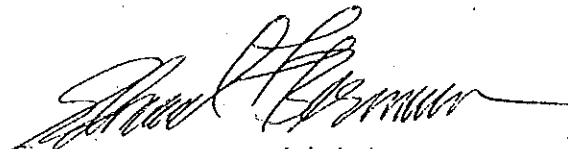
Sworn to before me and signed in my presence.

Date:

1-6-2016

City and state:

Sacramento, CA



Judge's signature

Edmund F. Brennan, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Elizabeth Buckmiller, being duly sworn, hereby state as follows:

I. INTRODUCTION AND AFFIANT'S BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since February 2013. I am currently assigned to the Sacramento Field Office. I have training in the preparation, presentation, and service of criminal complaints and arrest and search warrants. I have participated in numerous investigations into terrorism-related activities and am familiar with tactics, methods, tradecraft, and techniques of terrorists and their agents. I have received training regarding counterterrorism investigations, operations, and strategies, and have knowledge of various extremist groups, their ideologies, and their involvement in terrorist activity. I am involved in the investigation of offenses against the United States, including crimes of terrorism as set forth in Title 18, United States Code, Section 2331, *et seq.*

2. This affidavit is submitted for the limited purpose of establishing probable cause to support a criminal complaint charging the subject – Aws Mohammed Younis Al-Jayab – (hereinafter Al-Jayab) – with knowingly providing and attempting to provide materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States, in violation of Title 18, United States Code, Section 1001. This affidavit does not purport to set forth all of my knowledge of, or investigation into, this matter.

3. The facts set forth in this affidavit are based on, among other things: my personal knowledge gathered from participation in the investigation of Al-Jayab; information obtained from the investigative activities of other law enforcement officers; my review of documents and computer records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information obtained from interviews of Al-Jayab by United States government personnel.

4. Certain quotations herein are taken from draft transcripts of written communications that transpired primarily in Arabic and were translated by FBI language analysts. Additional quotations herein are taken from draft transcripts of recorded conversations that transpired in English and Arabic and were translated contemporaneously with the assistance of an interpreter.

Unless specifically indicated otherwise, all conversations described or quoted in this affidavit are related in substance and part only. For example, the use of an ellipsis within brackets denotes text which was not included in this affidavit for the sake of brevity and clarity. The conversations and other events described herein occurred on or about the referenced dates. In addition, the identities of Al-Jayab's associates and others have been redacted by replacing names with the word "Individual" followed by a letter.

5. For the reasons stated herein, I respectfully assert that there is probable cause to believe that on or about October 6, 2014, Al-Jayab, a person who currently resides in the United States, did willfully and knowingly make and cause to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States, specifically the United States Citizenship and Immigration Services (USCIS), a component of the United States Department of Homeland Security (DHS), and an agency of the executive branch, and the offense involved international terrorism as defined in Title 18, United States Code, Section 2331, all in violation of Title 18, United States Code, Section 1001.

II. SUBJECT: AWS MOHAMMED YOUNIS AL-JAYAB

6. As confirmed by photo identification and USCIS records, Al-Jayab is a 23-year-old male who currently resides in Sacramento, California. Al-Jayab was born in Iraq, and he emigrated from Syria to the United States as a refugee in October 2012. Travel, bank, and electronic communications records establish that Al-Jayab resided in the United States from approximately October 2012 to November 2013 and again from January 2014 to the present.¹ He remains in refugee status to the present date, and as such, he is subject to the jurisdiction of USCIS for purposes of this offense.

¹ After arriving in the United States as a refugee in October 2012, Al-Jayab resided in Tucson, Arizona and Milwaukee, Wisconsin. He first began to reside in Sacramento, within the Eastern District of California, upon his return from Syria in late January 2014.

III. SUMMARY OF THE INVESTIGATION

7. USCIS officers conducted an interview of Al-Jayab on October 6, 2014, at the Sacramento USCIS office, with the assistance of an Arabic language interpreter.² Al-Jayab was advised it was unlawful to provide false statements to the interviewers. Specifically, Al-Jayab was placed under oath and the following statement was read to him: "Title 18 USC makes it against the law to provide false statements to the government. If you knowingly and willfully provide false information or conceal a material fact, you are subject to criminal penalties. It is against criminal law to lie or cover up information during the interview." Al-Jayab acknowledged he understood this statement.

8. During the October 6, 2014 interview with USCIS, Al-Jayab made the following statements:

- a) When directed to list the countries he visited during the last time he traveled outside the United States, in 2013 to 2014, Al-Jayab responded that he went to Turkey, and from Turkey he went to Britain and returned to the United States.
- b) When asked the purpose of his trip, Al-Jayab responded he went to Turkey to see his grandmother and to visit the place.
- c) Al-Jayab responded, "No," to the following inquiries:
 - i. if he had ever been a member of any rebel group, militia, or insurgent organization,
 - ii. if he had ever assisted any rebel group, militia, or insurgent organization,
 - iii. if he had ever solicited membership or funds for any terrorist group or organization,
 - iv. if he had ever provided any type of material support to any person or group that engages in terrorist activity,

² An FBI language analyst fluent in the Iraqi dialect of the Arabic language (spoken by Al-Jayab) was available to and used by Al-Jayab telephonically during the interview.

- v. if he had ever called for, helped with, or committed the killing of any person,
- vi. if he had ever called for, helped with, or committed the intentional and severe injury of any person,
- vii. if he had ever been a member of a group of any kind in which he used or threatened to use any type of weapon against any person, and
- viii. if he had ever assisted in a group where other people used or threatened to use a weapon against any person.

9. As supported by the facts outlined below, there is probable cause to believe that Al-Jayab's statements and representations to USCIS listed above were materially false.

IV. EVIDENCE OF THE OFFENSE

A. Activity prior to travel

10. The investigation has established the following facts concerning Al-Jayab's activities from approximately October 2012 to October 2013.

a) According to records of Al-Jayab's online social media communications obtained pursuant to search warrant, beginning as early as mid-October 2012, Al-Jayab told multiple family members and associates that he intended to travel to Syria. Al-Jayab expressed his desire to return to Syria to "work,"³ identified Turkey as a probable transit point, and sought to arrange the finances and logistics for his travel.

b) On October 13, 2012, Al-Jayab communicated with Individual A, who was then located in Iraq, according to Individual A's communications with Al-Jayab. Al-Jayab wrote, "I want to go back. God is my witness. [...] I'll go to Turkey and enter smuggled.

³ Based on the tenor and content of Al-Jayab's extensive electronic communications, in this context I believe the term "work" referred to assisting in and supporting violent jihad.

to Syria,” and advised Individual A, “When I come, I’ll call. Don’t go with anyone except the Front. [...] Go with Ansar or with the Front only.”⁴

c) On October 30, 2012, Al-Jayab communicated with Individual B, who was likely located in Syria based on the content of his communications with Al-Jayab. Al-Jayab wrote, “My return will cost me much. [...] Tell [Individual C] if I come to Turkey to find me a way to enter into Syria.”

d) On October 31, 2012, Al-Jayab wrote to Individual B, “Tell [Individual C] I want them to help me financially so I can return.” Individual B replied, “He said, ‘If he wants to come through Turkey, we could get him in.’”

e) On January 20, 2013, Al-Jayab communicated with Individual D, who was likely located in Syria based on his communications with Al-Jayab. Individual D asked, “When are you coming?” and Al-Jayab replied, “As a matter of fact, money I do not have.” Individual D wrote, “[Individual C] will send you.” Individual D wrote that he was afraid that he would die and not see Al-Jayab and explained he (Individual D) had been shot twice in the hand and side. Al-Jayab wrote, “I have someone in Turkey. He wants to come to Syria and pull the trigger. Do you understand? Via the Turkish borders. [...] Tell [Individual C] about him.” Individual D advised Al-Jayab, “Tell [Individual B] to tell [Individual C].” Individual D wrote, “Tell me how much you need so we can plan ahead for you before you arrive. [...] [Individual C] once asked how much you need so he can send you. I will tell him now to send you. [...] Do not worry, [Individual C] will manage.”

f) On February 1, 2013, Al-Jayab communicated with Individual E. Al-Jayab wrote, “I was told by the young men to talk with you so that you could arrange my return.” Individual E wrote, “You just tell us and we will do it,” and explained that another

⁴ “Front” is likely a reference to al Nusrah Front. According to the *United States Department of State Country Reports on Terrorism 2013*, Al-Qa’ida in Iraq (AQI) was established in 2004 by long-time Sunni extremist Abu Mus’ab al-Zarqawi, who the same year pledged his group’s allegiance to Osama Bin Laden. On December 17, 2004, the Department of State designated AQI as a foreign terrorist organization (FTO) and Specially Designated Global Terrorist (SDGT). On December 11, 2012, the Department of State amended the designation of AQI to include the al Nusrah Front (ANF)/ Jabhat al Nusrah (JAN) as aliases of AQI. The Department of State’s finding in support of amending the AQI designation was that ANF and JAN committed hundreds of terrorist attacks in Syria.

individual “told me to find out how much you need.” Al-Jayab responded, “Whatever God enables,” and Individual E advised, “Make arrangements with [Individual F] to send you the money.”

g) On February 5, 2013, Al-Jayab communicated with Individual F, who was likely located in Syria, based on his communications with Al-Jayab. Individual F wrote, “I’ll go to Damascus to transfer the money to you,” and provided wire transfer details to Al-Jayab. Later that same day, Al-Jayab discussed the wire transfer from Individual F with Individual B.

h) According to records from Western Union, on February 5, 2013, an individual believed to be Individual F sent Al-Jayab \$231 from Damascus, Syria. This individual also sent \$450 in the name of one of Al-Jayab’s associates, who, along with Al-Jayab, was then residing in Arizona. Both wire transfers were received at a Western Union agent in Arizona. On February 7, 2013, Al-Jayab confirmed to Individual F, “I received the transfer [...] the total 681.”

i) On March 13, 2013, Individual F wrote to Al-Jayab, “Just come to Turkey without a passport and enter Aleppo from there.⁵ Tell them you are Syrian.” Al-Jayab replied, “I’ll come with temporary American passport.” Individual F wrote, “I’ll show you the way, because [an associate] knows someone in Aleppo and I asked him to help you.” Al-Jayab asked, “How to enter Syrian borders if my passport is American?” and Individual F and Al-Jayab discussed various options for travel routes to Syria.

j) On March 23, 2013, Al-Jayab communicated with Individual G, who was likely located in Iraq, based on his communications with Al-Jayab. Al-Jayab wrote, “I am coming to Syria [...] I have planned a route and everything. [...] The most important is the duty of the path.” Al-Jayab offered, “If you want in Iraq, I will arrange it for you. I will arrange it for you in Syria also. I will take you with me at your convenience, so decide what you want to do. [...] Only the Jabhat al-Nusrah group. It is impossible that we go with others.”

⁵ Aleppo is a city located in northwestern Syria.

k) Also on March 23, 2013, Al-Jayab communicated with Individual H, who was then likely residing in Turkey according to his communications with Al-Jayab. Al-Jayab explained that he wanted to travel to Turkey to enter Syria, and he asked Individual H to pick him up at the airport. Individual H asked if Al-Jayab “want[ed] Al-Nusra Front,” and Al-Jayab responded, “that’s for sure.” Individual H advised, “You know those who arrive to Syria from Turkey, most of them are citizens of Sweden and Australia and others, because war is to advance and retreat. [...] Syria is one hour away from where I am now and smuggling takes place in our area.” When Al-Jayab told Individual H that he would be traveling to Turkey with a United States travel document, Individual H reminded Al-Jayab of the importance of maintaining the ability to travel legally. Al-Jayab proposed, “I’ll go to the American Embassy in Turkey. I will tell them that due to circumstances, I can’t return now. [...] I’ll say tourism, or I’ll tell him my grandmother is sick in Turkey and I wanted to be with her.”

l) On April 8, 2013, Al-Jayab wrote to Individual F about Individual I’s desire to travel to Syria, and noted that Individual I was “recommended” to Al-Jayab by an “active brother.” Individual F wrote, “I’ll send you [Individual C]’s number and you tell him about [Individual I]’s affair. [...] You explain to him [Individual I] if he comes here, he shouldn’t go back [to America]. Either victory or martyrdom.” Al-Jayab replied, “When I arrive, I’ll arrange with [Individual C]. [...] America will not isolate me from my Islamic duty. Only death will do us part. My only wish is to see you and start the action.”

m) On April 9, 2013, Al-Jayab communicated with Individual I, who resided in Texas according to immigration records. Al-Jayab informed Individual I, “[Individual F] spoke with me. He told me, ‘Tell your friend to come and not return.’” Al-Jayab discussed various weapons with Individual I, to include the PKC, GC, Glock, and M16.⁶ Individual I wrote to Al-Jayab, “I need to learn from your weapon expertise.” Individual I asked, “If God makes it easier and wills it, would they place me at a center that would suit me or do I get to choose?” Al-Jayab responded, “No, they will arrange things for

⁶ I believe PKC, GC, Glock, and M16 are references to various firearms, including the Soviet-designed PK machine gun and the M16 assault rifle.

you. If you arrive and I am still there, I will train you. And once you are done [training], I will submit a request to the person in charge so you would come and work with me.” Individual I asked, “So they will assign me to a certain job according to my abilities, which they see,” and Al-Jayab explained, “No, we will make your abilities very strong.” Individual I asked, “In your opinion, what kind of job [will they] assign me to?” Al-Jayab replied, “Let us arrive and we will arrange there. Our concern now is only to arrive there. [...] When you arrive to al-Sham [Syria] you will be trained.”

n) On April 13, 2013, Al-Jayab wrote to Individual I, “O God, grant us martyrdom for your sake while engaged in fighting and not retreating; a martyrdom that would make you satisfied with us.” Individual I wrote, “It is better if we leave together when the Turkish route is open, so that if we are confronted by any resistance from the enemy, there is the two of us [...] I mean we would help each other.” Individual I related that he learned from a Syrian associate, “He who enters illegally from Turkey to Al-Sham [Syria] does not have to pass through checkpoints.” Al-Jayab wrote, “When I arrive in Turkey, I will call our youth in Turkey, and they will solve the situation for me. [...] We just arrive to Turkey, everything would be solved.”

o) On April 16, 2013, Al-Jayab communicated with Individual J. Individual J wrote, “I am in Damascus, but I also work in Jirmanah.”⁷ Al-Jayab wrote, “God willing, I’ll return soon. [...] I am coming to you.” Individual J wrote, “Do you know that we just killed ten of the Syrian militia, the Shabihah. Hahaha, with an IED.” Al-Jayab wrote, “I was told that you and I will work together.” Individual J wrote, “I wish, come, let us do the killing together.” Al-Jayab asked, “What do you do now? Using IEDs or fighting,” and Individual J responded, “Both.” Al-Jayab wrote, “Hey man, please do not die: wait for me to come. [...] Do you not want us to work together?” Individual J replied, “Of course.” Al-Jayab wrote, “I do not want anything in the world; just to get to Syria safely and find you there, you and [Individual F], [Individual D], and [Individual C] [...] I am eager to see blood.”

⁷ Jirmanah is a suburb or neighborhood of Damascus, Syria.

p) On April 21, 2013, Individual I wrote to Al-Jayab, "Do you know that I have never sprayed fire with a Kalashnikov?" Al-Jayab replied, "God willing, you will have your chance to shoot [...] The most shots I made with it in my life was in the biggest battle I participated in. Seven magazines in one breath. [...] Just shooting, spraying, spraying." Individual I clarified, "You mean you were there during the battle against the Assadists?" and Al-Jayab confirmed, "Yes. Certainly." Al-Jayab wrote, "Brother, God willing, you will be bored of shooting with guns. I have not seen anything better than the Glock. All my work was with the Glock and a nine Tariq⁸ and also its silencer [...] Once it hits someone, you would think the person fainted right before your eyes. It does not look like you killed him." Individual I asked, "Are there operations conducted with silencers in Damascus?" Al-Jayab replied, "Yes. We were using silencers in Damascus [on] control checkpoints, officers, everything." Individual I asked what "Assad's soldiers scream when you raid," and Al-Jayab replied, "They fall silent. They stiffen. I remember once I went down together with a brother. We executed [...] three. As for the brother who was with me, he shot two. The third one aimed the Russian at the brother [...] and would not unlock the safety. He was so scared, he could not do it." Individual I interjected, "God is great! And you silenced him." Al-Jayab replied, "Yes. At the time, the operation was without the use of silencer [...] in the chest, in the head. And when he falls, we shoot again." Al-Jayab continued, "Do you remember the national security headquarters building in Syria? The mujahidin, Al-Nusra Front struck it. [...] Those suicide bombers they want to break in. There is a control checkpoint that would stop them. Their call is full of ammunition and suicide vests, its booby traps were visible, so they would stop them and arrest them. We got down and overran the control checkpoint and opened the way for them to raid, and we retreated." Individual I confirmed, "You mean you were there during the raid?" and Al-Jayab replied, "Yes. Look, God is with the Mujahidin."

q) On April 25, 2013, Individual I wrote to Al-Jayab, "O God please do not deprive me, my brothers, and my brother Aws from the blessings of Jihad in Syria," and asked,

⁸ I believe "nine Tariq" is a reference to the Iraqi-manufactured copy of the Beretta M1951 pistol. The Tariq was the service pistol of the Iraqi Army from approximately the 1980s to 2003, according to open-source information.

"Tell me, when did you join?" Al-Jayab wrote, "I was a little over 16 years old. My tribe, half of them are Mujahidin. I did not find any difficulty to get to Al-Jihad," and further explained, "This group that I worked with [...] those were from Saddam's era in Kurdistan. Their Emir['s] name is Mullah Krikar [...] their name was Ansar al-Sunnah and now they are called Ansar al-Islam."⁹

r) On May 21, 2013, Al-Jayab communicated with Individual K. Individual K informed Al-Jayab that Individual B and two others had been arrested by the Syrian government. Individual K wrote, "They are accused of working for Al-Nusra Front. They were arrested in Jaramana."

s) On May 26, 2013, Al-Jayab informed Individual I that "the brothers" had been arrested. Al-Jayab wrote, "I really did not want to disturb you. For some time I knew. I did not want you to feel uneasy about Jihad and be concerned with being detained."

t) On June 30, 2013, Al-Jayab wrote to Individual L, "I am at the shooting club. I want to learn long range shooting," and sent photos from an identified gun range in Wisconsin, as well as photos of Al-Jayab with various weapons.

u) On July 9, 2013, Al-Jayab pleaded with Individual D, "Try to raise some funds for me. Otherwise I am going to explode. [...] I need money, I want to come."

v) On July 11, 2013, Al-Jayab wrote again to Individual D, "Try to manage the money this week, my dear. You and [Individual C]."

w) On August 18, 2013, Al-Jayab wrote to Individual D, "I have left \$400 until I come there. I want that you plan for me a route quickly."

x) On August 19, 2013, Al-Jayab communicated with Individual M, who was likely residing in Syria based on his communications with Al-Jayab, as well as Individual M's social media account profile, which stated that he lived in Damascus, Syria. Al-Jayab

⁹ According to the *United States Department of State Country Reports on Terrorism 2014*, Ansar al-Islam, also known as Ansar al-Sunna among other aliases, is a Sunni terrorist group which has vowed to establish an independent Islamic state in Iraq. Ansar al-Islam originated in Iraqi Kurdistan and was founded by Mullah Krekar. Ansar al-Islam became a designated foreign terrorist organization on March 22, 2004.

wrote, "Finally, light at the end of the tunnel. I need \$400 and I will come. I want you to plan a route. [...] I need people in Turkey to take me to Aleppo."

y) On August 26, 2013, Al-Jayab communicated with Individual N. Based on records obtained via search warrant, Individual N's social media account appeared to be used to distribute ISIL propaganda and to communicate with individuals who are believed to be affiliated with ISIL and other terrorist organizations.¹⁰ Individual N told Al-Jayab, "May God protect you and grant success through you. [...] Haji, keep our job in your mind. And think. And it is tedious a little bit. We ask God to reward you." Al-Jayab responded, "Okay. By God, I am trying."

z) On August 30, 2013, Al-Jayab told Individual N, "The most important thing is to send me money to return. [...] I want to come. God has facilitated the work before. [...] I will come."

aa) On September 8, 2013, Al-Jayab wrote to Individual D, "I am burning with desire to come there and work," after which he and Individual D discussed a photo of various weapons including a gray gun and Kalashnikov rifle that Individual D claimed belonged to Individual D. Individual D wrote to Al-Jayab, "When you arrive here, we will give you better ones [...] along with five magazines, one of which holds 30." Al-Jayab replied, "I wish you will not die until I come."

bb) On October 26, 2013, Al-Jayab wrote Individual N, "Sheikh, I need a path." Individual N replied on October 29, "I tasked [Individual D] and I will provide him with the money so he would transfer it to you."

B. Travel to Turkey and Syria

11. The investigation has established the following facts concerning Al-Jayab's activities from approximately November 2013 to January 2014.

¹⁰ According to the *United States Department of State Country Reports on Terrorism 2014* and information published by the National Counterterrorism Center, AQI publicly re-named itself the Islamic State in Iraq in October 2006. In April 2013, AQI's leader Abu Bakr al-Baghdadi changed the group's public name to the Islamic State of Iraq and the Levant (ISIL), to reflect its operational expansion into the Syrian conflict. In May 2014, the Department of State amended the FTO designation of AQI to include the alias ISIL as its primary name.

- a) In early November 2013, Al-Jayab was residing in Milwaukee, Wisconsin according to travel, bank, and electronic communications records. Bank records indicate Al-Jayab received approximately \$4,500 from an auto insurance settlement on November 6, 2013.
- b) On November 7, 2013, Al-Jayab wrote to Individual N, "Haji, I managed to get money and everything, I do not want money from you, just find me a way, I beg you. Make arrangements for me, my Sheikh [...] I will be going to Turkey and it is very important that you provide me with a telephone number."
- c) On November 8, 2013, Al-Jayab purchased an airline ticket in Chicago, Illinois. Travel records establish that Al-Jayab flew directly from Chicago to Istanbul, Turkey on November 9, 2013.
- d) Al-Jayab maintained contact with several of his family members and associates while he was outside of the United States between November 2013 and January 2014 and kept them apprised of his movements and wellbeing.
- e) I have reviewed electronic communications records of Internet Protocol (IP) addresses that Al-Jayab utilized to connect to the internet to access social media and email accounts during his travel to Syria. Analysis of those IP addresses and other information establishes that Al-Jayab accessed the internet in the time period at issue through a satellite that covered both eastern Turkey and areas of northern Syria.
- f) On November 10, 2013, Al-Jayab communicated Individual O, who was then residing in Cyprus, and explained that he (Al-Jayab) was in Turkey, planned to enter Syria, and would be "going with the Mujahidin."
- g) On November 19, 2013, Al-Jayab informed Individual O that he [Al-Jayab] had safely arrived in Syria and was in Aleppo.
- h) On November 26, 2013, Al-Jayab told Individual N (see paragraphs 10(y, z, bb) and 11(b), above) that he (Al-Jayab) was in Aleppo and provided a telephone number that began with the numbers 0992 to Individual N in order to contact him (Al-Jayab). Based

on publicly available information, this phone number corresponds to a Syrian telephone number.

i) On November 28, 2013, Individual O advised Al-Jayab to avoid using his phone because it showed “that [Al-Jayab was] writing from Aleppo.” Al-Jayab replied, “Okay.” Individual O wrote, “Aws, I need you to get out of Syria as soon as possible,” and noted Al-Jayab’s phone “will reveal that you are in Syria [...] and this is dangerous to your situation over there.”

j) On December 10, 2013, Individual O informed Al-Jayab, “It shows that you are typing from Al-Hasakah.”¹¹ Al-Jayab responded, “How did you know?” Individual O wrote, “I am telling you, it [is] shown to me that you are writing from Al-Hasakah,” and Al-Jayab replied, “Okay.” Shortly thereafter, Al-Jayab wrote to Individual O, “Forgive me, I might become a martyr.”

k) On December 17, 2013, Al-Jayab told Individual O he was “afraid of being imprisoned in America [because] the government is alert for everything, [and] my trip here constitutes a charge.”

l) On December 23, 2013, Al-Jayab wrote to Individual O, “I have m16.” Based on my training and experience as well as communications between Al-Jayab and his associates during his travel, I believe “m16” is a reference to the M16 assault rifle. On the same day, Al-Jayab informed Individual O that he (Al-Jayab) was returning to Aleppo.

m) On December 25, 2013, Individual O told Al-Jayab to remove a picture that “shows that you are wearing military uniform.”

n) On December 28, 2013, Al-Jayab communicated with Individual P, who was then located in Indonesia according to his communications with Al-Jayab. Al-Jayab informed Individual P that he (Al-Jayab) was in Aleppo. Al-Jayab explained that he joined Ansar al-Sham, “the same as Ansar al-Islam, just with another name.”¹² Al-Jayab continued,

¹¹ Al-Hasakah is a city located in northern Syria.

¹² On December 28, 2013, Al-Jayab expressed to Individual P his understanding that, “Ansar al-Islam and Ansar al-Sham have one and the same faith and approach.” Al-Jayab explained, “Ansar al-Sham and the Ansar al-

"It is the one that leads the new Islamic Front formed after merging with Jabhat al-Nusra," but he noted that the alliance was not publicly declared. Al-Jayab wrote, "The Army of Islam and Ahrar al-Sham and Al-Tawhid Brigade became the al-Jabhah al-Islamiyyah."¹³ When they engage in battles [they are] led by Jabhat al-Nusra and Ansar al-Sham." Al-Jayab detailed the cooperation and "joint action" that existed between certain Sunni extremist groups engaged in the conflict against the Syrian regime. When Individual P encouraged Al-Jayab to not "be harsh on the State,"¹⁴ Al-Jayab wrote that the State "have killed many from Jabhat al-Nusra and hundreds of mujahidin [are detained] by the State." Al-Jayab wrote, "I came to Syria. [...] I fight alongside." He then expressed concern over conflict that was occurring amongst some of the Islamic groups in the area: "Brother, this is the blood of Muslims shed at the hands of the State," and continued, "If it weren't for the State's bloodletting, I would have been the first one to join it. [That's] why I joined the al-Ansar even though there's little action; the al-Ansar, at least they don't kill Muslims."¹⁵ Al-Jayab continued, "Brother, I'll join al-Nusra shortly [...] and if any sedition arises, I'll leave my weapon and go to Turkey."

o) On January 2, 2014, Al-Jayab wrote to Individual O, "I have been thinking of joining the State and abandon[ing] the al-Ansar." Al-Jayab explained he was familiar with Ansar al-Islam because he "used to work with them in Iraq," and his "commander" came to Syria from Iraq. Al-Jayab wrote, "I came to him." Al-Jayab also asked Individual O's opinion of al-Ansar.

Islam are but one. Its Emir is Abu Hashim." According to the *United States Department of State Country Reports on Terrorism 2014*, Ansar al-Islam is a Sunni terrorist group which has vowed to establish an independent Islamic state in Iraq. Ansar al-Islam became a designated FTO on March 22, 2004. Abu Hashim Muhammad bin Abdul Rahman al Ibrahim became the leader of Ansar al-Islam in December 2011. See also footnote 9, above.

¹³ Al-Jabhah al-Islamiyyah is an Arabic phrase that translates to "the Islamic Front." According to open source reporting, the Islamic Front was an umbrella organization of Sunni Salafist groups fighting to depose the Syrian regime and seeking to establish an Islamic state in Syria. In late November 2013, founding members of the Islamic Front included Ansar al-Sham, Ahrar al-Sham, the Tawhid Brigade, and the Army of Islam, among others.

¹⁴ Based on my training and experience as well as open source information, I believe "the State" is shorthand commonly used to refer to ISIL.

¹⁵ Based on my training and experience as well as the content of Al-Jayab's electronic communications, I believe Al-Jayab's reference to "Muslims" excludes Shia Muslims. Al-Jayab refers to Shiites using terms such as "rafidah," meaning rejectionists or rejectors; this is a derogatory term commonly used by Sunni extremists when discussing Shia.

p) On January 6, 2014, Al-Jayab wrote to Individual M (see paragraph 10(x) above), that Al-Jayab was in "Haritan, Aleppo, a fighting zone [between] the State and the Free Army."¹⁶ When Individual M asked if Al-Jayab was with "the Free now," Al-Jayab replied, "No. Ansar al-Islam." Individual M asked, "Who do they belong to?" and Al-Jayab replied, "Ansar al-Islam in Iraq." Al-Jayab discussed the infighting that occurred between various Islamic extremist groups engaged in the Syrian conflict.

q) On January 7, 2014, Al-Jayab wrote to Individual P, "Brother, we do not sit and watch. [...] Our headquarters is next to the State exactly, and we are against the Free Army. We have prevented the Free Army from entering the area and attacking the State's headquarters. And if the Free Army advances, we will fight it. [...] We installed the Doshkas¹⁷ in the street and spread among all of our headquarters because we are at the entrance of Aleppo. The Free Army is under the control of our forces." Al-Jayab concluded, "I swear that the State is killing [members of] al-Ansar and al-Nusrah. They are our brothers, but they are making a mistake. And we are going to stand with the State against the [Free Army]." That same day, Al-Jayab wrote to Individual M, "I might withdraw. [...] When the seditious acts are over, I will return. [...] I did not come to fight for the sake of sedition."

C. Return to Turkey and the United States

12. The investigation has established the following facts concerning Al-Jayab's activities during approximately January 2014.

a) On January 8, 2014, Al-Jayab informed Individual O the border crossing with Turkey was closed and he (Al-Jayab) remained in Aleppo.

b) On January 9 and 13, 2014, according to telephone toll records, the Syrian phone number Al-Jayab provided to Individual N (see paragraph 11(h), above) was also in

¹⁶ According to open source information, the Free Syrian Army (FSA) was established in 2011 by Syrian military defectors, and it has since become an umbrella organization for various armed opposition groups fighting to depose the Syrian regime of Bashar al-Assad. Elements of the FSA have historically stated support for secular governance in Syria.

¹⁷ I believe "Doshkas" is a reference to the DShK heavy machine gun, or variant, commonly referred to as "dushka" and widely used in the Syrian conflict.

contact with one of Al-Jayab's family members, who was then residing in Sacramento, California.

c) On January 17, 2014, Al-Jayab informed Individual P that he would "leave in two hours [for Turkey]." Al-Jayab added, "Once I arrive in Turkey I will call you." Several hours later that day, Al-Jayab's social media account was accessed from an IP address which resolved to Turkey.

d) Travel records confirm Al-Jayab returned to Sacramento, California via London, United Kingdom and Los Angeles, California on January 23, 2014. Upon his return to the United States, Al-Jayab's Customs Declaration Form made no mention of his travel to Turkey and Syria; "Jordan," and "U.K." were the only entries in the "countries visited" field.

e) Materials gathered in the course of the investigation show that Al-Jayab made no reference to visiting his grandmother during communications he exchanged with family members or associates from mid-November 2013 to mid-January 2014.

D. USCIS and FBI Interviews

13. On July 29, 2014, Al-Jayab was interviewed by USCIS in conjunction with his application for adjustment of his immigration status. During that interview, Al-Jayab said that he had traveled to Turkey and returned to the United States about six months earlier. Six months before was January 2014.

14. As outlined in paragraph 8, Al-Jayab was interviewed by USCIS a second time on October 6, 2014.

15. On June 18, 2015, Al-Jayab voluntarily and without solicitation from the FBI, was interviewed by FBI agents regarding problems he experienced at the airport when traveling. During that interview Al-Jayab stated he had traveled to Turkey for a vacation. He denied traveling to Syria.

16. The foregoing establishes probable cause to believe that Al-Jayab lied during his interview with USCIS officers on October 6, 2014. There is probable cause to believe that, contrary to what he stated in the interview:

- a) Al-Jayab traveled to Syria and his travel was not confined to Turkey and Britain before returning to the United States;
- b) he went to Turkey to get to Syria and for reasons other than to visit his grandmother;
- c) he was a member of and assisted a rebel group, militia, or insurgent organization;
- d) he solicited membership for a terrorist group or organization and provided material support to a person or group that engages in terrorist activity;
- e) he called for, helped with, or committed the killing and intentional and severe injury of any person;
- f) he was a member of a group in which he used or threatened to use a weapon against any person; and
- g) he assisted in a group where other people used or threatened to use a weapon against any person.

17. Based on my training and experience as well as discussions with USCIS and Homeland Security Investigations (HSI) personnel, Al-Jayab's statements were material to the determination by USCIS of Al-Jayab's eligibility for immigration benefits. If Al-Jayab admitted to being in Syria, USCIS would have asked additional questions and Al-Jayab's file may have been subjected to further process. If Al-Jayab admitted to supporting terrorist activities or a terrorist group, Al-Jayab's refugee status may have been subject to termination. In addition, intentional misstatements to USCIS, if proven, could negatively impact a refugee's ability to remain in the United States and may subject the individual to removal proceedings or criminal prosecution.


V. CONCLUSION

18. Based on the foregoing, I respectfully assert that there is probable cause to believe Aws Mohammed Younis Al-Jayab knowingly and willfully provided and attempted to provide materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States, specifically United States Citizenship and Immigration Services, a component of the United States Department of Homeland Security, and the offense involved international terrorism as defined in Title 18, United States Code, Section 2331, all in violation of Title 18, United States Code, Section 1001.

VI. REQUEST FOR SEALING

19. I further request that the Court seal the arrest warrant, the affidavit, and the criminal complaint in support thereof, except that copies of the warrant in full or redacted form may be maintained by the United States Attorney's Office and may be served on Special Agents and other investigative and law enforcement officers of the Federal Bureau of Investigation, federally deputized state and local law enforcement officers, and other government and contract personnel

acting under the supervision of such investigative or law enforcement officers, as necessary to effectuate the warrant. These documents pertain to and discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation at this time. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation. Sealing these documents will also better ensure the safety of agents and others.


Elizabeth Buckmiller
Special Agent, FBI

Reviewed and approved as to form.

Dated: 1/6/16


Jill M. Thomas
Assistant United States Attorney

SUBSCRIBED and SWORN to before me
this 6th day of January 2016.


HONORABLE EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE



November 20, 2015

The Honorable Sam Brownback
Governor
State of Kansas
Capitol, 300 SW 10th Avenue,
Suite 241S
Topeka, KS 66612

Dear Governor Brownback:

In response to ongoing discussions by governors across the country regarding our refugee resettlement program, we would like to describe for you in detail the rigorous security vetting process refugee applicants undergo, particularly as it pertains to the population of refugees fleeing from the conflict in Syria.

In short, the security vetting for this population—the most vulnerable of individuals—is extraordinarily thorough and comprehensive. It is the most robust screening process for any category of individuals seeking admission into the United States. The process is multi-layered and intensive, involving multiple law enforcement, national security, and intelligence agencies across the Federal Government. Additional precautions have been added with regard to Syrian refugees. We continually evaluate whether more precautions are necessary.

Today, the world faces an unprecedented outpouring of more than four million refugees from Syria, presently in Turkey, Lebanon, Jordan, Iraq, Egypt, Europe, and beyond. A number of nations, including our closest allies, have pledged to share some of this responsibility and accept Syrian refugees into their borders. For example, the new government of our neighbor to the north, Canada, has pledged to accept 25,000 Syrian refugees this calendar year. President Hollande of France, while his country reels from the terrorist attacks of last week, subsequently reiterated his nation's commitment to accepting Syrian refugees.

Meanwhile, our Government has pledged to increase the number of Syrian refugees we will accept, from approximately 1,682 last fiscal year to at least 10,000 this fiscal year. This represents a modest commitment by our Government to accept less than one percent of the approximately four million Syrian refugees in the world.

Further, it is important to note that the overwhelming majority of Syrian refugees we have accepted and will accept are families, victims of torture, and children. We have prioritized the most vulnerable of Syrian refugees for resettlement—which means those who are the principal victims of the violence perpetrated by both the Assad regime and ISIL in Syria. A very small proportion of these refugees have been or will be adult males who are not accompanied by children nor joining family in the U.S., and those adult males who are accepted will generally be especially vulnerable individuals, such as survivors of torture, LGBT individuals, or those with disabilities.

A refugee applicant cannot be approved for travel and admission to the United States until all required security checks have been completed and cleared. Bottom line—under the current system, if there is doubt about whether an applicant would pose a security risk, that individual will not be admitted to the United States as a refugee. Below is a detailed description of the process for vetting refugees.

First, many candidates for refugee resettlement in the United States are interviewed by the United Nations High Commissioner for Refugees (UNHCR) to determine whether they meet the definition of refugee—i.e., persons who have been persecuted, or have a well-founded fear of persecution, based on political opinion, social group, race, religion, or nationality.

In the interview, UNHCR identifies any “red flags” which would render individuals ineligible for resettlement under our laws and security protocols. UNHCR also screens applicants to determine whether they fall within the priorities the United States has established for resettlement—those refugees who are deemed most vulnerable. Examples of priority profiles include families, unaccompanied children, victims of torture, and individuals with family ties in the United States.

Second, a refugee applicant is referred by the UNHCR to the United States along with a package of information. At that point, the State Department takes over the process. Resettlement support centers, operated by faith-based and international organizations contracting with the State Department, first interview the applicant to confirm information about the case and collect any identification documents and aliases used by the refugee applicants and initiate security checks, which are exclusively conducted by the U.S. Government. These interviews provide the U.S. Government a very useful tool for gathering information about a potential refugee that may not already exist in a database.

For every single refugee applicant, the Department of State conducts biographic checks of the refugee's primary name and any aliases against its Consular Lookout and Support System database (CLASS). CLASS includes watchlist information from the Terrorist Screening Database (TSDB), the Drug Enforcement Agency, the FBI's Terrorist Screening Center and Interpol, including criminal history, immigration history, and records of any prior visa applications submitted by the applicants. Significantly, for individuals meeting certain criteria, the Department of State also requests a Security Advisory Opinion name check against law enforcement and intelligence databases. In addition, the Department of State initiates an interagency check against intelligence community holdings, including the National Counterterrorism Center. These enhanced biographic checks are conducted for all refugee applicants within a designated age range, regardless of nationality. This vetting occurs throughout the process.

Third, refugee applicants screened by the Department of State are then referred to the United States Citizen and Immigration Services (USCIS) at the Department of Homeland Security (DHS), where USCIS oversees rigorous refugee status interviews and additional security vetting. Security checks are an integral part of this process.

USCIS collects biometric information, consisting of fingerprints, for each refugee applicant, ages 14 to 79. USCIS coordinates the screening of refugee applicant fingerprints against the vast biometric holdings of the Federal Bureau of Investigation's Next Generation Identification system, and DHS's Automated Biometric Identification System (IDENT). Through IDENT, applicant fingerprints are screened not only against watchlist information, but also for previous immigration encounters in the United States and overseas—including, for example, cases in which the applicant previously applied for a visa at a U.S. embassy.

Working with the Department of Homeland Security, the Department of Defense augments biometric screening on refugee applicants of all nationalities who fall within the prescribed age ranges by checking the fingerprints of refugee applicants against their own database.

At the same time, a team of highly-trained USCIS refugee officers is responsible for personally conducting the refugee status interviews. These officers undergo five weeks of specialized and extensive training that includes comprehensive instruction on all aspects of the job, including refugee law, grounds of inadmissibility, fraud detection and prevention, security protocols, interviewing techniques, credibility analysis, and country conditions research.

Before deploying overseas, officers also receive additional weeks of pre-departure training, which focuses on the specific population that they will be interviewing, detailed

country of origin information, and updates on any fraud trends or security issues that have been identified. Officers conducting interviews of Syrian applicants now undergo an additional one-week training focusing on Syria-specific topics, including classified intelligence briefings.

USCIS has officers providing intelligence-driven support to adjudicators to identify threats and lines of inquiry, as well as watchlisting and dissemination of intelligence information reports on applicants determined to present national security threats. Every officer's decision, whether it is to approve or deny a refugee's application, is reviewed by a supervisor. Refugee status is granted by USCIS only after supervisory review, once the application is deemed complete. Applications are often placed on hold until supplemental information is obtained.

Fourth, before an approved refugee arrives in the United States, U.S. Customs and Border Protection (CBP) at DHS receives a manifest of all refugees who have prior approval to travel to the United States. CBP receives this manifest eight days before a refugee's scheduled travel. The agency performs initial vetting before they arrival at a Port of Entry, then conducts additional background checks of these subjects upon arrival.

Fifth, and finally, the Department of State and the Department of Health and Human Services work together to determine an appropriate resettlement site in the United States, transport the refugee, and provide services to help the refugee make the transition to self-sufficiency and become contributing members of the community.

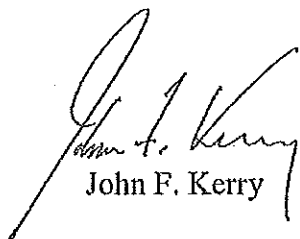
We want to emphasize that no one has a right to be resettled in the United States as a refugee. All refugees, including Syrians, may only be admitted the United States after USCIS receives all the security checks run by the intelligence and law enforcement communities and all issues are resolved. With every refugee application, the burden of proof is on the applicant—the refugee must show that he or she qualifies for refugee status. The law requires the applicant to provide information that establishes their identity and allows us to assess whether they present a security risk to the country. If the expert screener fails to be satisfied on either score, the applicant will not be resettled in the United States.

Our multi-agency system for vetting refugees is strong, and it has been significantly enhanced over the past few years. Indeed, applicants for refugee admission are screened more carefully than any other type of traveler to the United States. We have tremendous faith in this system's ability to detect, investigate, and disrupt terrorist plotting in this country, as it has done repeatedly. With these measures in place, we believe that we are able to both protect the American people and maintain this Nation's long standing position as the world's beacon of hope and freedom.

The Honorable Sam Brownback
Page 5

Our highest priority is the protection of the American people. We look forward to continuing to work with you to ensure our Nation lives up to its humanitarian heritage while keeping the American people safe.

Sincerely,



John F. Kerry



Jen Charles Johnson



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Refugee Resettlement | 3701 L'Enfant Promenade, S.W., Washington, DC 20447
www.acf.hhs.gov/programs/orr

Resettlement of Syrian Refugees

DCL-16-02

Date: November 25, 2015

Dear Colleague,

The Office of Refugee Resettlement (ORR) remains committed to serving some of the world's most vulnerable people, those seeking refuge in the United States. ORR's role, which is a collaborative effort with you, the states, local governments, resettlement agencies and community-based organizations, is to help refugees achieve economic self-sufficiency and integration as quickly as possible after they arrive in the United States so they can begin new lives free from war, persecution and conflict.

We appreciate the continued strong commitment that many state and local leaders have expressed for the U.S. resettlement program and pledge to work with all states implementing the President's plan to resettle at least 10,000 Syrian refugees in the United States in FY 2016.

ORR is aware that state and local leaders, including some governors, have expressed concern about the resettlement of Syrian refugees in their states. In light of these concerns, we note that the resettlement process begins with the work of our federal agency partners in screening and vetting refugees. All refugees are subject to the highest level of security checks of any category of traveler to the United States, a multi-layered and intensive screening and vetting process involving multiple law enforcement, national security, and intelligence agencies across the Federal Government. Syrian refugees are subject to even more precautions than other refugees. It is the most robust screening process for any category of individuals seeking admissions into the United States, and it is only after admission that ORR and our partners in resettlement begin our work.

The Refugee Act of 1980 requires states to provide "assistance and services . . . to refugees without regard to race, religion, nationality, sex, or political opinion." 8 U.S.C. §1522(a)(5). Through the state plan process, states and ORR agree on the resettlement activities in each state. Consistent with the Refugee Act, state plans must include an assurance that "assistance and services funded under the plan will be provided to refugees without regard to race, religion, nationality, sex, or political opinion." 45 CFR §400.5(g). States must certify that their state plan is current and continues in effect each fiscal year. See 45 CFR §400.4.

States that continue to use ORR funding must ensure that assistance and services are delivered without regard to race, religion, nationality, sex, or political opinion. States may not deny ORR-funded benefits and services to refugees based on a refugee's country of origin or



ADMINISTRATION FOR
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Office of Refugee Resettlement | 370 L'Enfant Promenade, S.W., Washington, DC 20447
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religious affiliation. Accordingly, states may not categorically deny ORR-funded benefits and services to Syrian refugees. Any state with such a policy would not be in compliance with the State Plan requirements, applicable statutes, and their own assurances, and could be subject to enforcement action, including suspension or termination. In addition to these authorities, Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, prohibits discrimination on the bases of race and national origin in all programs or activities that receive Federal financial assistance. Thus, it is not permissible to deny federally funded benefits such as Medicaid or TANF to refugees who otherwise meet the eligibility requirements.

ORR is committed to ensuring that all refugees receive the assistance and services vital to achieving their potential in the United States and becoming self-sufficient, integrated members of our communities. You play an important role in the refugee resettlement program. We will continue to consult with you closely in the implementation of the program and to allay any concerns you may have about the program. We look forward to continuing our partnership with you.

Sincerely,

Robert Carey, Director
Office of Refugee Resettlement

THE WHITE HOUSE
WASHINGTON

November 30, 2015

The Honorable Sam Brownback
Governor
State of Kansas
300 SW 10th Avenue, Suite 212S
Topeka, KS 66612

Dear Governor Brownback:

As part of our ongoing conversation with Governors across the country regarding the refugee resettlement program, I am writing today to follow up on a Governors call I hosted on November 17.

On the call and in follow up conversations and correspondence, we have provided Governors a detailed description of the process for vetting refugees and we continue to believe the security vetting for this population is extraordinarily thorough and comprehensive. It is the most robust screening process for any category of individuals seeking admission into the United States. The process is multi-layered and intensive, involving multiple law enforcement, national security, and intelligence agencies across the Federal Government. Additional precautions have been added with regard to Syrian refugees and we continually evaluate whether more precautions are necessary.

Notwithstanding this thorough vetting process, I wanted to follow up on requests from Governors for more consistent and official communication from the Administration about the placement process.

To that end and given NGA's role as the collective voice of the nation's Governors on matters related to national policy, I am proposing establishing a new process through the NGA for the U.S. Department of State to accept individualized requests from Governors for more regular access to refugee resettlement information.

Upon receipt of a Governor's request, the State Department would compile a tailored report for the individual state submitting the request. The report would include information on refugees resettled during the prior month and fiscal year-to-date.

In addition, at the request of the Governor, the State Department would provide this information on a monthly recurring basis via a password protected website. The monthly report would include the total number of refugees resettled in the state broken down by nationality, age range and gender.

This proposal responds to Governors' input while protecting the privacy of refugee families.

Furthermore, the U.S. Department of State and the U.S. Department of Health and Human Services are prepared to brief Governors on the refugee resettlement process and to discuss working together to improve the program at NGA's next convening. Additionally, the Secretary of Homeland Security is prepared to work with NGA to provide further information to Governors on the refugee vetting process and to discuss options for enhanced collaboration.

Finally, enclosed with this letter is a brief overview of the resettlement process here in the United States, as well as contact information for points of contact within the key Federal agencies responsible for administering and supporting the refugee resettlement program.

We look forward to continuing to work with you to maintain this successful program that over the last four decades has made the United States a leader in welcoming refugees.

Sincerely,

A handwritten signature in dark ink, appearing to read 'DMcDonough', with a stylized flourish at the end.

Denis R. McDonough
Assistant to the President
and White House Chief of Staff

Overview of Domestic Resettlement Through the U.S. Refugee Admissions Program

Since 1975, Americans have welcomed over 3 million refugees from all over the world. Refugees have built new lives, homes and communities in towns and cities in all 50 states.

For refugees in the U.S. Refugee Admissions Program approved to be admitted to the United States, the International Organization for Migration, a State Department partner organization, arranges air travel to the United States. The Department of State works with nine domestic non-governmental organizations (NGOs) to facilitate the initial placement of refugees into U.S. communities and provide transitional assistance to each refugee or refugee family. Every week, representatives from these NGOs use information on refugees approved for admission to the United States, which is sent by U.S.-funded Resettlement Support Centers abroad, to determine where within the United States to resettle each refugee or refugee family.

In making this determination, the NGOs work to match the particular needs of each incoming refugee with the specific resources available in a local community. For instance, if a refugee has relatives in the United States, he/she is likely to be resettled near or with them. The nine NGOs, which maintain a nationwide network of 304 affiliated offices in 173 locations, also take into account factors such as language abilities in the community, and housing and labor market conditions in their areas of operation. In addition, the NGOs take into account views expressed in regular consultations with officials such as State Refugee Coordinators, State Refugee Health Coordinators, public health, school, social welfare and other service representatives. These officials are able to receive information on the resettlement program through these consultations, and basic data on refugee arrivals is also provided through the public website, www.wrapsnet.org.

As concerns support for resettled refugees, federal government funds, from the Department of State and Department of Health and Human Services (HHS), supplemented by funds and in-kind contributions from private sources help to cover transitional assistance for the initial months after arrival in the United States. Additionally, representatives of the non-governmental organizations welcome refugees at the airport, find safe and affordable housing, and provide a variety of other services to promote early self-sufficiency and cultural adjustment. This includes providing basic furnishings, clothing, food, assistance in applying for social security cards, registering children in school, helping refugees learn how to access public transportation and grocery stores, arranging medical appointments, and connecting refugees with employment, English language classes, and other services. HHS also works through the states and with NGOs to provide longer-term cash and medical assistance, as well as English language, employment, and social services.

Through the collaborative effort of several components of the federal government, a range of NGOs, including faith-based NGOs, countless everyday Americans, and state and local leaders all over the country, the U.S. Refugee Admissions Program has sustained decades of success in ensuring that refugees achieve their potential in the United States and become integrated members of our communities. Inquiries from state and local officials about the program and related procedures can be directed to Lawrence Bartlett, Director of Admissions in the State Department's Bureau of Population, Refugees, and Migration (BartlettLE@state.gov) or to Robert Carey, Director for the Office of Refugee Resettlement in the Department of Health and Human Service's Administration for Children and Families (Robert.Carey@acf.hhs.gov).

December 31, 2015

Mr. Denis R. McDonough
Assistant to the President & Chief of Staff
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. McDonough:

Thank you for your correspondence dated November 30, 2015 regarding refugee resettlement. I am writing to follow up on the offer of additional information contained in that letter. It is my understanding that one or more refugees have been or are about to be relocated to Kansas from Syria. Notwithstanding Kansas Executive Order 15-07, which prevents state government from assisting in such relocations, the refugee resettlement organizations have demanded state government assistance, and the federal Office of Refugee Resettlement has threatened the state with alleged legal violations.

Your November 30 letter indicated that Governors could request a "tailored report" for their individual state to include "information on refugees resettled during the prior month and fiscal year-to-date." You also have indicated that these individuals are subject to "the most robust screening process for any category of individuals seeking admissions into the United States." Accordingly, I hereby request on behalf of the State of Kansas a copy of all such documentation and files concerning any individual refugee relocated or proposed to be relocated from Syria to Kansas since November 16, 2015. The state is prepared to enter into an appropriate agreement to maintain the confidentiality and security of these documents.

Although the State of Kansas appreciates the many assurances contained in your November 30 letter, along with those of Secretary Kerry and Secretary Johnson in their November 20 letter and the Office of Refugee Resettlement in its November 25 letter, we are also mindful of contradictory statements made by other federal officials. Your offer of additional information and production of the information requested herein should be helpful in confirming those assurances. Thank you for your attention to this request.

Sincerely,



Sam Brownback
Governor of Kansas

cc: Sec. Kerry, Sec. Johnson

Capitol Building
Room 241-South
300 SW 10th Street
Topeka, KS 66612



Phone: (785) 296-3232
Fax: (785) 368-8788
governor@ks.gov

Sam Brownback, Governor

December 31, 2015

The Honorable John Kerry
Secretary of State
2201 C Street, NW
Washington, DC 20520

The Honorable Jeh Johnson
Secretary of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Dear Secretary Kerry and Secretary Johnson:

Thank you for your correspondence dated November 20, 2015 regarding refugee resettlement.

It is my understanding that one or more refugees have been or are about to be relocated to Kansas from Syria. Notwithstanding Kansas Executive Order 15-07, which prevents state government from assisting in such relocations, the refugee resettlement organizations have demanded state government assistance, and the federal Office of Refugee Resettlement has threatened the state with alleged legal violations.

You have indicated that these individuals are subject to "the most robust screening process for any category of individuals seeking admissions into the United States." I hereby request on behalf of the State of Kansas a copy of all such documentation and files concerning any individual refugee relocated or proposed to be relocated from Syria to Kansas since November 16, 2015. The State is prepared to enter into an appropriate agreement to maintain the confidentiality and security of these documents.

Although the State of Kansas appreciates the many assurances contained in your November 20 letter, we are also mindful of contradictory statements made by other federal officials. Production of the information requested herein should be helpful in confirming those assurances.

Thank you for your attention to this request.

Sincerely,

Sam Brownback
Governor of Kansas

cc: Mr. Denis R. McDonough