

# **EXHIBIT 19**

DONALD WARREN NEUFELD, 30(B)(6) - 08/09/2018

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

Case No. 3:18-cv-1554-EMC

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CRISTA RAMOS, et al.,  
Plaintiffs,

vs.

KIRSTJEN NIELSEN, et al.,  
Defendants.

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VIDEOTAPE 30(B)(6) DEPOSITION OF  
U.S. DEPARTMENT OF HOMELAND SECURITY  
VIA ITS REPRESENTATIVE DONALD WARREN NEUFELD

Thursday, August 9, 2018  
Washington, D.C.

REPORTED BY:  
Susan Ashe, RMR, CRR  
Job Number LA-185456

1 Q. Do you know under any administration?

2 A. No.

3 Q. Once Office of Policy and Strategy has a  
4 draft recommendation memo, what's the next step?

5 A. It goes to the director for his or her  
6 consideration and ultimate sign-off.

7 Q. Is there any internal review that happens  
8 of that memo before it goes to the director?

9 A. There has been at times a concurrence  
10 process.

11 So the draft would be -- there's a  
12 standing process for concurrence at the USCIS on any  
13 kind of correspondence or documentation, and it's --  
14 in the past that -- I'm aware that that  
15 recommendation memo -- recommendation memos have  
16 gone -- that draft recommendation memos have gone  
17 through that concurrence process before they --  
18 before it makes it up to the director for signature.

19 Q. Is there a standard procedure within USCIS  
20 for that concurrence process?

21 A. The concurrence process is standardized.

22 What gets submitted to it is not  
23 necessarily standardized.

24 Q. It sounded like some -- that  
25 recommendation memos went through this concurrence

1 process at some point in time, but not always.

2 A. That's correct.

3 Q. Okay. Can you explain when it went  
4 through, when it didn't?

5 A. So I know that recently there has not been  
6 a recommendation memo going through the concurrence  
7 process.

8 I don't know precisely when it stopped,  
9 and I can't say with certainty that since 2008 every  
10 single one of them has gone through that kind of  
11 concurrence process.

12 I have a recollection of seeing them at  
13 times over the years.

14 Q. What is the last recommendation memo that  
15 you recall going through the concurrence process?

16 A. I'm not 100 percent sure.

17 I think that for the first -- under this  
18 administration, the first time Haiti was being  
19 considered, I think that that recommendation memo --  
20 I don't know whether the final version went through  
21 the concurrence process, but I recall -- I'm pretty  
22 sure I recall seeing a draft of that for input.

23 But what I should say there is -- what I  
24 see -- as one of the components that would receive  
25 it for concurrence, my review of it is not so much

1 Q. Other than the recommendation memo --  
2 actually, let me back up one second.

3 Does the concurrence process involve all  
4 of the different directorates and offices within  
5 USCIS?

6 A. I believe so, yes. I'm sure it includes  
7 all of the directorates. I'm not sure that every  
8 program office is included.

9 Q. Okay.

10 A. I know that many are. I just can't think  
11 of any that are not.

12 Q. And do you know if there is some sort of  
13 written SOP that deals with the concurrence process?

14 A. I'm sure there must be, but I don't know  
15 what --

16 Q. This is a government-held job.

17 A. Yes.

18 Q. Do you know who I would ask if I wanted to  
19 get that SOP?

20 A. Gemma Button.

21 Q. In connection with the recommendation  
22 memo, are there other documents that are prepared in  
23 conjunction with the recommendation memo?

24 And if it's changed over time, let me  
25 know, and we'll break it up.

1           A.    Yes.  So the Federal Register Notice in  
2 the past was prepared usually concurrently with the  
3 recommendation memo with the idea being that it  
4 would be ready for publication once the secretary  
5 made a decision.

6                    So the risk there has always been that the  
7 decision wouldn't be what folks thought it might be,  
8 and then it would have been wasted effort.

9                    But for years the two were developed  
10 basically at the same time.

11                   And then....

12                   So as I described the recommendation memo,  
13 that has always been the responsibility for Policy  
14 and Strategy.

15                   The Federal Register Notice was -- is a  
16 document that Service Center Operations managed the  
17 process.  So we -- I won't -- I want to be sure to  
18 not characterize it as that we had any authority as  
19 far as like what was included in it, but we would  
20 draft it based on what we thought needed to be  
21 included in there.

22                   And a lot of it is about the operational  
23 process, which is why I think historically it had  
24 fallen to us.

25                   But since....  A piece of that is the -- a

1 description of the -- why the decision that was made  
2 is being made, or was made, you know, why the  
3 decision was -- is what it is.

4 And with the -- so in the past, we would  
5 have -- we used information from the conditions  
6 report that RAIIO would produce.

7 We would -- we in Service Center  
8 Operations would pull information from that that we  
9 thought would likely be pertinent.

10 All of this is, again, just trying to  
11 speed up the process so that we wouldn't be waiting  
12 for the FRN to be issued once the decision was made.

13 So we would draft sort of notional  
14 language that would be put in there as the  
15 explanation for the decision that hadn't even been  
16 made yet.

17 With the last Sudan determination, we did  
18 draft the FRN, but we left that section that  
19 explains the decision blank for the Office of Policy  
20 and Strategy to fill in.

21 And then with the most recent Haiti  
22 determination, we didn't even draft the FRN. That  
23 was turned over to Policy and Strategy as well.

24 Q. And how about with the most recent  
25 El Salvador, Nicaragua FRNs?

1 DISTRICT OF COLUMBIA )

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4 I, SUSAN ASHE, a Registered Merit Reporter  
5 and Notary Public, do hereby certify:

6 That the foregoing proceedings were taken before  
7 me at the time and place herein set forth; that any  
8 witnesses in the foregoing proceedings, prior to  
9 testifying, were placed under oath; that a verbatim  
10 record of the proceedings was made by me using machine  
11 shorthand which was thereafter transcribed under my  
12 direction; further, that the foregoing is a true record  
13 of the testimony given.

14 Before completion of the deposition, review of  
15 the transcript [X] was [ ] was not requested. If  
16 requested, any changes made by the deponent (and provided  
17 to the reporter) during the period allowed are appended  
18 hereto.

19 I further certify that I am not interested in  
20 the outcome of the action.

21 WITNESS my hand this date August 10th, 2018.

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25 My Commission Expires: May 31, 2022