

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)
DR. KUSUMA NIO, *et al.*,)

Plaintiffs,)

v.)

UNITED STATES DEPARTMENT OF)
HOMELAND SECURITY, *et al.*,)

Defendants.)
_____)

Civil Action No. 1:17-00998-ESH-RMM

DEFENDANTS' JUNE 14, 2019 REPORT TO THE COURT

Pursuant to the Court’s Minute Orders of April 19, 2019, and May 23, 2019, as well as the Court’s prior orders (ECF Nos. 135, 159, 198, 232, 239), Defendants United States Department of Homeland Security, *et al.*, respectfully submit the enclosed report¹, detailing current and former *Nio* class members’:

- a. Enlistment Date
- b. Naturalization Application Filing Date²
- c. “Special Processing” Investigation Screening Completion Date³

¹ The redacted report is attached to this filing. Additionally, a secure unredacted excel version of the report has been sent to Chambers and Plaintiffs’ counsel (*see* ECF No. 198). The data provided by USCIS is current as of June 12, 2019. The data provided by DoD is current as of June 7, 2019. *See* Exhibit A, Summary of Statistics.

² In some cases, the spreadsheet notes multiple N-400 receipt dates. *See* Exhibit B, Pending N-400 Applications. This means that the specific class member filed multiple N-400s. Accordingly, the spreadsheet details the information on these multiple applications.

³ Based on the layout of the chart provided in Appendix A of the Court’s January 8, 2019 Order (ECF No. 232 at 4), Defendants read the Court’s order as requesting one date: the date in which the latest “Special Processing” phase was completed and the case became “CAF adjudication ready.” DoD only tracks the NIAC completion date and the CI screening completion date.

- d. MSSR Result (suitable/unsuitable/pending)
- e. MSSR Date (blank if pending)
- f. MSSR Notification Date
- g. MSSD Completion Date (blank if pending)
- h. MSSD Result (suitable/unsuitable/pending).
- i. Naturalization Interview Scheduled? (yes/no)
- j. Naturalization Interview Completed? (yes/no)
- k. Naturalization Interview Date (blank if not scheduled)
- l. Naturalization Case Status (approved/denied/withdrawn/pending)
- m. Naturalization Date (blank if not naturalized)
- n. Effective Discharge Date (blank if not discharged)
- o. Discharge Revoked? (yes/no)
- p. Offered Reinstatement Pursuant to Oct. 26, 2018 Memo (yes/no/will be)
- q. Discharge Due to Unsuitable MSSD (yes/no/blank if not discharged)
- r. Separation Code (blank if not separated)⁴

This report reflects that approximately 1,256 former *Nio* class members are now United States citizens. *See* Ex. A. There are 726 class members with pending naturalization applications. Of those, 52 have already been interviewed, and 23 have interviews scheduled.

Since Defendants' February 8 Report (ECF No. 234):

- 39 *Nio* class members have naturalized (*see* Ex. A) and;
- 20 have received an MSSD determination uploaded to the shared portal with USCIS. *Id.*

⁴ A key that defines the separation codes is being provided as Exhibit C.

DATED: June 14, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director, Office of Immigration Litigation

COLIN A. KISOR
Deputy Director, Office of Immigration Litigation

By: /s/ *Elianis N. Perez*
ELIANIS N. PEREZ
Assistant Director
U.S. Department of Justice, Civil Division
Office of Immigration Litigation –
District Court Section
P.O. Box 868, Washington, DC 20044
Telephone: 202-616-9124
Facsimile: 202-305-7000
e-Mail: elianis.perez@usdoj.gov

By: /s/ *C. Frederick Sheffield*
C. FREDERICK SHEFFIELD
Senior Litigation Counsel
U.S. Department of Justice, Civil Division
Office of Immigration Litigation –
District Court Section
P.O. Box 868, Washington, DC 20044
Telephone: 202-616-9124
Facsimile: 202-305-7000
e-Mail: carlton.f.sheffield@usdoj.gov

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE
Civil Action No. 1:17-00998-ESH-RMM

I HEREBY CERTIFY that on this **14th day of June, 2019**, a true copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing via e-mail to the following:

Douglas W. Baruch
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP
801 17th Street, NW
Washington, DC 20006
(202) 639-7493
(202) 639-7003 (fax)
douglas.baruch@friedfrank.com

ATTORNEY FOR PLAINTIFFS

/s/ C. Frederick Sheffield

C. FREDERICK SHEFFIELD
Senior Litigation Counsel
United States Department of Justice

ATTORNEY FOR DEFENDANTS

EXHIBIT A

Individuals Pending		Individuals Naturalized - Total		Pending With Interviews Completed		Pending With Interviews Scheduled
726		1,256		52		23
Individuals who received MSSD Uploaded to USCIS since May Report		Individuals Naturalized - Since May Report				
83		39				
<i>Please note:</i>						
<i>The data provided by USCIS is current as of June 12, 2019.</i>						
<i>The data provided by DoD is current as of June 7, 2019.</i>						

EXHIBIT B

Table with columns: Case No., Acquisition Date, Acquisition Method, Acquisition Price, Acquisition Price Per Share, and various financial metrics. The table is a large grid of financial data for multiple companies, with some rows highlighted in red.

Case No.	Case Name	Case Description	Case Status	Case Date	Case Amount	Case Type	Case Category	Case Subcategory	Case Detail	Case Value	Case Location	Case Contact	Case Notes	Case Actions	Case History	Case Date	Case Amount	Case Type	Case Category	Case Subcategory	Case Detail	Case Value	Case Location	Case Contact	Case Notes	Case Actions	Case History		
101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001	101000001

EXHIBIT C

Code	Description	Reference	Note	Type
		AR 635-200, chap 4	7	Invol
		AR 635-200, para 16-5, 16-6, 16-7 & 16-9		Invol
		AR 635-200, para 16-7	3	Invol
		AR 635-200, para 5-10		Invol
		AR 635-200, chap 18		Invol
		AR 635-200, chap 7, sec V		Invol
		AR 635-200, para 5-8		Invol
		AR 380-67		Invol
		AR 635-200, para 5-9		Invol
		AR 635-200, chap 7, sec II		Invol
		AR 635-200, chap 7, sec III		Invol
		AR 635-200, para 5-3		Invol
		AR 635-40, para 4-24b (3)		Invol
		AR 635-40, para 4-24b (4)		Invol
		AR 635-40, para 4-24b (6)		Invol
		AR 635-40, para 4-24b (3)	8	Invol
		(To be determined)	9	Invol
		AR 635-200, para 13-2e		Invol
		AR 635-200, para 5-17		Invol
		AR 635-200, para 5-11		Invol
		AR 635-200, para 5-13		Invol
		AR 635-200, chap 11		Invol
		AR 635-200, para 19-12		Invol
		AR 635-200, chap 13		Invol
		AR 635-200, chap 3		Invol
		AR 635-200, chap 3		Invol
		AR 635-200, chap 3, sec III		Invol
		AR 635-200, para 14-12b		Invol
		AR 635-200, chap 14, sec II		Invol
		AR 635-200, para 14-12c (1)		Invol
		AR 635-200, para 14-12c (1)		Invol
		AR 635-200, para 14-12c (2)		Invol
		AR 635-200, para 14-12c (4)		Invol
		(To be determined)	10	Invol
		AR 635-200, para 14-12a		Invol
		AR 635-200, para 14-12c		Invol
		AR 635-200, para 14-12c		Invol
		AR 635-200, para 5-14		Invol
		AR 635-200, chap 9		Invol
		AR 635-200, chap 9		Invol

Code	Description	Reference	Note	Type
		AR 635-200, chap 4	1	Vol
		AR 635-200, para 16-5		Vol
		AR 635-200, para 16-7	2	Vol
		AR 635-200, para 16-7	2	Vol
		AR 635-200, para 16-7	3	Vol
		AR 635-200, para 5-16		Vol
		AR 600-43		Vol
		AR 635-200, para 5-4		Vol
		AR 635-200, para 6-3a or b		Vol
		AR 635-200, chap 8		Vol
		AR 635-200, para 6-3b(1) or (2)		Vol
		AR 635-200, para 16-10		Vol
		AR 635-200, chap 7, sec III		Vol
		AR 635-200, para 5-3		Vol
		AR 635-40, chap 5		Vol
		AR 635-200, chap 10		Vol
		AR 635-200, para 5-17		Vol
		AR 635-200, para 16-4a or b, or para 19-13a or b		Vol
		AR 635-200, para 16-1a		Vol
		AR 635-200, para 16-1a		Vol
		(To be determined)		Vol
		(To be determined)		Vol
		AR 635-200, para 16-2		Vol
		AR 635-200, para 16-3	4	Vol
		(To be determined)	5	Vol
		AR 635-200, chap 4	7	Invol REFRAD
		AR 635-200, para 16-5		Invol REFRAD
		AR 635-200, para 16-7	3	Invol REFRAD
		AR 635-200, chap 18		Invol REFRAD
		AR 635-200, para 5-8		Invol REFRAD
		AR 635-200, para 5-9		Invol REFRAD
		AR 635-200, chap 7, sec III		Invol REFRAD
		AR 635-200, para 5-3		Invol REFRAD
		AR 635-200, para 13-2e		Invol REFRAD
		AR 635-200, para 5-17		Invol REFRAD
		AR 635-200, para 5-11		Invol REFRAD
		AR 635-200, para 5-13		Invol REFRAD
		AR 635-200, chap 11		Invol REFRAD
		AR 635-200, para 5-15a(2)		Invol REFRAD
		(To be determined)	5	Invol REFRAD

Code	Description	Reference	Note	Type
		AR 635-200, chap 4	6	Vol REFRAD
		AR 635-200, para 16-5, 16-6, 16-8 or 16-9		Vol REFRAD
		AR 635-200, para 16-7	2	Vol REFRAD
		AR 635-200, para 16-7	2	Vol REFRAD
		AR 635-200, para 16-7	3	Vol REFRAD
		AR 635-200, para 5-16		Vol REFRAD
		AR 635-200, para 5-4		Vol REFRAD
		AR 635-200, para 6-3a or b		Vol REFRAD
		AR 635-200, chap 8		Vol REFRAD
		AR 635-200, para 6-3b(1) or (2)		Vol REFRAD
		AR 635-200, para 16-10		Vol REFRAD
		AR 635-200, chap 7, sec III		Vol REFRAD
		AR 635-200, para 5-3		Vol REFRAD
		AR 635-40, para 4-24b(5)		Vol REFRAD
		AR 635-200, para 16-4a or b, or 19-13c		Vol REFRAD
		AR 635-200, para 5-15a(1)		Vol REFRAD
		(To be determined)	5	Vol REFRAD
		AR 635-200, chap 12		Retirement
		AR 635-200, chap 12	11	Retirement
		AR 635-200, chap 12	11	Retirement
		AR 635-40, para 4-24b(1)		Retirement
		AR 635-40, para 4-24b(2)		Retirement
		AR 601-10	12	Retirement
		AR 635-40, para 4-24b(7)	13	Retirement
		AR 635-40, para 4-24b(7)	13	Retirement
		AR 635-40, para 4-24b(7)	13	Retirement
		AR 635-200, chap 7, sec IV		Release
		AR 635-200, para 5-9		Release
		AR 635-200, chap 7, sec II		Release
		AR 635-200, chap 7, sec III		Release