Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Dr. Kusuma NIO, *et al.*	)	
Plaintiffs,	)	**Civil Action No.**
	)	
v.	)	**1:17-cv-00998-ESH**
	)	
U.S. DEPARTMENT OF HOMELAND SECURITY (DHS), *et al.*	)	
	)	
Defendants.	)	

DECLARATION OF DANIEL M. RENAUD

I, Daniel M. Renaud, make the following declaration, as permitted by Section 1746 of Title 28 of the United States Code. I am aware that this declaration will be filed in the above-captioned civil action with the United States District Court for the District of Columbia. I hereby certify:

1. I am employed by the United States Department of Homeland Security ("DHS"), United States Citizenship and Immigration Services ("USCIS"), as Associate Director, Field Operations Directorate ("FOD"), USCIS Headquarters ("HQ"), Washington, DC. I make this declaration based on my personal knowledge, and review of official documents and records maintained by USCIS.

2. I am the author of the July 7, 2017, USCIS guidance that directs FOD personnel not to proceed to interview, approve, or administer the Oath of Allegiance to Military Accessions Vital to the National Interest ("MAVNI") recruits applying for military naturalization until all DoD background and security checks are completed. I am also the official who made the final decision to institute this guidance. I made this decision

orally, during a meeting with other FOD officials. I am unaware of any written record of this meeting or any written materials prepared specifically for the meeting, apart from the July 7, 2017, guidance itself.

3. The attached documents include a briefing paper for the Secretary of Homeland Security, which I helped draft in June 2017, as FOD considered whether to require completion of DoD background and security checks for military naturalization purposes for MAVNI enlistees. The documents also include five emails from DoD officials regarding derogatory information obtained during DoD background checks, which my staff received between December 2016 and June 2017. Although I did not personally review each of these emails, my staff described their content to me prior to my decision to require the DoD background checks. Of particular importance to my decision were two cases about which my staff was orally briefed during a visit to Fort Jackson on or about May 9, 2017. In both cases, an applicant naturalized before his or her DoD background checks revealed derogatory information that USCIS would have considered, had it known about the information, in determining whether the individual was eligible to naturalize. Although the briefings took place orally, there are references to the cases in a sixth attached email, with the subject line "FW: Ft Jackson Visit."

4. In addition to the documents attached here, my decision took into account numerous verbal conversations, both telephonic and in-person, between my staff at USCIS and DoD personnel between the fall of 2016 and the summer of 2017. These conversations took place regularly, on both scheduled and *ad hoc* bases, and occurred approximately two to three times per week between February 2017 and the date of my decision to require the DoD background checks. As a result of these conversations, I learned that DoD had

significant national security concerns regarding the population of MAVNI recruits, informed by a classified DoD Inspector General report and other classified reports, which I understand have been provided to the Court. These verbal conversations were not memorialized in written documentation but were strong contributing reasons for the guidance issued on July 7, 2017.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

Executed this 5th day of March, 2018, at Washington, D.C.

Daniel M. Renaud
Associate Director
Field Operations Division
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, N.W, Suite 200
Washington, D.C. 20529

From: Young, Claudia F
To: Renaud, Daniel M; Cowan, Robert M; Jones, Keith A; Muzyka, Carolyn L; Pietropaoli, Lori A; Bryson, Tony R; Valverde, Michael; FOD-DDs-DDDs-COS; FOD-FODs; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y
Cc: Short, Gina L; Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Kvortek, Lisette E; Farnam, Julie E
Subject: RE: Updated MAVNI N-400 Guidance
Date: Thursday, July 27, 2017 2:59:16 PM

Please be advised that the below guidance from Associate Director Dan Renaud supersedes all previous emails and guidance on MAVNI holds. This guidance clarified that there is no longer any hold on N-400s filed by MAVNI recruits. However, these applications cannot be processed until all DoD enhanced security checks are complete. Field Operations is now engaged in discussions with DoD on the process DoD/USCIS will have to inform USCIS of MAVNI enlistees who have successfully completed the required enhanced background checks.

We will keep you updated on the process and let you know of any cases that successfully complete the required enhanced background checks.

Thanks,
Claudia

Claudia F Young
Division Chief, Citizenship and Operations Support
Field Operations Directorate
[redacted]

From: Renaud, Daniel M
Sent: Friday, July 07, 2017 10:23 AM
To: Cowan, Robert M; Jones, Keith A; Muzyka, Carolyn L; Pietropaoli, Lori A; Bryson, Tony R; Valverde, Michael; FOD-DDs-DDDs-COS; FOD-FODs; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y
Cc: Young, Claudia F; Short, Gina L; Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Nuebel Kovarik, Kathy; Alfonso, Angelica M; Patching, Laura D; Kvortek, Lisette E; Farnam, Julie E
Subject: Updated MAVNI N-400 Guidance

Summary

USCIS has determined that the completion of DOD background checks is relevant to a MAVNI recruit's eligibility for naturalization. As such, all pending and future MAVNI cases may not proceed to interview, approval, or oath until confirmation that all enhanced DoD security checks are completed.

Background

On September 30, 2016, the Department of Defense (DoD) issued a policy memorandum to require enhanced security checks for MAVNI recruits. DoD required that these checks be completed for all MAVNI enlistees prior to attending Basic Training.

Beginning in October/November 2016 timeframe, the Army began enlisting MAVNI enlistees into the DTP (Delayed Training Program). In the February 2017 timeframe, USCIS began to see N-400 applications submitted with certified N-426s (Request for Certification of Military or Naval Service) for enlistees in the SRRR who were drilling on weekends, but were awaiting their background checks to clear before being permitted to attend Basic Training.

Over the past year and a half, USCIS has become aware of circumstances and instances where MAVNI enlistees have applied for naturalization or been naturalized before a DoD background check revealed derogatory information suggesting that they lacked good moral character or attachment to the U.S. Constitution. Derogatory information about MAVNI applicants that has been obtained through DoD enhanced background checks includes, but is not limited to, immigration fraud, criminal acts, aggravated felonies, active membership and participation in the Communist Party, and national security concerns. USCIS has become increasingly concerned about MAVNI applicants' eligibility for naturalization specifically related to Good Moral Character (GMC) and attachment to the Constitution.

On April 13, 2017, following discussions with DoD regarding concerns about naturalizing MAVNI enlistees prior to completion of military security checks, USCIS decided to place certain MAVNI naturalization applications on a processing hold while we determined:

1) If pre-basic training drill time was considered "membership in the SRRR" and reasonably certifiable as "honorable service;"
1) If incomplete military security checks should have prevented the N-426 certifications; and
2) Which officials were authorized by the U.S. Armed Forces to sign and certify N-426s.

On April 13, the Citizenship Branch instructed the field to hold SRRR cases based on this information. On May 25 Field Operations Directorate clarified the request to the field, indicating the hold specifically pertained to MAVNI DTP SRRR naturalization cases for those MAVNI enlistees who had not completed Basic Training and to cases in which MAVNI recruits entered Basic Training or began serving only after September 30, 2016.

Guidance

USCIS must ensure that each MAVNI naturalization applicant demonstrates good moral character and attachment to the U.S. Constitution as required by the INA and 8 CFR. In order to do so, each applicant must receive proper DoD vetting and clearance in alignment with the September 30, 2016 MAVNI extension authorization and restrictions. Consequently, USCIS will not proceed to interview, approve, or oath any currently pending or future MAVNI naturalization applicants applying for naturalization under INA § 329, regardless of their active duty or reserve service, until all enhanced DoD security checks are completed.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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DHS USCIS MAVNI Program

Military Accessions Vital to the National Interest (MAVNI) Program
In 2009, the Department of Defense (DOD) authorized the MAVNI pilot program as a recruitment pilot to enlist certain nonimmigrants and other foreign nationals with skills considered vital to the national interest of the United States. The program applies to certain health care professionals and foreign nationals fluent in certain foreign languages. MAVNI enlistees may apply for naturalization under section 329 of the Immigration and Nationality Act (INA) upon completing the enlistment process of the U.S. armed forces.

Incomplete Military Security Checks
On September 30, 2016, DOD issued a policy requiring enhanced security checks for MAVNI recruits to be completed for all MAVNI enlistees prior to attending Basic Training or serving for any period of time on active duty in the Armed Forces.

In or around February 2017, USCIS began to see Forms N-400, Application for Naturalization, being filed along with Form N-426, Request for Certification of Military or Naval Service, for MAVNI participants who enlisted in the Delayed Training Program (DTP) and drilling with the Selected Reserve of the Ready Reserve (SRRR) while awaiting their military background checks to clear, permitting them to attend Basic Combat Training (BCT). This raised a question within USCIS Field Offices: was attending pre-BCT drills sufficient to meet the honorable service and SRRR membership requirements of INA 329(a). On April 13, 2017, USCIS brought the issue of the DTP cases to DOD's attention. DOD expressed concern that DTP applicants who had not yet attended BCT were filing N-400s and certified N-426s. During this meeting, USCIS and DOD decided it would be in the best interest of both organizations to place these cases on a processing hold while DOD determined:

1) If pre-BCT drill time counted as honorable service as a member of the SRRR
2) If incomplete military security checks should have prevented the N-426 certification

USCIS has placed approximately 400 N-400 applications on hold with certified N-426s for recruits in the DTP who have not attended BASIC Training due to incomplete enhanced security checks. Originally, the hold was for the purpose of awaiting guidance from DOD on whether the N-426s were appropriately issued. [redacted] USCIS is still concerned about approving these applications while the DOD enhanced security checks are outstanding because [redacted] security concerns regarding MAVNI recruits, informed by a classified DOD Inspector General report.

Litigation
On May 25, 2017, a putative class action lawsuit, *Nio, et al. v. DHS*, 17-cv-0098-ESH, was filed against DHS, USCIS, and DOD in the U.S. District Court, District of Columbia regarding the delays in the processing of MAVNI cases. On June 28, 2017, the Nio plaintiffs filed a motion for a preliminary injunction. One thing Plaintiffs ask for in the preliminary injunction is for USCIS to recognize each plaintiff as maintaining the immigration status that he or she had at the time of enlistment. [redacted] USCIS views additional background checks at the naturalization stage as necessary and appropriate in accordance with its general authority to conduct background checks on naturalization applicants.

[redacted]

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From: St clair, Linden H CIV USARMY HQDA ASA MRA (US)
To: St clair, Linden H CIV USARMY HQDA ASA MRA (US)
Subject: Discharged USAR Soldier (MAVNI Enlistment) (UNCLASSIFIED)
Date: Thursday, June 08, 2017 2:49:09 PM
Attachments: [redacted] Discharge Order.pdf

CLASSIFICATION: UNCLASSIFIED

Colleagues,

We received the below on a USAR Soldier (MAVNI applicant) in May.
Individual was released from the DTP on [redacted].

Thanks,
Lin

Mr. Lin St. Clair
Assistant Deputy for Recruiting
ASA M&RA
[redacted]

-----Original Message-----
From: Castma, Anelia CIV USARMY 902 MI GRP (US)
Subject: Potential Insider threat re Reserve Soldier ([redacted])

Main Issue: Suspicious Activity Report-Potential Money Laundering
Comments: SUSPICIOUS ACTIVITY REPORT FROM THE V01 ITEM REFLECTS THE FOLLOWING INFORMATION:

[redacted] - A POTENTIAL MONEY LAUNDERING AND SUSPICIOUS EFT/WIRE TRANSFERS WAS IDENTIFIED BY [redacted] IN THE AMOUNT OF [redacted]. REPORT SHOWS CONTINUED SUSPICIOUS WIRE ACTIVITY THAT GIVES THE APPEARANCE OF MONEY LAUNDERING. THERE IS SUSPICIOUS DOMESTIC AND INTERNATIONAL WIRES THAT GIVE THE APPEARANCE OF MONEY LAUNDERING, SUBJECT STATED THE PURPOSE OF A MONEY WIRE WAS TO PURCHASE A [redacted] AND TO EXPORT THE [redacted] TO [redacted]. SUBJECT STATED HE BUYS TWO OR THREE [redacted] THAT WILL FIT A CONTAINER AND SHIPS TO [redacted], SUBJECT WAS ADVISED THAT [redacted] DOES NOT ALLOW IMPORT/EXPORT OF [redacted] THROUGH ACCOUNTS HOWEVER THE ACTIVITY OF PURCHASING CONTINUED, THE MANNER IN WHICH THE OUTGOING WIRE ACTIVITY WAS CONDUCTED IS SUSPICIOUS DUE TO INTENDED PURPOSE OF [redacted] BEING EXPORTED TO [redacted]. THE ACTIVITY GIVES THE APPERANCE OF MONEY LAUNDERING BEING THE FINAL DESTINATION OF [redacted] IS UNKNOWN. [redacted] HAS RECOMMENDED THIS ACCOUNT FOR CLOSURE DUE TO MITIGATE RISK.

A [redacted] INDICATED ON [redacted] THAT A POTENTIAL MONEY LAUNDERING, SUSPICIOUS USE OF MULTIPLE ACCOUNTS, TWO OR MORE INDIVIDUALS WORKING TOGETHER AND TRANSACTION WITH NO APPARENT ECONOMIC, BUSINESS OR LAWFUL PURPOSE WAS IDENTIFIED BY [redacted] IN THE AMOUNT OF [redacted]. REPORT SHOWS ACCOUNTS WERE USED TO CONDUCT SUSPICIOUS MONEY MOVEMENT. THE ACCOUNTS WERE USED TO RECEIVE AND EXIT [redacted] PAYMENTS TOTALING [redacted] USD. ACCOUNTS ARE RECEIVING PERSONAL PAYMENTS FOR UNKNOWN REASONS AND THEN SENDING THE FUNDS TO SUSPECT ACCOUNTS THEN EXITED THE FUNDS VIA BANK WITHDRAWALS TO BANK ACCOUNTS. THIS ACTIVITY IS SYNONYMOUS TO SUSPICIOUS MONEY MOVEMENT. THE SOURCE OF THE FUNDS IS UNKNOWN AND THE VENUE OF THE

TRANSACTIONS IS UNKNOWN, [redacted] WILL CONTINUE TO MONITOR THE ACCOUNTS FOR SUSPICIOUS ACTIVITY.

A [redacted] INDICATED ON [redacted] THAT A POTENTIAL MONEY LAUNDERING, SUSPICIOUS EFT/WIRE TRANSFERS, SUSPICIOUS USE OF NONCASH MONETARY INSTRUMENTS, TRANSACTION OUT OF PATTERN FOR CUSTOMERS, SUSPICIOUS CONCERNING THE SOURCE OF FUNDS, TWO OR MORE INDIVIDUALS WORKING TOGETHER AND TRANSACTIONS WITH NO APPARENT ECONOMIC, BUSINESS OR LAWFUL PURPOSE WAS IDENTIFIED BY [redacted] IN THE AMOUNT OF [redacted]. REPORT SHOWS SUSPICIOUS INCOMING DOMESTIC AND INTERNATIONAL WIRES THAT GIVE THE APPEARANCE OF MONEY LAUNDERING, [redacted] SUSPICIOUS INCOMING INTERNATIONAL AND DOMESTIC WIRES TOTALING [redacted] IN THE AMOUNTS OF [redacted] TO [redacted] THAT GAVE THE APPEARANCE OF MONEY LAUNDERING. INTERNATIONAL WIRES CAME FROM [redacted] IN [redacted] FROM [redacted] AND [redacted], THE INCOMING INTERNATIONAL AND DOMESTIC WIRES REPRESENT AN UNUSUAL MONEY MOVEMENT OF FUNDS, APPEARS OUT OF PATTERN AND HAS AN UNKNOWN ECONOMIC AND LAWFUL PURPOSE THAT GIVES THE APPEARANCE OF MONEY LAUNDERING, THE TRUE SOURCE OF THE INCOMING WIRES IS UNKNOWN AND CONSIDERED SUSPICIOUS, SUBJECT STATED THE MONEY WAS FOR PURCHASING [redacted] FOR [redacted] WIRES HIM THE MONEY FROM [redacted] AND SUBJECT PURCHASES THE [redacted] AND SENDS THEM TO [redacted], [redacted] WILL COMPLETE A FOLLOW UP REVIEW TO MONITOR FOR CONTINUING ACTIVITY.

A [redacted] INDICATED ON [redacted] THAT A POTENTIAL MONEY LAUNDERING, SUSPICIOUS EFT/WIRE TRANSFERS, SUSPICIOUS USE OF NONCASH MONETARY INSTRUMENTS, TRANSACTION OUT OF PATTERN FOR CUSTOMERS, SUSPICIOUS CONCERNING THE SOURCE OF FUNDS, TWO OR MORE INDIVIDUALS WORKING TOGETHER AND TRANSACTIONS WITH NO APPARENT ECONOMIC, BUSINESS OR LAWFUL PURPOSE WAS IDENTIFIED BY [redacted] IN THE AMOUNT OF [redacted] WITH A CUMULATIVE AMOUNT OF [redacted], REPORT SHOWS SUSPICIOUS INTERNATIONAL WIRE ACTIVITY TOTALING [redacted] FROM UNKNOWN SOURCE AND THAT GIVES THE APPEARANCE OF MONEYLAUNDERING, SUSPICIOUS WIRE ACTIVITY CONSISTED OF [redacted] INTERNATIONAL WIRES IN THE SAME AMOUNT RANGING FROM [redacted] TO [redacted], INTERNATIONAL WIRES CAME FROM [redacted] IN [redacted] FROM [redacted]. THE INCOMING INTERNATIONAL AND DOMESTIC WIRES REPRESENT AN UNUSUAL MONEY MOVEMENT OF FUNDS AND HAS AN UNKNOWN ECONOMIC AND LAWFUL PURPOSE THAT GIVES THE APPEARANCE OF MONEY LAUNDERING, IT APPEARS TWO OR MORE INDIVIDUALS WORKING TOGETHER FOR THESE SUSPICIOUS INTERNATIONAL WIRE ACTIVITY. THE TRUE SOURCE OF THE INCOMING WIRES IS UNKNOWN AND CONSIDERED SUSPICIOUS, WHEN SUBJECT WAS QUESTIONED ABOUT THE INCOMING WIRE TRANSFERS FROM [redacted] SUBJECT INDICATED THE PURPOSE WAS FOR PURCHASING [redacted] FOR [redacted] WHICH [redacted] WIRES HIM THE MONEY FROM [redacted] AND SUBJECT PURCHASES THE [redacted] FOR HIM AND SEND THE [redacted] TO [redacted], THE FINAL DESTINATION OF THE [redacted] IS UNKNOWN AT THIS TIME [redacted] WILL COMPLETE A FOLLOW UP REVIEW TO MONITOR FOR CONTINUING ACTIVITY

V/R
Mrs. Anelia (Lindor) Castma
[redacted]
[redacted]
CLASSIFICATION: UNCLASSIFIED

DEPARTMENT OF THE ARMY
U.S. Army Recruiting Battalion, Southern California
[redacted]

ORDER No. [redacted]

[redacted]

You are discharged from component shown.

Authority: [redacted]
Effective Date: [redacted]
Component: United States Army Reserve
Type of Discharge: Uncharacterized
Additional Instruction: No Travel Required / Unit Request, [redacted]
Format: [redacted]

RAMELLA.STE
PHEN.DANTE. [redacted]

TROY V. ALEXANDER
LTC, AG
Commanding

DISTRIBUTION:
Cdr USARC, ATTN: AFRC-PRP (1)
Cdr, HHC, [redacted], San Diego, CA 85850 (1)
[redacted]
Electronic Records Management (ERM) Discharge Folder (1)
San Diego MEPS, [redacted]

From: Tilley, Wendy M
To: Wilkinson, Lorra M
Subject: FW: Ft Jackson Visit
Date: Wednesday, May 10, 2017 12:14:19 PM
Attachments: image001.png

Info as was returned on the request.

Respectfully,

Wendy Tilley

Regional Immigration Services Officer
Southeast Region
[redacted]

SER ELIS START link

From: Williams, Jaclyn M
Sent: Wednesday, May 10, 2017 11:48 AM
To: Tilley, Wendy M; Sentz, Robert W
Cc: Kernan, Joseph E; Bace, Philip R
Subject: RE: Ft Jackson Visit

Good morning Wendy,

Thank you again for visiting Fort Jackson. It was a really insightful visit for us as well. Robert is at supervisory training in Dallas this week, but here is the information that Lorra needs:

[redacted] ([redacted], file rec'd from NOR; t-file at NSC: DACA)

[redacted]

I see that this list is actually for less than 25 so it appears that at least a few of the SSBIs have cleared (to include Mr. [redacted], who is listed above).

Chaptered out:
[redacted], NATZ [redacted]
[redacted]
Chaptered out of the US Army [redacted] bad conduct discharge

[redacted], NATZ [redacted]
Chaptered out of the US Army [redacted] Failure to adapt discharge

We look forward to hearing more from you and Lorra.

Thanks,
Jaclyn

Jaclyn Williams | Field Office Director | Greer Field Office
Changing Lives Every Day
GRR[8]

WARNING: This email contains a document (s) categorized as FOR OFFICIAL USE ONLY (FOUO). The document (s) contains information that may be Exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This email and its attachment (s) are to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to Sensitive But Unclassified (SBU) information and are not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval from the originator.

From: Tilley, Wendy M
Sent: Wednesday, May 10, 2017 8:39 AM
To: Williams, Jaclyn M; Sentz, Robert W
Cc: Kernan, Joseph E; Bace, Philip R; Tilley, Wendy M
Subject: Ft Jackson Visit

Good Morning Jaclyn and Robert,

It was a pleasure meeting you and the visit to Ft. Jackson was highly productive ☺. As one take-away point, FOD POC Lorra Wilkinson was going to follow up on the DoD side for the 25 MAVNI still at Ft. Jackson with the SSBI still pending.

She would like the A-numbers of those 25 that Robert had on his list.

Also, as a take-away to the conversation regarding the [redacted] and the [redacted]: She would like the A-number of those two cases as well.

This will enable her to follow up on her end and assist with any policy discussions between USCIS and OSD regarding the information that is obtained from SSBI, the definition of "active duty" and also measures to put in place for information sharing.

(If you intend to just copy/scan the list you were working from, please ensure any SSN are redacted.)

We had several take-away points… and the 25 +2 MAVNI were just two of them…. But Lorra is able to start on these issues soonest if she can get the 25 A-numbers plus the 2 that were chaptered out unfavorably.

Thank you.

Respectfully,

Wendy Tilley

Regional Immigration Services Officer
Southeast Region
[redacted]

cid:image001.png@01CFD3FA.ED532E50

From:	St clair, Linden H CIV USARMY HQDA ASA MRA (US)
To:	Burbano, Roland; Johanns, Theodore L; Armesto, Anthony A; Wilkinson, Lorra M; Slaven, Dawn C; Wright, David N CIV WHS DOD CAF (US); Crowe, Patricia A CIV USARMY USAREC (US); Aswell, Paul L CIV USARMY HQDA DCS G-1 (US); Young, Twanda Edneatea (Tia) COL USARMY USARC HQ (US); Waddle, Brandon (LA) (FBI)
Cc:	Mayes, Michael D LTC USARMY HQDA DCS G-1 (US); Cook, Sandra M MSG USARMY USARC HQ (US); Sheehy, John J III CIV USARMY USAREC (US); Stallings, Megan B LTC USARMY HQDA DCS G-1 (US); Tooley, Kerry S CIV USARMY HRC (US); Cluxton, David T LTC USARMY HQDA OGC (US); Horvath, Robert A CIV USARMY HQ INSCOM (US); St clair, Linden H CIV USARMY HQDA ASA MRA (US); Green, Alphonsa D CIV USARMY HQDA DCS G-1 (US)
Subject:	Discharging USAR MAVNI from DTP (UNCLASSIFIED)
Date:	Monday, February 13, 2017 2:22:33 PM

CLASSIFICATION: UNCLASSIFIED

CLASSIFICATION: UNCLASSIFIED

Colleagues,

For your awareness and action as necessary. The below individual enlisted via the MAVNI program into the U.S. Army Reserve. Based upon the information we received from OPM - this individual's reservation has been canceled and she is to be discharged from the Delayed Training Program immediately. She has been determined ineligible to enlist in the United States Army.

Who: [redacted]
SSN: [redacted]
DOB: [redacted]

Please provide me with a copy of the individual's discharge order once complete.

Happy to discuss further. Please let me know if you have any additional questions.

Thanks,
Lin

-----Original Message-----
Sent: Monday, February 13, 2017 1:44 PM

Below is an OPM referral and the information was derived from an SSBI investigation opened [redacted].

Below is the information referred as a potential insider threat.

Who: [redacted]
SSN: [redacted]

What/ Case issues:

Not loyal to the United States: Source does not recommend Subject because Subject does not have a vested interest in protecting the US. Subject has no loyalty to the US or the US military. Subjects only motivation is to gain US

citizenship in order to sponsor other [redacted] nationals to come to the US. According to another Source, Subject does not have any loyalty to the US and would put the interests of [redacted] over the interests of the US. Subject has voiced her preference for [redacted] over the US and has stated at least once that she does not care for the US but that she is in the US because there is better education here than in [redacted].

Problematic Motivation for Citizenship: Subject told Source the only reason she wants to join the US Army is because it is the only way to become a citizen and in turn sponsor others into the US. Source was alarmed by this admission and does not feel Subject should be placed in a position that impacts national security because Subject is not loyal to the US or US military. Source and Sources husband, [redacted], have communicated these concerns to Subject. According to Source, [redacted] pressured Subject to get her pilots license and study at the aeronautical engineering program at [redacted]. [redacted] believes if Subject studies this field it will guarantee Subject a job which will allow her to stay longer in the US.

Poor English skills: Source, Subject's former teacher, does not recommend because Subject cannot safeguard classified information due to Subjects poor English skills. Subject does not have a full understanding of the English language when it comes to writing and this ability is detrimental to national security. Keeping information that impacts national security is too much to ask of Subject.

Dishonesty/Integrity Issue: After Subject graduated from High School at [redacted], Source found evidence of academic cheating. After Subject left to attend college in [redacted], Sources family hosted another student from [redacted]. Source found a binder in the students room which contained Subjects notes and former exams. Subject is fully aware of the cheating due to Sources spouse speaking with her directly about it. Source would not trust Subject to safeguard, handle or protect classified or sensitive information due to her willingness to provide notes/exams to other students at [redacted].

Comments: According to a case message, Subject withdrew from [redacted] in August 2016; Subject is currently enrolled at [redacted]. After speaking with Agent that conducted ESI, it appears Subject is being heavily pressured by [redacted] to gain US citizenship for his own personal reasons. Specifically [redacted] wants Subject to sponsor him to come to the US. The control [redacted] exerts over Subject is of concern, especially given [redacted] is not doing well financially. Subject is vulnerable to coercion if pressure is applied by [redacted].

CLASSIFICATION: UNCLASSIFIED
CLASSIFICATION: UNCLASSIFIED

From: St clair, Linden H CIV USARMY HQDA ASA MRA (US)
To: Burbano, Roland; Johanns, Theodore L; Armesto, Anthony A; Wilkinson, Lorra M; Slaven, Dawn C; Wright, David N CIV WHS DOD CAF (US); Waddle, Brandon (LA) (FBI)
Cc: Mathis, Twala D COL USARMY HQDA ASA MRA (US)
Subject: Discharge Orders (UNCLASSIFIED)
Date: Wednesday, January 25, 2017 9:14:36 AM
Attachments: Discharge ORDERS - [redacted].pdf

CLASSIFICATION: UNCLASSIFIED

All,

Please find the discharge orders for [redacted]

Thanks,
Lin

Mr. Lin St. Clair
Assistant Deputy for Recruiting
ASA M&RA
[redacted]

-----Original Message-----
From: St clair, Linden H CIV USARMY HQDA ASA MRA (US)
Sent: Thursday, January 19, 2017 9:57 AM
To: Burbano, Roland [redacted]; Johanns, Theodore L [redacted]; Armesto, Anthony A [redacted]; Wilkinson, Lorra M [redacted]; Slaven, Dawn C [redacted]; Wright, David N CIV WHS DOD CAF (US) [redacted]; Crowe, Patricia A CIV USARMY USAREC (US) [redacted]; Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [redacted]; Thomas, Brian A COL USARMY OCAR (US) [redacted]; Waddle, Brandon (LA) (FBI) [redacted]
Cc: Mayes, Michael D LTC USARMY HQDA DCS G-1 (US) [redacted]; Cook, Sandra M MSG USARMY USARC HQ (US) [redacted]; Sheehy, John J III CIV USARMY USAREC (US) [redacted]; Mathis, Twala D COL USARMY HQDA ASA MRA (US) [redacted]; Stallings, Megan B LTC USARMY HQDA DCS G-1 (US) [redacted]; Green, Alphonsa D CIV USARMY HQDA DCS G-1 (US) [redacted]; Tooley, Kerry S CIV USARMY HRC (US) [redacted]; Cluxton, David T LTC USARMY HQDA OGC (US) [redacted]; St clair, Linden H CIV USARMY HQDA ASA MRA (US) [redacted]
Subject: Discharging USAR MAVNI from DTP (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Colleagues,

For your awareness and action as necessary. The below individual enlisted via the MAVNI program into the U.S. Army Reserve. Based upon the information we received from OPM - this individual has been discharged from the Delayed Training Program - effective [redacted]. She has been determined ineligible to enlist in the United States Army.

Who: [redacted]

SSN: [redacted]
DOB: [redacted]
Location: [redacted]

Happy to discuss further. Please let me know if you have any additional questions.

Thanks,
Lin

-----Original Message-----
Sent: Wednesday, January 18, 2017 8:09 AM

Good Morning,

Below is an OPM referral and the information was derived from a background investigation for an SSBI investigation. Below is the information referred as a potential insider threat.

DPS reflects the following address she is assigned to.
[redacted]

Who: [redacted]
SSN: [redacted]

What / Case Issues:
> Loyalty to [redacted]. During the ESI Subject declared her loyalty to [redacted] as a [redacted] citizen. Subject stated if she became a US citizen, she may consider changing her loyalty at that time. Subject was proud and adamant that as long as she retains her [redacted] citizenship, she will remain loyal to [redacted].

> Dishonesty/Integrity Issue. Subject made a false claim of sexual assault against her boyfriend and instructor. According to Source, Source had knowledge of a reported sexual assault which occurred between Subject and her boyfriend/instructor in [redacted]. Source forwarded the information to the [redacted] Office of Institutional Equity. An hour after Source forwarded the complaint, Subject emailed Source apologizing for making a false report in [redacted] (exact date not recalled). Subject told Source she concocted an allegation of sexual assault to damage the reputation of her boyfriend/instructor. Subject was upset about her relationship ending and asked that her boyfriend/instructor not be punished. Subject stated she regretted making the report and had recanted her original sexual assault claim.

> Dishonesty/Integrity Issue. Source claims Subject manufactured a story to the [redacted] Housing office in order to break the lease and subsequently move in with Source at the start of their romantic relationship.

> Dishonesty/Integrity Issue. In [redacted], Source received notification from

one of Subject's professors that Subject had admitted to allowing another student to cheat off of her exam. Source, [redacted], called Subject in for a meeting to discuss the incident. Source recommended Subject receive a written warning for her academic dishonesty and that she receive a 0 on the test. She was allowed to stay in the course and this incident would be kept in her student conduct record.

> Violent Behavior. Subjects ex-boyfriend and former instructor does not recommend Subject due to a pattern of unstable behavior and believes Subject will be a liability to national security. Between [redacted] and [redacted] Source and Subject's relationship began to dissolve due to frequent verbal fighting that would escalate to physical assaults and police intervention. Source filed and served a personal protection order against Subject in [redacted]. Since [redacted] source and Subject have had contact via email, telephone and in-person. Source and Subject last had in-person contact in [redacted]. Source has knowledge that Subject has violated her personal protection order in [redacted]. Source has been contacted by Subject through the use of telephone and in-person contact.

> Personal Protection Order. The [redacted] Statewide Law Check revealed that on [redacted] the State of [redacted] 22nd Circuit Court, [redacted] County, [redacted], issued a Personal Protection Order (PPO) against Subject.. Violation of the PPO subjects [redacted] to immediate arrest and to the civil and criminal contempt powers of the court. If found guilty of violating the PPO, [redacted] will be imprisoned for not more than 93 days and may be fined more than $500.00. The PPO is enforceable anywhere in the State of [redacted] by any law enforcement agency.

> [redacted] Student Recruitment. Subject volunteered that she has started her own consulting business in [redacted]. Subject explained that she uses the social media platform of [redacted]* to advertise in [redacted], and only in [redacted]. Subject clarified that in [redacted] she started to advertise her consultation business to [redacted] students in [redacted] looking to apply for an F-1 Visa to study in the United States. Subject explained that as of [redacted] she only has two clients, one of which has only paid her the [redacted] consultation fee. After her advertisement Subject was contacted by an unknown person identified by the screen name of "[redacted]." [redacted] paid an initial [redacted] deposit to Subject. Subject helped [redacted] narrow choices of potential colleges in the United States to apply to and discussed the application process of what [redacted] will experience. After completion of applying to schools, Subject was paid an additional [redacted] by [redacted]. [redacted] was able to pay Subject directly to her [redacted] because Subject had given [redacted] her [redacted] account numbers and passwords. Subject explained that her other client was only identified screen name of "[redacted]" and as of [redacted] had not paid the [redacted] deposit to retain her services.

Comments: Multiple instances of derogatory information came from Subjects former boyfriend and former instructor. Their relationship was a violation of school policy and Subject reported the relationship to school officials after demanding payment of [redacted] USD from the instructor. When the instructor refused to be blackmailed and did not pay, Subject reported the relationship to school officials. It is apparent from his testimony that he is bitter and upset about the relationship and especially how the relationship ended (having to resort to getting a PPO). Although his testimony has a bias, there are multiple other factors that contribute to the overall risk picture for Subject.

*[redacted] is an instant messaging app founded in [redacted] by a [redacted] company named [redacted]. It is now on Facebook. [redacted] is mostly accessed on phones. It is ranked among top 10 of [redacted] social media sites with approximately

[redacted] million users.

CLASSIFICATION: UNCLASSIFIED
CLASSIFICATION: UNCLASSIFIED

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY RESERVE COMMAND
[redacted]

ORDERS [redacted]

[redacted]

You are discharged from component shown.

Authority: [redacted]
Effective date: [redacted]
Component: United States Army Reserve
Type of Discharge: UNCHARACTERIZED
Additional Instructions: Does not meet security criteria and future accession in the military service. MAVNI - Military Personnel Security [redacted].

Format: [redacted]

FOR THE COMMANDER:

****
* AGENCY *
* OFFICIAL *
****
MARK H. COGBURN
Assistant Adjutant
Army Reserve G-1

DISTRIBUTION:
Cdr, AHRC, ATTN:
[redacted] (1)
Cdr, HQ, U. S. Army
Reserve Command (1)
Cdr, [redacted]
PETRL CO (1)
PFC [redacted] (3)

From: St clair, Linden H CIV USARMY HQDA ASA MRA (US)
To: Wilkinson, Lorra M
Subject: [redacted] (UNCLASSIFIED)
Date: Tuesday, December 13, 2016 2:35:14 PM
Attachments: [redacted], STATEMENTS LER 162-16.pdf
[redacted] Discharge Orders (7 Nov 2016).pdf

CLASSIFICATION: UNCLASSIFIED

Lorra,

As requested. Let me know if this works - we're talking new precedent here.

Thanks,
Lin

Mr. Lin St. Clair
Assistant Deputy for Recruiting
ASA M&RA
Phone: [redacted]

CLASSIFICATION: UNCLASSIFIED

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT BENNING
DIRECTORATE OF HUMAN RESOURCES
[redacted]

ORDERS [redacted]

[redacted]

You are reassigned to the U.S. Army transition point shown for transition processing. After processing, you are discharged from the Component shown. If you are delayed in reporting to the transition point, you still must report to the transition point as soon as possible or as authorized to receive a new effective date of discharge.

Assigned to: FORT BENNING - STUDENT TC [redacted] FORT BENNING - STUDENT GA [redacted]
Reporting date: [redacted]
Comp: RESERVE
Date of discharge unless changed or rescinded: [redacted]
Additional instructions: a. AUTHORIZED TRAVEL FROM FORT BENNING, GA TO HOME OF RECORD. b. AUTHORIZED SHIPMENT OF UNACCOMPANIED BAGGAGE. c. SHIPMENT OF HOUSEHOLD GOODS NOT AUTHORIZED. d. FAMILY MEMBER ID CARDS ARE NO LONGER VALID AFTER EFFECTIVE DATE OF SEPARATION, AND, IF APPLICABLE, MUST BE RETURNED TO THE NEAREST MILITARY INSTALLATION FOR DESTRUCTION. e. OFFICIAL TRAVEL ARRANGEMENTS PURCHASED THROUGH A COMMERCIAL TRAVEL OFFICE (TRAVEL AGENCY) NOT UNDER CONTRACT TO THE GOVERNMENT IS NOT REIMBURSABLE. f. TICKET PURCHASED WITH CBA (CENTRALLY BILLED ACCOUNT) g. FOR QUESTIONS PERTAINING TO PAY ISSUES, PLEASE CONTACT MILITARY PAY AT [redacted]. DOB: [redacted]

FOR ARMY USE
Auth: [redacted]
HOR: [redacted]
Place EAD or OAD: [redacted]
MDC: [redacted]

FOR ADDITIONAL INFORMATION CONTACT:
Timothy Thomas [redacted]
SDN: [redacted]
Format: [redacted]

FOR THE COMMANDER:

****
* OFFICIAL *
* FORT BENNING, GA *
********** *
D. A. WILSON
ADJUTANT GENERAL

DISTRIBUTION:
[redacted]
Cdr 194TH 30TH AG IET RHU TR, ([redacted]) (1)
[redacted] (1)
FINANCE (2)DLR
1-FINANCE SEPARATIONS (1)

ORDERS [redacted] HQ, USAG, FT BENNING, GA [redacted]

1-TRAVEL (1)
CDR (1)
TRANSPORTATION (3)
MPRJ (1)

From: St clair, Linden H CIV USARMY HQDA ASA MRA (US)
To: Bracken, Scott M CIV (US); Derado, Peter D CIV (US); Wilkinson, Lorra M; Hooper, James; Johanns, Theodore L
Cc: Mayes, Michael D LTC USARMY HQDA DCS G-1 (US)
Subject: FW: Initiation of Separation ([redacted] and [redacted]) (UNCLASSIFIED)
Date: Monday, December 12, 2016 4:22:39 PM
Attachments: FM 1 Interview of [redacted].pdf
[redacted] Full Documentation (18 August 16).pdf
PFC [redacted] Separation Memo.pdf
[redacted] - Military Records (SF86).pdf
SPC [redacted] Separation Memo.pdf
[redacted] Full Documentation (18 August 16).pdf
DCS G-1 MAVNI Extension 19 DEC 14.pdf

CLASSIFICATION: UNCLASSIFIED

Colleagues,

FYI and for your files

Thanks,
Lin

Mr. Lin St. Clair
Assistant Deputy for Recruiting
ASA M&RA
Phone: [redacted]

-----Original Message-----
From: Mayes, Michael D LTC USARMY HQDA DCS G-1 (US)
Sent: Thursday, December 08, 2016 3:02 PM
To: St clair, Linden H CIV USARMY HQDA ASA MRA (US)
[redacted]
Subject: FW: Initiation of Separation ([redacted] and [redacted]) (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Lin,

Attached are the [redacted] and [redacted] separation memos, sent to TRADOC.

Thanks,
mdm

-----Original Message-----
From: Mayes, Michael D LTC USARMY HQDA DCS G-1 (US)
Sent: Wednesday, December 07, 2016 3:33 PM
To: Sisler, Jamie L CIV (US) [redacted]
Cc: Sines, Michael A LTC USARMY TRADOC (US) [redacted];
Jackson, Amy L LTC USARMY MEDCOM AMEDDCS (US)
[redacted]; Garrett, Christopher Blake (Chris) LTC
USARMY IMT (US) [redacted]
Subject: Initiation of Separation ([redacted] and [redacted]) (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Mr. Sisler,

LTC Garrett provided your name as a reference for the attached actions for initiation of separation for two MAVNI Soldiers currently in the training

base. SPC [redacted] and PFC [redacted] were not in a valid immigration status prior to enlistment and should be processed for administrative separation by their commands. I've been in contact with their commanders (cced) in previous weeks, so they are aware of this pending action.

If you have any questions, please don't hesitate to contact me.

Thank you,
mdm

Michael D. Mayes
LTC, AG
Reserve Personnel Policy Analyst
Enlisted Accessions Branch
Army G1 (DAPE-MPA)
[redacted]
DSN: [redacted]

CLASSIFICATION: UNCLASSIFIED

DEPARTMENT OF DEFENSE INSPECTOR GENERAL
DEFENSE CRIMINAL INVESTIGATIVE SERVICE
LONG BEACH RESIDENT AGENCY
[redacted]

[redacted] [redacted]

[redacted] **et al.**

INTERVIEW OF [redacted]: On [redacted] the Reporting Agent (RA), interviewed [redacted], of [redacted]; DOB: [redacted]; SSN: [redacted]; Private First Class, US Army. [redacted] is currently stationed at Fort Sam Houston, San Antonio, TX, where he is in training to become a mental healthcare specialist.

Prior to asking any questions, the RA advised [redacted] that he was not being detained and the interview was voluntary. [redacted] stated that he understood and voluntarily provided the following information:

[redacted] arrived in the United States from [redacted] on [redacted]. [redacted] was single and did not have a family at the time. After arriving, [redacted] enrolled at the [redacted], so he could learn English. In 2008, [redacted] began attending [redacted] where he stayed until approximately 2011.

In 2011, [redacted] enrolled at the [redacted], which is part of the Prodee network. According to [redacted], although enrolled, he did not attend [redacted] but attended the [redacted]. [redacted] said administrators told him they would "take care of his I-20" which stated he attended [redacted] even though he did not.

When he did attend, [redacted] attended school three to four days per week for approximately three hours per day. [redacted] did not attend school every week. [redacted] said he would sometimes miss school for two to three weeks at a time. When he did miss class, the school would call him because "they needed some people to go to class." [redacted] stated that he knew the Prodee Schools were pay to stay schools but "wanted to ignore the truth." [redacted] said he knew that an investigation was coming.

[redacted] said that he was offered a green card from Prodee but refused because he wanted to start clean in the military. [redacted] stated that he wants to remain in the U.S., and he thinks the best way to be a good American is to serve in the military.

After [redacted] exercised his right to end the interview, all questioning was halted.

[redacted]

Prepared by: SA [redacted], 50LB

[redacted]

Approved by: Acting RAC [redacted], 50LB

[redacted]

CLASSIFICATION:
FOR OFFICIAL USE ONLY

WARNING
This document is the property of the Department of Defense Inspector General and is on loan to your agency. Contents may not be disclosed to any party under investigation nor may this document be distributed outside receiving agency without specific prior authorization of he Assistant Inspector General for Investigations.

DoD Person Search

[redacted]

Person Search Results: [redacted]

Help Logoff Close all tabs User Documents

Search by ID | Search by SSNs | Search by Criteria | [12:11:09] | [redacted]

Search Info

Search Results

- FOUO - Contains PII data that is protected by the Privacy Act of 1974. Contents shall not be disclosed, discussed or shared with individuals unless they have a direct need-to-know in the performance of their official duties.

Person		DOD EDI ID		
[redacted]		[redacted]		
Person ID:	**ID Type:**	**Gender:**	**DOB Age**	**Death Date**
[redacted]	Social Security Number	[redacted]	[redacted]	
Email	**Home Phone**	**Work Phone**	**Fax**	**Country of Citizenship**
				[redacted]
			Home Address	**Mailing Address**
			[redacted]	, -

Personnel Info

Organization	Category:	Service	Begin Date
Army Active Duty	Active Duty	Army	[redacted]
Rank	**Rank Begin Date**	**Status**	**End Date**
Private First Class	[redacted]	Current	
Pay Plan:	**Pay Grade:**		
[redacted]	[redacted]		
Work Email	**UIC Code**	**UIC Begin Date**	**Work Address (from UIC)**
[redacted]	[redacted]	[redacted]	[redacted]

Dependents

[redacted]

U.S. Customs and Border Protection
U.S. Department of Homeland Security
Arrival and Departure Information System

Print
Close

Encounter View

Encounter Detail for: [redacted]

[redacted]

Visa Applications

Application Date: 2006-[redacted]
Applicant Name: [redacted]
Applicant DOB:
Relationship:

Watchlist History

USV Encounters

[redacted]

Encounter Date: 2009-[redacted]
Encounter ID:
Encounter Status:
Encounter Type:
Name:
DOB:
Gender:
Travel Documents:

Document Type:
Document Number: [redacted]
Issuance Country:
Expiration Date:

Comments:

[redacted]

Encounter Date: 2006-[redacted]
Encounter ID:
Encounter Status:
Encounter Type:
Name:
DOB:
Gender:
Travel Documents:

Document Type:
Document Number: [redacted]
Issuance Country:
Expiration Date:

Comments:

Event History

F-1 Student [redacted]

[redacted]

Start Date: 09/29/2015 End Date: 05/27/2016

Status: **ACTIVE**

SEVIS ID: [redacted]

GENDER [redacted]
DOB
PREFERRED NAME
PASSPORT NAME
COUNTRY OF BIRTH
CITIZENSHIP

EMAIL [redacted]

U.S. ADDRESS

Enter the date range and click the button to filter by event date

Search:

Expand All

From: To: Filter

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Registration	04/01/2016 20:43:29	ACTIVE	[redacted]	[redacted]		
Program Extension	04/01/2016 20:42:59	ACTIVE		[redacted]		
Program Extension	03/25/2016 20:27:09	ACTIVE		[redacted]		
Registration	10/09/2015 22:43:41	ACTIVE		[redacted]		
Program Shortened	10/09/2015 22:43:09	ACTIVE		[redacted]		
Program Information Updated	10/09/2015 22:42:55	ACTIVE		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Financial Information Updated	09/29/2015 20:34:18	ACTIVE	[redacted]	[redacted]		
Registration	09/29/2015 20:33:51	ACTIVE		[redacted]		
Change of Education Level Requested	09/29/2015 20:33:23	ACTIVE		[redacted]		
Record Created	09/29/2015 20:33:22	INITIAL		[redacted]		
Program Shortened	09/29/2015 20:31:14	ACTIVE		[redacted]		
Program Information Updated	09/29/2015 20:30:23	ACTIVE		[redacted]		
Personal Information Updated	04/06/2015 21:14:50	ACTIVE		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Registration	03/28/2015 21:57:57	ACTIVE	[redacted]	[redacted]		
Transfer Completed	03/28/2015 21:57:57	ACTIVE		[redacted]		
Record Created	03/28/2015 21:57:42	INITIAL		[redacted]		
Transfer Out Initiated	03/25/2015 15:15:02	DEACTIVATED		[redacted]		
Registration	08/06/2014 13:04:44	ACTIVE		[redacted]		
Registration	08/06/2014 12:54:26	ACTIVE		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Registration	02/26/2014 20:13:57	ACTIVE	[redacted]	[redacted]		
Registration	12/04/2013 18:02:26	ACTIVE		[redacted]		
Registration	07/29/2013 17:37:27	ACTIVE		[redacted]		
Change of Education Level Requested	07/29/2013 17:36:54	ACTIVE		[redacted]		
Record Created	07/29/2013 17:36:54	INITIAL		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Registration	10/19/2012 20:19:32	ACTIVE	[redacted]	[redacted]		
Program Extension	10/19/2012 20:19:17	ACTIVE		[redacted]		
Registration	10/27/2011 14:45:40	ACTIVE		[redacted]		
Transfer Completed	10/27/2011 14:45:39	ACTIVE		[redacted]		
Record Created	10/27/2011 14:44:56	INITIAL		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Transfer Released	10/27/2011 02:15:49	DEACTIVATED	[redacted]	[redacted]		
Transfer Out Initiated	10/18/2011 19:20:18	ACTIVE		[redacted]		
Personal Information Updated	06/07/2011 17:01:31	ACTIVE		[redacted]		
Registration	05/10/2011 17:11:19	ACTIVE		[redacted]		
CIP 2010 Minor Conversion	11/13/2010 13:24:36	ACTIVE		[redacted]		
CIP 2010 Secondary Major Conversion	11/13/2010 13:24:36	ACTIVE		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
CIP 2010 Conversion	11/13/2010 09:58:29	ACTIVE	[redacted]	[redacted]		
Registration	11/09/2010 17:30:41	ACTIVE		[redacted]		
Registration	04/23/2010 13:33:36	ACTIVE		[redacted]		
Transfer Completed	04/23/2010 13:33:36	ACTIVE		[redacted]		
Record Created	04/23/2010 13:32:46	INITIAL		[redacted]		
Transfer Released	04/23/2010 02:40:30	DEACTIVATED		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Registration	04/19/2010 17:52:56	ACTIVE	[redacted]	[redacted]		
Transfer Out Initiated	04/15/2010 19:17:31	ACTIVE		[redacted]		
Registration	11/03/2009 19:41:33	ACTIVE		[redacted]		
Change of Education Level Requested	11/03/2009 19:37:07	ACTIVE		[redacted]		
Record Created	11/03/2009 19:37:07	INITIAL		[redacted]		
ADIS Arrival	06/17/2009 08:48:50	ACTIVE		[redacted]		
ADIS Departure	04/24/2009 17:34:42	ACTIVE		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Registration	04/06/2009 18:09:18	ACTIVE	[redacted]	[redacted]	[redacted]	[redacted]
Registration	04/06/2009 18:08:24	ACTIVE	[redacted]	[redacted]	[redacted]	[redacted]
Registration	01/23/2009 18:18:08	ACTIVE	[redacted]	[redacted]	[redacted]	[redacted]
Registration	10/30/2008 17:20:06	ACTIVE	[redacted]	[redacted]	[redacted]	[redacted]
Program Extension	10/30/2008 17:17:52	ACTIVE	[redacted]	[redacted]	[redacted]	[redacted]
Registration	07/30/2008 15:32:49	ACTIVE	[redacted]	[redacted]	[redacted]	[redacted]
Registration	04/25/2008 16:42:08	ACTIVE	[redacted]	[redacted]	[redacted]	[redacted]

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Manual Data Change	04/20/2008 08:15:23	ACTIVE	[redacted]	[redacted]		
Registration	12/13/2007 18:51:26	ACTIVE		[redacted]		
Registration	05/31/2007 15:06:43	ACTIVE		[redacted]		
Registration	10/23/2006 17:54:50	ACTIVE		[redacted]		
Registration	10/23/2006 17:51:55	ACTIVE		[redacted]		
ADIS Arrival	10/14/2006 21:46:39	INITIAL		[redacted]		
NIV Interface	08/24/2006 10:02:06	INITIAL		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
I-901 Payment	08/16/2006 21:04:17	INITIAL	[redacted]	[redacted]		
Record Created	08/04/2006 13:48:54	INITIAL		[redacted]		

Return

AFFIDAVIT

I, [redacted] am a Supervisory Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI"). I have been a special agent with ICE, formerly known as the United States Customs Service [redacted] As a supervisory special agent, I have been involved in, and/or supervised investigations related to narcotics trafficking, money laundering, visa fraud, alien smuggling, computer crimes and gang activity.

From approximately March 2014 through June 2016, I was the supervisor overseeing the HSI Los Angeles criminal investigation into Prodee University ("PRODEE"), a large scale student visa fraud network operating in the Los Angeles, California, area. I am aware of the facts and circumstances contained herein based upon my independent knowledge, personal participation, as well as my review of documents, records, information, and evidence provided to me by other law enforcement officers and relevant personnel. Since this affidavit is submitted for the sole purpose of establishing clear and convincing evidence of certain aliens enrolled in the PRODEE network of schools, I have not necessarily included each and every fact known by the Government concerning this investigation.

Beginning in or about June 2011, HSI Special Agents commenced a criminal investigation into a network of post-secondary schools suspected of issuing Certificates of Eligibility for F-1 Student Status, known as the Form I-20, to foreign students for the sole purpose of remaining in the United States and not to study, as intended by the F-1 nonimmigrant visa classification. This network, owned or operated by Hee Sun SHIM, consisted of Prodee University, Neo-America Language School; American College of Forensic Studies; Likie Fashion & Technology College; and Walter Jay MD, an Educational Institute. On March 11, 2015, federal search and arrests warrants were executed in connection with a 21 count Grand Jury resulting in the arrest of SHIM, two co-conspirators, and the closing of the aforementioned schools. Furthermore, the investigation found that at no time did any of the schools function as legitimate learning institutions by enforcing attendance, holding consistently scheduled classes, or contributing to the overall academic progress of foreign nonimmigrant students.

During the course of the PRODEE investigation, it was discovered that many nonimmigrant "students" were using their alleged enrollment at the PRODEE network of schools to segue into the Military Accessions Vital to the National Interest ("MAVNI") program. According to this Department of Defense initiative certain nonimmigrants, such as F-1 foreign students, are eligible to enlist in the U.S. military if they possess certain critical skills AND are legally present in the U.S. for a minimum of two years immediately prior to enlistment. Due to the fraudulent nature of the PRODEE network, those students applying for and/or accepted into MAVNI from PRODEE may have predicated their enlistment on fraud.

[redacted]

Supervisory HSI Special Agent

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

January 2015 Grand Jury

UNITED STATES OF AMERICA, Plaintiff, v. HEE SUN SHIM, aka "Leonard Shim," aka "Leo Shim," HYUNG CHAN MOON, aka "Steve Moon," and EUN YOUNG CHOI, aka "Jamie Choi," Defendants.	CR No. 15- I N D I C T M E N T [18 U.S.C. § 371: Conspiracy; 18 U.S.C. § 1546(a): Fraud and Misuse of Visas, Permits, and Other Documents; 8 U.S.C. §§ 1324(a)(1)(A)(iv), (B)(i): Encouraging Illegal Residence for Private Financial Gain; 18 U.S.C. § 1956(a)(1)(A)(i): Laundering of Monetary Instruments; 18 U.S.C. § 2: Causing an Act to be Done; 18 U.S.C. §§ 982(a)(1), (a)(6)(A): Criminal Forfeiture]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim" ("SHIM"), owned, controlled, managed, and operated the following businesses, each of which was located within the Central District of California:

a. Prodee University/Neo-America Language School ("Prodee/Neo"), located at: (1) 2975 Wilshire Boulevard, Suites 500,

510, 526, and 540, Los Angeles, California 90010; and (2) 3251 West 6th Street, Suites 418 and 420, Los Angeles, California 90020.

b. Walter Jay M.D. Institute, an Educational Center ("WJMD"), located at 501 Shatto Place, Suite 120, Los Angeles, California 90020.

c. American College of Forensic Studies ("ACFS"), located at 2975 Wilshire Boulevard, Suite 430, Los Angeles, California 90010.

d. Likie Fashion and Technology College ("Likie"), previously located at 8450 East Garvey Avenue, Suite 201, Rosemead, California 91770, until on or about August 29, 2014, and presently located at 1000 South Fremont Avenue, Unit 46, Building A10, Suite 10425, Alhambra, California 91803.

2. Defendants HYUNG CHAN MOON, aka "Steve Moon" ("MOON"), and EUN YOUNG CHOI, aka "Jamie Choi" ("CHOI"), were employed by defendant SHIM, and assisted defendant SHIM in operating and managing Prodee/Neo, WJMD, ACFS, and Likie.

3. Prodee/Neo, WJMD, ACFS, and Likie were schools that admitted and purported to educate foreign citizens who desired to pursue academic studies in the United States.

4. The Department of Homeland Security ("DHS") was responsible for processing requests submitted by foreign citizens seeking lawful entry into and authority to remain in the United States. DHS was further responsible for collecting and maintaining accurate records of non-immigrant aliens living in the United States.

5. DHS ran several programs through which aliens could obtain permission to enter and remain in the United States, including the F-1 Student Visa Program. Under this program, foreign students could enter and remain in the United States on a temporary basis to pursue

academic studies. In order to obtain the immigration benefits afforded by the F-1 Student Visa Program, a foreign student had to be accepted into a DHS-approved school, and the same school had to issue the student a "Certificate of Eligibility for Nonimmigrant (F-1) Student Status – For Academic and Language Students" (commonly referred to as a "Form I-20"). By issuing a Form I-20 to a foreign student, the DHS-approved school certified that the student: (1) met all standards of admission for the school based on a review of the student's application, transcripts, proof of financial responsibility, and other records; and (2) had been accepted for, and would be required to pursue, a full course of study.

6. Once a foreign student received a Form I-20 from a DHS-approved school, the student was eligible to receive an F-1 Visa. The foreign student could then use the F-1 Visa and Form I-20 to enter and remain in the United States for a period of time known as "duration of status." Federal regulations defined "duration of status" as the time during which a foreign student was pursuing a full course of study at a DHS-approved school. Additionally, a foreign student was considered to be maintaining valid F-1 student status if he or she was making normal progress toward completing a course of study. After the foreign student completed his or her course of study, the student was required to depart the United States.

7. Once in the United States, a foreign student was permitted to transfer from one DHS-approved school to another, as long as the student was maintaining valid F-1 student status and pursuing a full course of study. In order to effect such a transfer while maintaining valid status, a foreign student had to first obtain a

Form I-20 from the DHS-approved school to which the student intended to transfer. The foreign student could then transfer to that school and remain in the United States as long as he or she pursued a full course of study at the new DHS-approved school.

8. The Student Exchange Visitors Information System ("SEVIS") was the government-run computer database that DHS-approved schools were required to use to maintain up-to-date and accurate records regarding the foreign students attending their schools. To that end, DHS-approved schools were required to report in SEVIS when foreign students completed their studies, dropped below a full course of study, failed to maintain status, or failed to complete their educational programs. The SEVIS database was the mechanism through which immigration officials monitored the status of foreign students who were enrolled at DHS-approved schools.

9. Prodee/Neo, WJMD, ACFS, and Likie were DHS-approved schools that were authorized to issue Form I-20s and admit foreign students.

[18 U.S.C. § 371]

1. The Grand Jury realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

A. OBJECT OF THE CONSPIRACY

2. Beginning on a date unknown to the Grand Jury and continuing to on or about March 10, 2015, in Los Angeles County, within the Central District of California, and elsewhere, defendants HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim" ("SHIM"), HYUNG CHAN MOON, aka "Steve Moon" ("MOON"), and EUN YOUNG CHOI, aka "Jamie Choi" ("CHOI"), and others known and unknown to the Grand Jury, conspired, combined, and agreed with each other to commit the following offense against the United States: To knowingly forge, alter, falsely make, use, possess, obtain, accept, and receive, and willfully cause to be forged, altered, falsely made, used, possessed, obtained, accepted, and received, a document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, that is, a Form I-20 for foreign students to attend Prodee/Neo, WJMD, ACFS, or Likie, knowing it to be forged, altered, and falsely made, to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, in violation of Title 18, United States Code, Sections 1546(a) and 2(b).

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B. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE ACCOMPLISHED

The object of the conspiracy was to be accomplished, in substance, as follows:

1. Defendant SHIM, with the assistance of defendants MOON and CHOI, and others known and unknown to the Grand Jury, would manage and operate four DHS-approved schools in the Los Angeles area, that is: Prodee/Neo, WJMD, ACFS, and Likie (collectively, the "Prodee/Neo Network").

2. Defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would accept and enroll foreign students into the Prodee/Neo Network, despite knowing that the foreign students they accepted and enrolled were not bona fide students, had no intention of attending the schools within the Prodee/Neo Network, and were living outside of the State of California (where the Prodee/Neo Network of schools are located), in states such as Arizona, Hawaii, Illinois, Nevada, Texas, and Washington.

3. Defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would inform the purported foreign students that they could enroll at one of the schools in the Prodee/Neo Network without having to attend classes.

4. After accepting these purported foreign students for admission into the Prodee/Neo Network, defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would issue and provide to the purported foreign students Form I-20s that were forged, altered, falsely made, and procured by fraud since the purported foreign students had no intention of attending school and were not bona fide students.

5. Defendant SHIM, and others known and unknown to the Grand Jury, would also enter information into SEVIS indicating that the purported foreign students enrolled in the Prodee/Neo Network of schools: (1) had been accepted for, and would be required to pursue, a full course of study; and (2) were attending classes at the schools, although defendant SHIM knew that the purported foreign students had no intention of attending school, and were, in fact, not attending school. In addition, defendant SHIM, and others known and unknown to the Grand Jury, would not inform DHS, through SEVIS, when the purported foreign students failed to: pursue a full course of study; maintain their F-1 student status; and complete their educational programs.

6. In order to conceal from immigration officials the fact that many of the purported foreign students who were enrolled in the Prodee/Neo Network lived outside of the State of California and thus did not attend classes at the schools in the Prodee/Neo Network, defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would not list the out-of-state addresses of these purported foreign students on their Form I-20s, or in SEVIS, and would instead provide false Los Angeles-area addresses to DHS for these foreign students. However, at the same time, defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would send Form I-20s and other school-related documents, via United States mail and private mail delivery, to the out-of-state addresses of these purported foreign students.

7. In order to deceive immigration officials, defendants SHIM and CHOI, and others known and unknown to the Grand Jury, would create fraudulent student records, including attendance records and

transcripts, for some of the foreign students who were purportedly attending schools in the Prodee/Neo Network. Defendants SHIM and CHOI, and others known and unknown to the Grand Jury, would submit these fraudulent records to immigration officials, if requested, and/or provide them to the purported foreign students for the purpose of deceiving immigration officials.

8. In order to avoid arousing the suspicions of immigration officials when purported foreign students remained in the United States for extended periods of time, defendant SHIM, and others known and unknown to the Grand Jury, would transfer the purported foreign students between schools in the Prodee/Neo Network. By transferring a purported foreign student from one school to another, defendant SHIM would be able to maintain that foreign student's F-1 student status for years without creating the appearance that the foreign student had pursued a course of study at a single school for an inordinate period of time.

9. In exchange for receiving a Form I-20 and being reported in SEVIS as a legitimate foreign student, purported foreign students would make "tuition" payments to defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, which corresponded to the length of time that the purported foreign students were enrolled at a school in the Prodee/Neo Network.

C. OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants SHIM, MOON, and CHOI, together with others known and unknown to the Grand Jury, committed and willfully caused others to commit various overt acts in Los Angeles County, within the Central

District of California, and elsewhere, including, but not limited to, the following:

Overt Act No. 1: On or about April 20, 2009, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 1, an individual living in Texas, was a registered and active student at Prodee/Neo.

Overt Act No. 2: On or about April 20, 2009, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 1, an individual living in Texas.

Overt Act No. 3: In or around July 2009, during a meeting at Prodee/Neo, defendant SHIM advised Foreign Student Number 8 that he could help Foreign Student Number 8 obtain F-1 student status despite the fact that Foreign Student Number 8 lived in Arizona and could not attend classes at the Prodee/Neo Network in Los Angeles.

Overt Act No. 4: On or about December 3, 2009, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 2, an individual living in San Francisco, was a registered and active student at Prodee/Neo.

Overt Act No. 5: On or about August 20, 2010, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 17, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 6: On or about August 20, 2010, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 17, an individual living in Nevada.

Overt Act No. 7: In or around November 2010, defendant SHIM spoke with Foreign Student Number 4, an individual living in Nevada, and advised Foreign Student Number 4 that he/she would be able to

enroll in Prodee/Neo and not attend classes, that "tuition" would be $1,200 for six months, and that Foreign Student Number 4's address in Los Angeles would be 1456 Colby Avenue, Apt. #6, for purposes of reporting information about Foreign Student Number 4 into SEVIS.

Overt Act No. 8: In or around November 2010, defendant SHIM caused to be issued and sent via United States mail Form I-20s from Prodee/Neo to Foreign Students Numbers 4 and 5, individuals living in Nevada.

Overt Act No. 9: On or about December 3, 2010, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 3, an individual living in Nevada, was a registered and active student at WJMD.

Overt Act No. 10: On or about December 8, 2010, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 4, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 11: On or about December 8, 2010, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 5, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 12: On or about December 27, 2010, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 18, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 13: On or about December 27, 2010, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 18, an individual living in Arizona.

Overt Act No. 14: On or about January 25, 2011, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 6, an individual living in Nevada, was a registered and active student at ACFS.

Overt Act No. 15: In or around August 2011, during a meeting at Prodee/Neo, defendant SHIM told Foreign Students Numbers 7 and 11 that they should try to move to California after Foreign Students Numbers 7 and 11 advised that they lived in Arizona and could not attend classes at Prodee/Neo, but defendant SHIM did not deactivate either Foreign Student Number 7 or 11 as students in SEVIS.

Overt Act No. 16: On or about August 8, 2011, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 7, an individual living in Arizona.

Overt Act No. 17: On or about August 9, 2011, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 7, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 18: On or about August 26, 2011, an unindicted co-conspirator entered information into SEVIS indicating that Foreign Student Number 8, an individual living in Arizona, was a registered and active student at Likie.

Overt Act No. 19: On or about November 16, 2011, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 4, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 20: On or about November 16, 2011, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 4, an individual living in Nevada.

Overt Act No. 21: On or about November 16, 2011, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 5, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 22: On or about November 16, 2011, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 5, an individual living in Nevada.

Overt Act No. 23: On or about December 15, 2011, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 18, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 24: On or about December 15, 2011, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 18, an individual living in Arizona.

Overt Act No. 25: On or about December 28, 2011, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 9, an individual living in Nevada, was a registered and active student at WJMD.

Overt Act No. 26: On or about April 3, 2012, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 10, an individual living in Arizona, was a registered and active student at ACFS.

Overt Act No. 27: On or about May 7, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 11, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 28: On or about May 7, 2012, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 11, an individual living in Arizona.

Overt Act No. 29: On or about June 28, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 2, an individual living in San Francisco, was a registered and active student at Likie.

Overt Act No. 30: On or about June 28, 2012, defendant SHIM issued a Form I-20 from Likie to Foreign Student Number 2, an individual living in San Francisco.

Overt Act No. 31: On or about July 11, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 7, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 32: On or about July 11, 2012, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 7, an individual living in Arizona.

Overt Act No. 33: On or about August 2, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 14, an individual living in Texas, was a registered and active student at Prodee/Neo.

Overt Act No. 34: On or about August 2, 2012, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 14, an individual living in Texas.

Overt Act No. 35: On or about August 31, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 8, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 36: On or about September 20, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 1, an individual living in Texas, was a registered and active student at Likie.

Overt Act No. 37: On or about September 20, 2012, defendant SHIM issued a Form I-20 from Likie to Foreign Student Number 1, an individual living in Texas.

Overt Act No. 38: On or about November 21, 2012, defendant SHIM caused to be delivered to DHS, by private mail delivery, fraudulent student records, including attendance records, transcripts, and bank statements, for Foreign Student Number 4, Foreign Student Number 5, Foreign Student Number 11, Foreign Student Number 12, Foreign Student Number 13, and Foreign Student Number 14.

Overt Act No. 39: On or about January 9, 2013, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 18, an individual living in Arizona, was a registered and active student at Likie.

Overt Act No. 40: On or about January 9, 2013, defendant SHIM issued a Form I-20 from Likie to Foreign Student Number 18, an individual living in Arizona.

Overt Act No. 41: On or about January 11, 2013, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 15, an individual living in Washington, was a registered and active student at Likie.

Overt Act No. 42: In or around January 2013, defendant CHOI enrolled Foreign Student Number 16, an individual living in Nevada, as a student at Prodee/Neo, accepted a $1,400 “tuition” payment from

Foreign Student Number 16, and advised Foreign Student Number 16 to say that he/she was actually attending the school if asked by anyone.

Overt Act No. 43: On or about January 18, 2013, defendant CHOI caused information to be entered into SEVIS indicating that Foreign Student Number 16, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 44: On or about January 21, 2013, defendant CHOI caused to be mailed a Form I-20, signed by defendant SHIM, from Prodee/Neo to Foreign Student Number 16, an individual living in Nevada.

Overt Act No. 45: On or about January 24, 2013, defendant MOON accepted a $1,200 “tuition” payment for Foreign Student Number 14 to remain enrolled at Prodee/Neo, during a time when Foreign Student Number 14 lived in Texas, which defendant MOON acknowledged would mean that Foreign Student Number 14 would not be able to attend classes regularly at Prodee/Neo.

Overt Act No. 46: On or about April 19, 2013, after being alerted that Foreign Student Number 15, an individual living in Washington, had been questioned by immigration officials about his/her enrollment at Likie, defendant SHIM deactivated Foreign Student Number 15 in SEVIS.

Overt Act No. 47: On or about May 16, 2013, defendant SHIM spoke with Foreign Student Number 1, an individual living in Texas, about a friend of Foreign Student Number 1 who wanted to enroll in the Prodee/Neo Network, and defendant SHIM advised that as long as the friend paid “tuition” and obtained a California driver’s license, the friend could stay out-of-state and not attend classes.

Overt Act No. 48: On or about May 29, 2013, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 11, an individual living in Arizona, was a registered and active student at WJMD.

Overt Act No. 49: On or about July 31, 2013, defendant MOON accepted a $1,800 "tuition" payment for Foreign Student Number 14 to be enrolled at Likie at a time when Foreign Student Number 14 lived in Texas.

Overt Act No. 50: On or about July 31, 2013, defendant MOON provided a Form I-20, signed by defendant SHIM, from Likie to Foreign Student Number 14, an individual living in Texas.

Overt Act No. 51: On or about July 31, 2013, defendant MOON caused information to be entered into SEVIS indicating that Foreign Student Number 14 was a registered and active student at Likie.

Overt Act No. 52: On or about August 1, 2013, defendants MOON and CHOI, and other unindicted co-conspirators, met at Prodee/Neo and discussed an upcoming accreditation review that would affect WJMD's authorization to admit foreign students, as well as defendants SHIM's and MOON's plan to deceive the accreditors by having students from Prodee/Neo pose as WJMD students during the accreditation review.

Overt Act No. 53: On or about August 19, 2013, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 7, an individual living in Arizona, was a registered and active student at ACFS.

Overt Act No. 54: On or about August 22, 2013, defendant MOON and other unindicted co-conspirators met at WJMD and discussed an upcoming accreditation review that would affect WJMD's authorization to admit foreign students, as well as defendants SHIM's and MOON's

plan to deceive the accreditors by having students from Prodee/Neo pose as WJMD students during the accreditation review.

Overt Act No. 55: On or about August 26, 2013, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 8, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 56: On or about August 26, 2013, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 8, an individual living in Arizona.

Overt Act No. 57: On or about August 27, 2013, defendant SHIM spoke with Foreign Student Number 2, an individual living in San Francisco, and advised that to successfully obtain a green card, Foreign Student Number 2 should list a Los Angeles address as his/her home address to accompany the Form I-20, submit the green card application from Los Angeles, and never say that he did not attend classes.

Overt Act No. 58: On or about October 1, 2013, defendant SHIM spoke with Foreign Student Number 7 and advised Foreign Student Number 7 that he/she could remain in Arizona even though he/she was enrolled in the Prodee/Neo Network as a student.

Overt Act No. 59: On or about December 4, 2013, defendant CHOI told Foreign Student Number 16, an individual living in Nevada, that Foreign Student Number 16 should lie to immigration officials about the fact that Foreign Student Number 16 did not attend classes at Prodee/Neo and lived in Nevada during the entire time Foreign Student Number 16 was enrolled at Prodee/Neo as a student.

Overt Act No. 60: On or about January 16, 2014, defendant CHOI caused an e-mail to be sent to Foreign Student Number 16, an

individual living in Nevada, which attached a fraudulent Prodee/Neo transcript signed by defendant SHIM indicating that Foreign Student Number 16 attended Prodee/Neo from February 2013 to July 2013.

Overt Act No. 61: On or about January 17, 2014, defendant CHOI caused to be mailed to Foreign Student Number 16, an individual living in Nevada, a fraudulent Prodee/Neo transcript signed by defendant SHIM indicating that Foreign Student Number 16 attended Prodee/Neo from February 2013 to July 2013.

Overt Act No. 62: On or about January 30, 2014, defendant MOON accepted a $1,800 “tuition” payment for Foreign Student Number 14 to attend Likie, during a time when Foreign Student Number 14 lived in Texas, which defendant MOON stated was okay.

Overt Act No. 63: On or about July 28, 2014, defendant MOON accepted a $1,800 “tuition” payment for Foreign Student Number 14 to attend Likie, during a time when Foreign Student Number 14 lived in Texas.

Overt Act No. 64: On or about August 28, 2014, defendant CHOI accepted a $1,800 “tuition” payment for Foreign Student Number 8 to attend Prodee/Neo, during a time when Foreign Student Number 8 lived in Arizona, which defendant CHOI acknowledged was difficult to manage because Foreign Student Number 8 would not be able to report to Prodee/Neo if asked to do so.

COUNTS TWO THROUGH FOURTEEN

[18 U.S.C. §§ 1546(a), 2(b)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. On or about the dates listed below, in Los Angeles County, within the Central District of California, and elsewhere, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," knowingly forged, altered, falsely made, used, possessed, obtained, accepted, and received, and willfully caused to be forged, altered, falsely made, used, possessed, obtained, accepted, and received, a document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, that is, a Form I-20, for the foreign student described below to attend the school listed below, knowing the document to be forged, altered, and falsely made, to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained.

COUNT	**DATE**	**STUDENT**	**SCHOOL**
TWO	8/20/2010	Foreign Student Number 17	Prodee/Neo
THREE	12/27/2010	Foreign Student Number 18	Prodee/Neo
FOUR	8/8/2011	Foreign Student Number 7	Prodee/Neo
FIVE	11/16/2011	Foreign Student Number 4	Prodee/Neo
SIX	11/16/2011	Foreign Student Number 5	Prodee/Neo
SEVEN	12/15/2011	Foreign Student Number 18	Prodee/Neo
EIGHT	5/7/2012	Foreign Student Number 11	Prodee/Neo
NINE	6/28/2012	Foreign Student Number 2	Likie

TEN	7/11/2012	Foreign Student Number 7	Prodee/Neo
ELEVEN	8/2/2012	Foreign Student Number 14	Prodee/Neo
TWELVE	9/20/2012	Foreign Student Number 1	Likie
THIRTEEN	1/9/2013	Foreign Student Number 18	Likie
FOURTEEN	8/26/2013	Foreign Student Number 8	Prodee/Neo

COUNT FIFTEEN

[18 U.S.C. §§ 1546(a), 2(b)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. On or about January 18, 2013, in Los Angeles County, within the Central District of California, and elsewhere, defendant EUN YOUNG CHOI, also known as "Jamie Choi," knowingly forged, altered, falsely made, used, possessed, obtained, accepted, and received, and willfully caused to be forged, altered, falsely made, used, possessed, obtained, accepted, and received, a document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, that is, a Form I-20 for a foreign student, namely, Foreign Student Number 16, to attend Prodee/Neo, knowing the document to be forged, altered, and falsely made, to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained.

COUNT SIXTEEN

[18 U.S.C. §§ 1546(a), 2(b)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. On or about July 31, 2013, in Los Angeles County, within the Central District of California, and elsewhere, defendant HYUNG CHAN MOON, also known as “Steve Moon,” knowingly forged, altered, falsely made, used, possessed, obtained, accepted, and received, and willfully caused to be forged, altered, falsely made, used, possessed, obtained, accepted, and received, a document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, that is, a Form I-20 for a foreign student, namely, Foreign Student Number 14, to attend Likie, knowing the document to be forged, altered, and falsely made, to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained.

COUNT SEVENTEEN

[8 U.S.C. §§ 1324(a)(1)(A)(iv), (B)(i)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. Beginning on or about August 8, 2011, and continuing until at least on or about October 1, 2013, in Los Angeles County, within the Central District of California, and elsewhere, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," for the purpose of commercial advantage and private financial gain, knowingly encouraged and induced an alien, namely, Foreign Student Number 7, to reside in the United States, knowing and in reckless disregard of the fact that such residence was in violation of law.

COUNT EIGHTEEN

[8 U.S.C. §§ 1324(a)(1)(A)(iv), (B)(i)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. Beginning on or about September 20, 2012, and continuing until on or about November 12, 2013, in Los Angeles County, within the Central District of California, and elsewhere, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," for the purpose of commercial advantage and private financial gain, knowingly encouraged and induced an alien, namely, Foreign Student Number 1, to reside in the United States, knowing and in reckless disregard of the fact that such residence was in violation of law.

COUNT NINETEEN

[8 U.S.C. §§ 1324(a)(1)(A)(iv), (B)(i)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. Beginning on or about August 27, 2013, and continuing until on or about May 13, 2014, in Los Angeles County, within the Central District of California, and elsewhere, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," for the purpose of commercial advantage and private financial gain, knowingly encouraged and induced an alien, namely, Foreign Student Number 2, to reside in the United States, knowing and in reckless disregard of the fact that such residence was in violation of law.

COUNTS TWENTY THROUGH TWENTY-ONE

[18 U.S.C. § 1956(a)(1)(A)(i)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. On or about the following dates, in Los Angeles County, within the Central District of California, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," knowing that the property involved in each of the financial transactions described below represented the proceeds of some form of unlawful activity, knowingly conducted and attempted to conduct the following financial transactions, affecting interstate and foreign commerce, which transactions in fact involved the proceeds of specified unlawful activity, that is, immigration fraud, in violation of Title 18, United States Code, Section 1546(a), with the intent to promote the carrying on of such specified unlawful activity:

COUNT	**DATE**	**FINANCIAL TRANSACTION**
TWENTY	1/12/2012	Issuance of a check in the amount of $3,600 from a Prodee/Neo bank account at Uniti Bank, in Los Angeles, California, made payable to "2975 Wilshire Center, LLC," as payment of rent for Prodee/Neo office space at 2975 Wilshire Boulevard, Los Angeles, California 90010.
TWENTY-ONE	5/9/2012	Issuance of a check in the amount of $3,600 from a Prodee/Neo bank account at Uniti Bank, in Los Angeles, California, made payable to "2975 Wilshire Center, LLC," as payment of rent for Prodee/Neo office space at 2975 Wilshire Boulevard, Los Angeles, California 90010.

FORFEITURE ALLEGATION

[18 U.S.C. §§ 982(a)(1), (a)(6)(A)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given to defendants that the United States of America will seek forfeiture as part of any sentence, in accordance with Title 18, United States Code, Sections 982(a)(1) and (a)(6)(A), in the event of any defendant's conviction on any of Counts One through Twenty-One of this Indictment.

2. Defendants shall forfeit to the United States of America the following property:

a. all right, title, and interest in any and all property, real or personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of any offense set forth in any of Counts One through Twenty-One of this Indictment;

b. any property, real or personal, involved in any offense set forth in Counts Twenty through Twenty-One of this Indictment, and any property traceable thereto; and

c. a sum of money equal to the total value of the property described in subparagraphs 2(a) and (b). The property subject to forfeiture includes, but is not limited to, a monetary judgment representing the gross proceeds of money equal to the total amount of money that was involved in the violations contained in Counts One through Twenty-One. If more than one defendant is found guilty on any of Counts One through Twenty-One, each defendant found guilty shall be jointly and severally liable for the entire amount forfeited pursuant to that Count.

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), each

defendant shall forfeit substitute property, up to the total value of the property described in the preceding paragraph if, as the result of any act or omission of a defendant, the property described in the preceding paragraph, or any portion thereof: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty.

A TRUE BILL

_____
Foreperson

STEPHANIE YONEKURA
Acting United States Attorney

ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

ELIZABETH R. YANG
Assistant United States Attorney
Chief, Violent & Organized Crime Section

JUSTIN R. RHOADES
Assistant United States Attorney
Deputy Chief, Violent & Organized Crime Section

WILSON PARK
Assistant United States Attorney
Violent & Organized Crime Section

LINDSEY GREER DOTSON
Assistant United States Attorney
General Crimes Section

DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF G-1
[redacted]

REPLY TO ATTENTION OF

[redacted] [redacted]

MEMORANDUM THRU

UNITED STATES ARMY, TRAINING AND DOCTRINE COMMAND (ATTN: G1), [redacted]

FOR COMMANDER, UNITED STATES ARMY AVIATION CENTER OF EXCELLENCE, [redacted]

SUBJECT: Initiation of Administrative Separation: PFC [redacted]

1. PFC [redacted] enlisted in the United States Army through the Military Accessions Vital to the National Interest (MAVNI) program. Eligibility to enlist in the MAVNI program is limited to those persons who have been in a valid immigration status for the two years prior to their enlistment. An investigation conducted by the Department of Homeland Security, and subsequently forwarded to this office, established that PFC [redacted] was not in a valid immigration status for the entire two year period prior to his enlistment. The investigation is enclosed with this memorandum for your review and potential use in an administrative separation.

2. It is recommended that you consult with your servicing Office of the Staff Judge Advocate to evaluate this issue and develop an administrative separation action for PFC [redacted] under the provisions of paragraph 5–3, Secretarial plenary authority, [redacted] and forward this action through command channels to this headquarters for action.

3. Should you fail or decline to administratively separate PFC [redacted], provide this office notice in writing that separation in this case is not warranted based on mitigating factors.

4. Please do not hesitate to contact this office for additional information and assistance. Additionally, please keep us appraised of the status of this request. The point of contact for this action is LTC Michael Mayes, [redacted].

FOR THE DEPUTY CHIEF OF STAFF, G-1:

Paul L. Aswell
Chief, Accessions Division

2 Encls
1. Homeland Security Investigation
2. Army MAVNI Policy

DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF G-1
[redacted]

REPLY TO ATTENTION OF

[redacted] [redacted]

MEMORANDUM THRU

UNITED STATES ARMY, TRAINING AND DOCTRINE COMMAND (ATTN: G1), [redacted]

FOR COMMANDER, UNITED STATES ARMY AVIATION CENTER OF EXCELLENCE, [redacted]

SUBJECT: Initiation of Administrative Separation: Specialist [redacted]

1. SPC [redacted] enlisted in the United States Army through the Military Accessions Vital to the National Interest (MAVNI) program. Eligibility to enlist in the MAVNI program is limited to those persons who have been in a valid immigration status for the two years prior to their enlistment. An investigation conducted by the Department of Homeland Security, and subsequently forwarded to this office, established that SPC [redacted] was not in a valid immigration status for the entire two year period prior to her enlistment. The investigation is enclosed with this memorandum for your review and potential use in an administrative separation.

2. It is recommended that you consult with your servicing Office of the Staff Judge Advocate to evaluate this issue and develop an administrative separation action for SPC [redacted] under the provisions of paragraph 5–3, Secretarial plenary authority, [redacted] and forward this action through command channels to this headquarters for action.

3. Should you fail or decline to administratively separate SPC [redacted], provide this office notice in writing that separation in this case is not warranted based on mitigating factors.

4. Please do not hesitate to contact this office for additional information and assistance. Additionally, please keep us appraised of the status of this request. The point of contact for this action is LTC Michael Mayes, [redacted].

FOR THE DEPUTY CHIEF OF STAFF, G-1:

Paul L. Aswell
Chief, Accessions Division

2 Encls
1. Homeland Security Investigation
2. Army MAVNI Policy

DoD Person Search

[redacted]

Person Search Results: [redacted]

Help Logoff Close all tabs User Documents

Search by ID | Search by SSNs | Search by Criteria | [redacted]

Search Info |

Search Results |

- FOUO - Contains PII data that is protected by the Privacy Act of 1974. Contents shall not be disclosed, discussed or shared with individuals unless they have a direct need-to-know in the performance of their official duties.

Person		DOD EDI ID		
[redacted]		[redacted]		
Person ID:	**ID Type:**	**Gender:**	**DOB Age**	**Death Date**
[redacted]	Social Security Number	[redacted]	[redacted]	
Email	**Home Phone**	**Work Phone**	**Fax**	**Country of Citizenship**
				[redacted]
			Home Address	**Mailing Address**
			, -	, -

Personnel Info

Organization	Category:	Service	Begin Date
Army Active Duty	Active Duty	Army	[redacted]
Rank	**Rank Begin Date**	**Status**	**End Date**
Specialist	[redacted]	Current	
Pay Plan:	**Pay Grade:**		
[redacted]	[redacted]		
Work Email	**UIC Code**	**UIC Begin Date**	**Work Address (from UIC)**
[redacted]	[redacted]	[redacted]	[redacted]

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

IMAGE RECORD FOR:

[redacted]

[redacted]

EXPIRES:

CLASS:

SEX:

HAIR:

EYES:

HEIGHT:

WEIGHT:

DATE OF BIRTH: [redacted]

ADDRESS: , , <

PHOTO DATE: [redacted]

PHOTO OFFICE: 508

APPLICATION DATE: [redacted]

APPLICATION OFFICE: 508

ISSUE DATE: N/A

ISSUE OFFICE: N/A

RESTRICTIONS:

[redacted]

SIGNATURE:

[redacted]

FINGERPRINT:

This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date: _____ /s/ _____

An official website of the U.S. government Skip Navigation

SEVIS Student & Exchange Visitor Information System

[redacted] Profile Logout

ROLES: [redacted]

Get Plug-Ins

Main Schools Students Programs Exchange Visitors Reports Help Message Board Change Password

Enter SEVIS ID

Search Results

New Search Refine Search

Search Criteria:

Visa Type = F-1/M-1

Given Name = [redacted]

Surname/Primary Name = [redacted]

Birth Date From = [redacted]

SEVIS ID	Visa Type	School Code	Surname/Primary Name	Given Name	Date of Birth	Program Start Date	Program End Date	Status	Date of Last Event
[redacted]	F-1	[redacted]		[redacted]		08/01/2011	07/30/2013	DEACTIVATED	09/20/2012
	F-1					11/15/2012	11/14/2013	DEACTIVATED	11/19/2012
	F-1					11/26/2012	11/30/2013	DEACTIVATED	03/18/2013
	F-1					04/04/2013	03/31/2017	DEACTIVATED	09/06/2013
	F-1					09/09/2013	08/31/2015	DEACTIVATED	04/15/2015
	F-1					04/20/2015	04/19/2017	ACTIVE	07/11/2016

6 Recs

An official website of the U.S. government Skip Navigation

SEVIS Student & Exchange Visitor Information System

[redacted] Profile Logout

ROLES: [redacted]

Get Plug-Ins

Main Schools Students Programs Exchange Visitors Reports Help Message Board Change Passw

Student Information

Return To Search Results

F-1 STUDENT [redacted]

Start Date: **April 20, 2015**
End Date: **April 19, 2017**

Status: **ACTIVE**
Status Change Date: **April 21, 2015**
SEVIS ID: [redacted]

View:
Event History
Form I-17
Request/Authorization Details
Transfer History
Employment Information

I-901 Fee Paid

I-20 ISSUE REASON: **CONTINUED ATTENDANCE**

Needs: E-mail address, Telephone number

Personal / Contact

Gender [redacted]
Date of Birth [redacted]
Country of Birth [redacted]
Country of Citizenship [redacted]
U.S. Telephone
Foreign Telephone
Email Address

U.S. Address [redacted]
Address Status
Foreign Address [redacted]

Overall Remarks

Program

Education Level
LANGUAGE TRAINING
Major 1 and Name
23.0101 - English Language and Literature, General
Major 2 and Name
00.0000 - None
Minor and Name
00.0000 - None
Program Start Date
April 20, 2015
Program End Date
April 19, 2017

Registration

Initial Session Start Date
April 20, 2015
Current Session End Date
June 19, 2016
Next Session Start Date
June 19, 2016
Length of Next Break/Vacation
0
Last Session
Study/Research Abroad
Thesis/Dissertation

School Requires English Proficiency for This Program
No
The program is to help the student learn English.

Transaction Type
Payment
Transaction Date
[redacted]
Transaction Amount
[redacted]
Fee Payment / Cancellation Receipt Number
[redacted]

Additional Names

Passport Name
Preferred Name
[redacted]
SEVIS Legacy Name
[redacted]

School

School Name
[redacted]
School Code
[redacted]
Campus Name
[redacted]
School Status
APPROVED

Travel

Port of Entry
Date of Entry
I-94 Admission Number
Port of Departure
Date of Departure

Visa

Visa Number
Visa Issuance Date
Visa Expiration Date
Visa Issuance Post

Passport

Passport Number
Passport Expiration Date
Country of Issuance

Financial

Expenses

Estimated Average Cost for Tuition and Fees	**03 months**
	$1,650.00
Living Expenses	**$2,100.00**
Dependents Expenses	**$0.00**
Other Costs	**$100.00**
Other Costs Comment	**Textbooks**

Funding

Student Funding for Student's Personal Funds	**03 months**
	$3,850.00
Funds From This School	**$0.00**
School Fund Type	-
Funds From Other Sources	**$0.00**
Source Type	-
On-Campus Employment	**$0.00**

Total Expense	**.....$3,850.00**	**Total Funding**	**.....$3,850.00**

Dependents

Student Requests

Request Type	Request Status	Receipt Number
Extension	**APPROVED**	
Transfer	**APPROVED**	

Event History

F-1 Student [redacted]

[redacted]

Start Date: 04/20/2015 End Date: 04/19/2017

Status: **ACTIVE**
SEVIS ID: [redacted]

GENDER
DOB
PREFERRED NAME
PASSPORT NAME
COUNTRY OF BIRTH
CITIZENSHIP

[redacted]

EMAIL

U.S. ADDRESS

[redacted]

Enter the date range and click the button to filter by event date

Expand All | Search: | From: | To: | Filter

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
System Update: Current Session Start Date	07/09/2016 09:42:11	ACTIVE	[redacted]			
Registration	03/17/2016 20:08:45	ACTIVE				
Program Dates - Update	03/17/2016 20:08:01	ACTIVE				
Program Extension	03/17/2016 20:08:01	ACTIVE				
Registration	12/17/2015 19:12:55	ACTIVE				
Registration	11/24/2015 19:12:56	ACTIVE				
Registration	10/26/2015 19:36:55	ACTIVE				

SEVIS - Eligibility - EVENT History

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Registration	09/21/2015 19:42:14	ACTIVE	[redacted]			
Registration	08/20/2015 19:12:23	ACTIVE				
Registration	07/20/2015 12:06:53	ACTIVE				
Personal Information Updated	06/16/2015 17:35:41	ACTIVE				
Personal Information Updated	06/16/2015 17:35:33	ACTIVE				
Personal Information Updated	06/16/2015 17:33:12	ACTIVE				
Registration	04/21/2015 20:05:41	ACTIVE				

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Transfer Completed	04/21/2015 20:05:41	ACTIVE	[redacted]	[redacted]		
Record Created	04/20/2015 14:58:45	INITIAL	[redacted]	[redacted]		
Transfer Out Initiated	04/15/2015 11:22:34	DEACTIVATED	[redacted]	[redacted]		
Registration	10/31/2014 19:54:44	ACTIVE	[redacted]	[redacted]		
Registration	05/08/2014 18:44:36	ACTIVE	[redacted]	[redacted]		
Registration	09/09/2013 13:44:13	ACTIVE	[redacted]	[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Transfer Completed	09/09/2013 13:44:13	ACTIVE	[redacted]	[redacted]		
Record Created	09/09/2013 13:43:27	INITIAL	[redacted]	[redacted]		
Transfer Released	09/06/2013 17:42:37	DEACTIVATED	[redacted]	[redacted]		
Transfer Out Initiated	09/06/2013 17:42:37	ACTIVE	[redacted]	[redacted]		
Registration	04/04/2013 15:44:04	ACTIVE	[redacted]	[redacted]		
Transfer Completed	04/04/2013 15:44:04	ACTIVE	[redacted]	[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Record Created	04/04/2013 15:43:48	INITIAL	[redacted]	[redacted]		
Transfer Released	03/18/2013 13:46:30	DEACTIVATED		[redacted]		
Transfer Out Initiated	03/18/2013 13:46:30	ACTIVE		[redacted]		
Financial Information Updated	03/14/2013 19:19:11	ACTIVE		[redacted]		
Registration	11/20/2012 14:47:42	ACTIVE		[redacted]		
Transfer Completed	11/20/2012 14:47:42	ACTIVE		[redacted]		
Record Created	11/20/2012 14:47:12	INITIAL		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Transfer Released	11/19/2012 17:22:52	DEACTIVATED	[redacted]	[redacted]		
Transfer Out Initiated	11/19/2012 17:22:52	ACTIVE		[redacted]		
Personal Information Updated	11/19/2012 10:41:41	ACTIVE		[redacted]		
Registration	11/15/2012 12:15:55	ACTIVE		[redacted]		
Transfer Completed	11/15/2012 12:15:55	ACTIVE		[redacted]		
Record Created	11/13/2012 16:31:13	INITIAL		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Transfer Released	09/20/2012 12:29:48	DEACTIVATED	[redacted]	[redacted]		
Transfer Out Initiated	09/20/2012 12:29:48	ACTIVE		[redacted]		
Registration	07/27/2012 17:12:31	ACTIVE		[redacted]		
Program Extension	07/27/2012 17:11:24	ACTIVE		[redacted]		
Registration	04/30/2012 18:31:27	ACTIVE		[redacted]		
Registration	02/16/2012 13:00:47	ACTIVE		[redacted]		
Registration	08/01/2011 12:53:59	ACTIVE		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Program/Session Dates Updated	07/05/2011 14:19:17	INITIAL	[redacted]	[redacted]		
Program/Session Dates Updated	07/05/2011 14:17:47	INITIAL		[redacted]		
Program/Session Dates Updated	06/10/2011 12:42:31	INITIAL		[redacted]		
Program/Session Dates Updated	06/01/2011 12:18:39	INITIAL		[redacted]		
Program/Session Dates Updated	05/14/2011 17:26:48	INITIAL		[redacted]		
Program/Session Dates Updated	04/19/2011 18:37:02	INITIAL		[redacted]		
I-901 Payment	04/12/2011 18:16:13	INITIAL		[redacted]		

Event Name	Event Date	Resulting Status	School Name Campus Name	School Code	Performed By	IP Address
Financial Information Updated	04/12/2011 12:15:19	INITIAL	[redacted]	[redacted]		
Record Created	04/12/2011 12:09:39	INITIAL		[redacted]		

Return

AFFIDAVIT

I, [redacted] am a Supervisory Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI"). I have been a special agent with ICE, formerly known as the United States Customs Service [redacted] As a supervisory special agent, I have been involved in, and/or supervised investigations related to narcotics trafficking, money laundering, visa fraud, alien smuggling, computer crimes and gang activity.

From approximately March 2014 through June 2016, I was the supervisor overseeing the HSI Los Angeles criminal investigation into Prodee University ("PRODEE"), a large scale student visa fraud network operating in the Los Angeles, California, area. I am aware of the facts and circumstances contained herein based upon my independent knowledge, personal participation, as well as my review of documents, records, information, and evidence provided to me by other law enforcement officers and relevant personnel. Since this affidavit is submitted for the sole purpose of establishing clear and convincing evidence of certain aliens enrolled in the PRODEE network of schools, I have not necessarily included each and every fact known by the Government concerning this investigation.

Beginning in or about June 2011, HSI Special Agents commenced a criminal investigation into a network of post-secondary schools suspected of issuing Certificates of Eligibility for F-1 Student Status, known as the Form I-20, to foreign students for the sole purpose of remaining in the United States and not to study, as intended by the F-1 nonimmigrant visa classification. This network, owned or operated by Hee Sun SHIM, consisted of Prodee University, Neo-America Language School; American College of Forensic Studies; Likie Fashion & Technology College; and Walter Jay MD, an Educational Institute. On March 11, 2015, federal search and arrests warrants were executed in connection with a 21 count Grand Jury resulting in the arrest of SHIM, two co-conspirators, and the closing of the aforementioned schools. Furthermore, the investigation found that at no time did any of the schools function as legitimate learning institutions by enforcing attendance, holding consistently scheduled classes, or contributing to the overall academic progress of foreign nonimmigrant students.

During the course of the PRODEE investigation, it was discovered that many nonimmigrant "students" were using their alleged enrollment at the PRODEE network of schools to segue into the Military Accessions Vital to the National Interest ("MAVNI") program. According to this Department of Defense initiative certain nonimmigrants, such as F-1 foreign students, are eligible to enlist in the U.S. military if they possess certain critical skills AND are legally present in the U.S. for a minimum of two years immediately prior to enlistment. Due to the fraudulent nature of the PRODEE network, those students applying for and/or accepted into MAVNI from PRODEE may have predicated their enlistment on fraud.

[redacted]

Supervisory HSI Special Agent

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

January 2015 Grand Jury

UNITED STATES OF AMERICA, Plaintiff, v. HEE SUN SHIM, aka "Leonard Shim," aka "Leo Shim," HYUNG CHAN MOON, aka "Steve Moon," and EUN YOUNG CHOI, aka "Jamie Choi," Defendants.	CR No. 15- I N D I C T M E N T [18 U.S.C. § 371: Conspiracy; 18 U.S.C. § 1546(a): Fraud and Misuse of Visas, Permits, and Other Documents; 8 U.S.C. §§ 1324(a)(1)(A)(iv), (B)(i): Encouraging Illegal Residence for Private Financial Gain; 18 U.S.C. § 1956(a)(1)(A)(i): Laundering of Monetary Instruments; 18 U.S.C. § 2: Causing an Act to be Done; 18 U.S.C. §§ 982(a)(1), (a)(6)(A): Criminal Forfeiture]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim" ("SHIM"), owned, controlled, managed, and operated the following businesses, each of which was located within the Central District of California:

a. Prodee University/Neo-America Language School ("Prodee/Neo"), located at: (1) 2975 Wilshire Boulevard, Suites 500,

510, 526, and 540, Los Angeles, California 90010; and (2) 3251 West 6th Street, Suites 418 and 420, Los Angeles, California 90020.

b. Walter Jay M.D. Institute, an Educational Center ("WJMD"), located at 501 Shatto Place, Suite 120, Los Angeles, California 90020.

c. American College of Forensic Studies ("ACFS"), located at 2975 Wilshire Boulevard, Suite 430, Los Angeles, California 90010.

d. Likie Fashion and Technology College ("Likie"), previously located at 8450 East Garvey Avenue, Suite 201, Rosemead, California 91770, until on or about August 29, 2014, and presently located at 1000 South Fremont Avenue, Unit 46, Building A10, Suite 10425, Alhambra, California 91803.

2. Defendants HYUNG CHAN MOON, aka "Steve Moon" ("MOON"), and EUN YOUNG CHOI, aka "Jamie Choi" ("CHOI"), were employed by defendant SHIM, and assisted defendant SHIM in operating and managing Prodee/Neo, WJMD, ACFS, and Likie.

3. Prodee/Neo, WJMD, ACFS, and Likie were schools that admitted and purported to educate foreign citizens who desired to pursue academic studies in the United States.

4. The Department of Homeland Security ("DHS") was responsible for processing requests submitted by foreign citizens seeking lawful entry into and authority to remain in the United States. DHS was further responsible for collecting and maintaining accurate records of non-immigrant aliens living in the United States.

5. DHS ran several programs through which aliens could obtain permission to enter and remain in the United States, including the F-1 Student Visa Program. Under this program, foreign students could enter and remain in the United States on a temporary basis to pursue

academic studies. In order to obtain the immigration benefits afforded by the F-1 Student Visa Program, a foreign student had to be accepted into a DHS-approved school, and the same school had to issue the student a "Certificate of Eligibility for Nonimmigrant (F-1) Student Status – For Academic and Language Students" (commonly referred to as a "Form I-20"). By issuing a Form I-20 to a foreign student, the DHS-approved school certified that the student: (1) met all standards of admission for the school based on a review of the student's application, transcripts, proof of financial responsibility, and other records; and (2) had been accepted for, and would be required to pursue, a full course of study.

6. Once a foreign student received a Form I-20 from a DHS-approved school, the student was eligible to receive an F-1 Visa. The foreign student could then use the F-1 Visa and Form I-20 to enter and remain in the United States for a period of time known as "duration of status." Federal regulations defined "duration of status" as the time during which a foreign student was pursuing a full course of study at a DHS-approved school. Additionally, a foreign student was considered to be maintaining valid F-1 student status if he or she was making normal progress toward completing a course of study. After the foreign student completed his or her course of study, the student was required to depart the United States.

7. Once in the United States, a foreign student was permitted to transfer from one DHS-approved school to another, as long as the student was maintaining valid F-1 student status and pursuing a full course of study. In order to effect such a transfer while maintaining valid status, a foreign student had to first obtain a

Form I-20 from the DHS-approved school to which the student intended to transfer. The foreign student could then transfer to that school and remain in the United States as long as he or she pursued a full course of study at the new DHS-approved school.

8. The Student Exchange Visitors Information System ("SEVIS") was the government-run computer database that DHS-approved schools were required to use to maintain up-to-date and accurate records regarding the foreign students attending their schools. To that end, DHS-approved schools were required to report in SEVIS when foreign students completed their studies, dropped below a full course of study, failed to maintain status, or failed to complete their educational programs. The SEVIS database was the mechanism through which immigration officials monitored the status of foreign students who were enrolled at DHS-approved schools.

9. Prodee/Neo, WJMD, ACFS, and Likie were DHS-approved schools that were authorized to issue Form I-20s and admit foreign students.

[18 U.S.C. § 371]

1. The Grand Jury realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

A. OBJECT OF THE CONSPIRACY

2. Beginning on a date unknown to the Grand Jury and continuing to on or about March 10, 2015, in Los Angeles County, within the Central District of California, and elsewhere, defendants HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim" ("SHIM"), HYUNG CHAN MOON, aka "Steve Moon" ("MOON"), and EUN YOUNG CHOI, aka "Jamie Choi" ("CHOI"), and others known and unknown to the Grand Jury, conspired, combined, and agreed with each other to commit the following offense against the United States: To knowingly forge, alter, falsely make, use, possess, obtain, accept, and receive, and willfully cause to be forged, altered, falsely made, used, possessed, obtained, accepted, and received, a document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, that is, a Form I-20 for foreign students to attend Prodee/Neo, WJMD, ACFS, or Likie, knowing it to be forged, altered, and falsely made, to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, in violation of Title 18, United States Code, Sections 1546(a) and 2(b).

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B. MEANS BY WHICH THE OBJECT OF THE CONSPIRACY WAS TO BE ACCOMPLISHED

The object of the conspiracy was to be accomplished, in substance, as follows:

1. Defendant SHIM, with the assistance of defendants MOON and CHOI, and others known and unknown to the Grand Jury, would manage and operate four DHS-approved schools in the Los Angeles area, that is: Prodee/Neo, WJMD, ACFS, and Likie (collectively, the "Prodee/Neo Network").

2. Defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would accept and enroll foreign students into the Prodee/Neo Network, despite knowing that the foreign students they accepted and enrolled were not bona fide students, had no intention of attending the schools within the Prodee/Neo Network, and were living outside of the State of California (where the Prodee/Neo Network of schools are located), in states such as Arizona, Hawaii, Illinois, Nevada, Texas, and Washington.

3. Defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would inform the purported foreign students that they could enroll at one of the schools in the Prodee/Neo Network without having to attend classes.

4. After accepting these purported foreign students for admission into the Prodee/Neo Network, defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would issue and provide to the purported foreign students Form I-20s that were forged, altered, falsely made, and procured by fraud since the purported foreign students had no intention of attending school and were not bona fide students.

5. Defendant SHIM, and others known and unknown to the Grand Jury, would also enter information into SEVIS indicating that the purported foreign students enrolled in the Prodee/Neo Network of schools: (1) had been accepted for, and would be required to pursue, a full course of study; and (2) were attending classes at the schools, although defendant SHIM knew that the purported foreign students had no intention of attending school, and were, in fact, not attending school. In addition, defendant SHIM, and others known and unknown to the Grand Jury, would not inform DHS, through SEVIS, when the purported foreign students failed to: pursue a full course of study; maintain their F-1 student status; and complete their educational programs.

6. In order to conceal from immigration officials the fact that many of the purported foreign students who were enrolled in the Prodee/Neo Network lived outside of the State of California and thus did not attend classes at the schools in the Prodee/Neo Network, defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would not list the out-of-state addresses of these purported foreign students on their Form I-20s, or in SEVIS, and would instead provide false Los Angeles-area addresses to DHS for these foreign students. However, at the same time, defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, would send Form I-20s and other school-related documents, via United States mail and private mail delivery, to the out-of-state addresses of these purported foreign students.

7. In order to deceive immigration officials, defendants SHIM and CHOI, and others known and unknown to the Grand Jury, would create fraudulent student records, including attendance records and

transcripts, for some of the foreign students who were purportedly attending schools in the Prodee/Neo Network. Defendants SHIM and CHOI, and others known and unknown to the Grand Jury, would submit these fraudulent records to immigration officials, if requested, and/or provide them to the purported foreign students for the purpose of deceiving immigration officials.

8. In order to avoid arousing the suspicions of immigration officials when purported foreign students remained in the United States for extended periods of time, defendant SHIM, and others known and unknown to the Grand Jury, would transfer the purported foreign students between schools in the Prodee/Neo Network. By transferring a purported foreign student from one school to another, defendant SHIM would be able to maintain that foreign student's F-1 student status for years without creating the appearance that the foreign student had pursued a course of study at a single school for an inordinate period of time.

9. In exchange for receiving a Form I-20 and being reported in SEVIS as a legitimate foreign student, purported foreign students would make "tuition" payments to defendants SHIM, MOON, and CHOI, and others known and unknown to the Grand Jury, which corresponded to the length of time that the purported foreign students were enrolled at a school in the Prodee/Neo Network.

C. OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendants SHIM, MOON, and CHOI, together with others known and unknown to the Grand Jury, committed and willfully caused others to commit various overt acts in Los Angeles County, within the Central

District of California, and elsewhere, including, but not limited to, the following:

Overt Act No. 1: On or about April 20, 2009, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 1, an individual living in Texas, was a registered and active student at Prodee/Neo.

Overt Act No. 2: On or about April 20, 2009, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 1, an individual living in Texas.

Overt Act No. 3: In or around July 2009, during a meeting at Prodee/Neo, defendant SHIM advised Foreign Student Number 8 that he could help Foreign Student Number 8 obtain F-1 student status despite the fact that Foreign Student Number 8 lived in Arizona and could not attend classes at the Prodee/Neo Network in Los Angeles.

Overt Act No. 4: On or about December 3, 2009, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 2, an individual living in San Francisco, was a registered and active student at Prodee/Neo.

Overt Act No. 5: On or about August 20, 2010, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 17, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 6: On or about August 20, 2010, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 17, an individual living in Nevada.

Overt Act No. 7: In or around November 2010, defendant SHIM spoke with Foreign Student Number 4, an individual living in Nevada, and advised Foreign Student Number 4 that he/she would be able to

enroll in Prodee/Neo and not attend classes, that "tuition" would be $1,200 for six months, and that Foreign Student Number 4's address in Los Angeles would be 1456 Colby Avenue, Apt. #6, for purposes of reporting information about Foreign Student Number 4 into SEVIS.

Overt Act No. 8: In or around November 2010, defendant SHIM caused to be issued and sent via United States mail Form I-20s from Prodee/Neo to Foreign Students Numbers 4 and 5, individuals living in Nevada.

Overt Act No. 9: On or about December 3, 2010, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 3, an individual living in Nevada, was a registered and active student at WJMD.

Overt Act No. 10: On or about December 8, 2010, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 4, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 11: On or about December 8, 2010, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 5, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 12: On or about December 27, 2010, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 18, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 13: On or about December 27, 2010, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 18, an individual living in Arizona.

Overt Act No. 14: On or about January 25, 2011, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 6, an individual living in Nevada, was a registered and active student at ACFS.

Overt Act No. 15: In or around August 2011, during a meeting at Prodee/Neo, defendant SHIM told Foreign Students Numbers 7 and 11 that they should try to move to California after Foreign Students Numbers 7 and 11 advised that they lived in Arizona and could not attend classes at Prodee/Neo, but defendant SHIM did not deactivate either Foreign Student Number 7 or 11 as students in SEVIS.

Overt Act No. 16: On or about August 8, 2011, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 7, an individual living in Arizona.

Overt Act No. 17: On or about August 9, 2011, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 7, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 18: On or about August 26, 2011, an unindicted co-conspirator entered information into SEVIS indicating that Foreign Student Number 8, an individual living in Arizona, was a registered and active student at Likie.

Overt Act No. 19: On or about November 16, 2011, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 4, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 20: On or about November 16, 2011, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 4, an individual living in Nevada.

Overt Act No. 21: On or about November 16, 2011, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 5, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 22: On or about November 16, 2011, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 5, an individual living in Nevada.

Overt Act No. 23: On or about December 15, 2011, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 18, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 24: On or about December 15, 2011, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 18, an individual living in Arizona.

Overt Act No. 25: On or about December 28, 2011, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 9, an individual living in Nevada, was a registered and active student at WJMD.

Overt Act No. 26: On or about April 3, 2012, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 10, an individual living in Arizona, was a registered and active student at ACFS.

Overt Act No. 27: On or about May 7, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 11, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 28: On or about May 7, 2012, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 11, an individual living in Arizona.

Overt Act No. 29: On or about June 28, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 2, an individual living in San Francisco, was a registered and active student at Likie.

Overt Act No. 30: On or about June 28, 2012, defendant SHIM issued a Form I-20 from Likie to Foreign Student Number 2, an individual living in San Francisco.

Overt Act No. 31: On or about July 11, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 7, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 32: On or about July 11, 2012, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 7, an individual living in Arizona.

Overt Act No. 33: On or about August 2, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 14, an individual living in Texas, was a registered and active student at Prodee/Neo.

Overt Act No. 34: On or about August 2, 2012, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 14, an individual living in Texas.

Overt Act No. 35: On or about August 31, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 8, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 36: On or about September 20, 2012, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 1, an individual living in Texas, was a registered and active student at Likie.

Overt Act No. 37: On or about September 20, 2012, defendant SHIM issued a Form I-20 from Likie to Foreign Student Number 1, an individual living in Texas.

Overt Act No. 38: On or about November 21, 2012, defendant SHIM caused to be delivered to DHS, by private mail delivery, fraudulent student records, including attendance records, transcripts, and bank statements, for Foreign Student Number 4, Foreign Student Number 5, Foreign Student Number 11, Foreign Student Number 12, Foreign Student Number 13, and Foreign Student Number 14.

Overt Act No. 39: On or about January 9, 2013, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 18, an individual living in Arizona, was a registered and active student at Likie.

Overt Act No. 40: On or about January 9, 2013, defendant SHIM issued a Form I-20 from Likie to Foreign Student Number 18, an individual living in Arizona.

Overt Act No. 41: On or about January 11, 2013, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 15, an individual living in Washington, was a registered and active student at Likie.

Overt Act No. 42: In or around January 2013, defendant CHOI enrolled Foreign Student Number 16, an individual living in Nevada, as a student at Prodee/Neo, accepted a $1,400 “tuition” payment from

Foreign Student Number 16, and advised Foreign Student Number 16 to say that he/she was actually attending the school if asked by anyone.

Overt Act No. 43: On or about January 18, 2013, defendant CHOI caused information to be entered into SEVIS indicating that Foreign Student Number 16, an individual living in Nevada, was a registered and active student at Prodee/Neo.

Overt Act No. 44: On or about January 21, 2013, defendant CHOI caused to be mailed a Form I-20, signed by defendant SHIM, from Prodee/Neo to Foreign Student Number 16, an individual living in Nevada.

Overt Act No. 45: On or about January 24, 2013, defendant MOON accepted a $1,200 “tuition” payment for Foreign Student Number 14 to remain enrolled at Prodee/Neo, during a time when Foreign Student Number 14 lived in Texas, which defendant MOON acknowledged would mean that Foreign Student Number 14 would not be able to attend classes regularly at Prodee/Neo.

Overt Act No. 46: On or about April 19, 2013, after being alerted that Foreign Student Number 15, an individual living in Washington, had been questioned by immigration officials about his/her enrollment at Likie, defendant SHIM deactivated Foreign Student Number 15 in SEVIS.

Overt Act No. 47: On or about May 16, 2013, defendant SHIM spoke with Foreign Student Number 1, an individual living in Texas, about a friend of Foreign Student Number 1 who wanted to enroll in the Prodee/Neo Network, and defendant SHIM advised that as long as the friend paid “tuition” and obtained a California driver’s license, the friend could stay out-of-state and not attend classes.

Overt Act No. 48: On or about May 29, 2013, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 11, an individual living in Arizona, was a registered and active student at WJMD.

Overt Act No. 49: On or about July 31, 2013, defendant MOON accepted a $1,800 "tuition" payment for Foreign Student Number 14 to be enrolled at Likie at a time when Foreign Student Number 14 lived in Texas.

Overt Act No. 50: On or about July 31, 2013, defendant MOON provided a Form I-20, signed by defendant SHIM, from Likie to Foreign Student Number 14, an individual living in Texas.

Overt Act No. 51: On or about July 31, 2013, defendant MOON caused information to be entered into SEVIS indicating that Foreign Student Number 14 was a registered and active student at Likie.

Overt Act No. 52: On or about August 1, 2013, defendants MOON and CHOI, and other unindicted co-conspirators, met at Prodee/Neo and discussed an upcoming accreditation review that would affect WJMD's authorization to admit foreign students, as well as defendants SHIM's and MOON's plan to deceive the accreditors by having students from Prodee/Neo pose as WJMD students during the accreditation review.

Overt Act No. 53: On or about August 19, 2013, defendant SHIM caused information to be entered into SEVIS indicating that Foreign Student Number 7, an individual living in Arizona, was a registered and active student at ACFS.

Overt Act No. 54: On or about August 22, 2013, defendant MOON and other unindicted co-conspirators met at WJMD and discussed an upcoming accreditation review that would affect WJMD's authorization to admit foreign students, as well as defendants SHIM's and MOON's

plan to deceive the accreditors by having students from Prodee/Neo pose as WJMD students during the accreditation review.

Overt Act No. 55: On or about August 26, 2013, defendant SHIM entered information into SEVIS indicating that Foreign Student Number 8, an individual living in Arizona, was a registered and active student at Prodee/Neo.

Overt Act No. 56: On or about August 26, 2013, defendant SHIM issued a Form I-20 from Prodee/Neo to Foreign Student Number 8, an individual living in Arizona.

Overt Act No. 57: On or about August 27, 2013, defendant SHIM spoke with Foreign Student Number 2, an individual living in San Francisco, and advised that to successfully obtain a green card, Foreign Student Number 2 should list a Los Angeles address as his/her home address to accompany the Form I-20, submit the green card application from Los Angeles, and never say that he did not attend classes.

Overt Act No. 58: On or about October 1, 2013, defendant SHIM spoke with Foreign Student Number 7 and advised Foreign Student Number 7 that he/she could remain in Arizona even though he/she was enrolled in the Prodee/Neo Network as a student.

Overt Act No. 59: On or about December 4, 2013, defendant CHOI told Foreign Student Number 16, an individual living in Nevada, that Foreign Student Number 16 should lie to immigration officials about the fact that Foreign Student Number 16 did not attend classes at Prodee/Neo and lived in Nevada during the entire time Foreign Student Number 16 was enrolled at Prodee/Neo as a student.

Overt Act No. 60: On or about January 16, 2014, defendant CHOI caused an e-mail to be sent to Foreign Student Number 16, an

individual living in Nevada, which attached a fraudulent Prodee/Neo transcript signed by defendant SHIM indicating that Foreign Student Number 16 attended Prodee/Neo from February 2013 to July 2013.

Overt Act No. 61: On or about January 17, 2014, defendant CHOI caused to be mailed to Foreign Student Number 16, an individual living in Nevada, a fraudulent Prodee/Neo transcript signed by defendant SHIM indicating that Foreign Student Number 16 attended Prodee/Neo from February 2013 to July 2013.

Overt Act No. 62: On or about January 30, 2014, defendant MOON accepted a $1,800 “tuition” payment for Foreign Student Number 14 to attend Likie, during a time when Foreign Student Number 14 lived in Texas, which defendant MOON stated was okay.

Overt Act No. 63: On or about July 28, 2014, defendant MOON accepted a $1,800 “tuition” payment for Foreign Student Number 14 to attend Likie, during a time when Foreign Student Number 14 lived in Texas.

Overt Act No. 64: On or about August 28, 2014, defendant CHOI accepted a $1,800 “tuition” payment for Foreign Student Number 8 to attend Prodee/Neo, during a time when Foreign Student Number 8 lived in Arizona, which defendant CHOI acknowledged was difficult to manage because Foreign Student Number 8 would not be able to report to Prodee/Neo if asked to do so.

COUNTS TWO THROUGH FOURTEEN

[18 U.S.C. §§ 1546(a), 2(b)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. On or about the dates listed below, in Los Angeles County, within the Central District of California, and elsewhere, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," knowingly forged, altered, falsely made, used, possessed, obtained, accepted, and received, and willfully caused to be forged, altered, falsely made, used, possessed, obtained, accepted, and received, a document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, that is, a Form I-20, for the foreign student described below to attend the school listed below, knowing the document to be forged, altered, and falsely made, to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained.

COUNT	**DATE**	**STUDENT**	**SCHOOL**
TWO	8/20/2010	Foreign Student Number 17	Prodee/Neo
THREE	12/27/2010	Foreign Student Number 18	Prodee/Neo
FOUR	8/8/2011	Foreign Student Number 7	Prodee/Neo
FIVE	11/16/2011	Foreign Student Number 4	Prodee/Neo
SIX	11/16/2011	Foreign Student Number 5	Prodee/Neo
SEVEN	12/15/2011	Foreign Student Number 18	Prodee/Neo
EIGHT	5/7/2012	Foreign Student Number 11	Prodee/Neo
NINE	6/28/2012	Foreign Student Number 2	Likie

TEN	7/11/2012	Foreign Student Number 7	Prodee/Neo
ELEVEN	8/2/2012	Foreign Student Number 14	Prodee/Neo
TWELVE	9/20/2012	Foreign Student Number 1	Likie
THIRTEEN	1/9/2013	Foreign Student Number 18	Likie
FOURTEEN	8/26/2013	Foreign Student Number 8	Prodee/Neo

COUNT FIFTEEN

[18 U.S.C. §§ 1546(a), 2(b)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. On or about January 18, 2013, in Los Angeles County, within the Central District of California, and elsewhere, defendant EUN YOUNG CHOI, also known as "Jamie Choi," knowingly forged, altered, falsely made, used, possessed, obtained, accepted, and received, and willfully caused to be forged, altered, falsely made, used, possessed, obtained, accepted, and received, a document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, that is, a Form I-20 for a foreign student, namely, Foreign Student Number 16, to attend Prodee/Neo, knowing the document to be forged, altered, and falsely made, to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained.

COUNT SIXTEEN

[18 U.S.C. §§ 1546(a), 2(b)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. On or about July 31, 2013, in Los Angeles County, within the Central District of California, and elsewhere, defendant HYUNG CHAN MOON, also known as “Steve Moon,” knowingly forged, altered, falsely made, used, possessed, obtained, accepted, and received, and willfully caused to be forged, altered, falsely made, used, possessed, obtained, accepted, and received, a document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, that is, a Form I-20 for a foreign student, namely, Foreign Student Number 14, to attend Likie, knowing the document to be forged, altered, and falsely made, to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained.

COUNT SEVENTEEN

[8 U.S.C. §§ 1324(a)(1)(A)(iv), (B)(i)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. Beginning on or about August 8, 2011, and continuing until at least on or about October 1, 2013, in Los Angeles County, within the Central District of California, and elsewhere, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," for the purpose of commercial advantage and private financial gain, knowingly encouraged and induced an alien, namely, Foreign Student Number 7, to reside in the United States, knowing and in reckless disregard of the fact that such residence was in violation of law.

COUNT EIGHTEEN

[8 U.S.C. §§ 1324(a)(1)(A)(iv), (B)(i)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. Beginning on or about September 20, 2012, and continuing until on or about November 12, 2013, in Los Angeles County, within the Central District of California, and elsewhere, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," for the purpose of commercial advantage and private financial gain, knowingly encouraged and induced an alien, namely, Foreign Student Number 1, to reside in the United States, knowing and in reckless disregard of the fact that such residence was in violation of law.

COUNT NINETEEN

[8 U.S.C. §§ 1324(a)(1)(A)(iv), (B)(i)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. Beginning on or about August 27, 2013, and continuing until on or about May 13, 2014, in Los Angeles County, within the Central District of California, and elsewhere, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," for the purpose of commercial advantage and private financial gain, knowingly encouraged and induced an alien, namely, Foreign Student Number 2, to reside in the United States, knowing and in reckless disregard of the fact that such residence was in violation of law.

COUNTS TWENTY THROUGH TWENTY-ONE

[18 U.S.C. § 1956(a)(1)(A)(i)]

1. The Grand Jury hereby realleges and incorporates by reference paragraphs one through nine of the Introductory Allegations of this Indictment, as though fully set forth herein.

2. On or about the following dates, in Los Angeles County, within the Central District of California, defendant HEE SUN SHIM, also known as ("aka") "Leonard Shim," aka "Leo Shim," knowing that the property involved in each of the financial transactions described below represented the proceeds of some form of unlawful activity, knowingly conducted and attempted to conduct the following financial transactions, affecting interstate and foreign commerce, which transactions in fact involved the proceeds of specified unlawful activity, that is, immigration fraud, in violation of Title 18, United States Code, Section 1546(a), with the intent to promote the carrying on of such specified unlawful activity:

COUNT	**DATE**	**FINANCIAL TRANSACTION**
TWENTY	1/12/2012	Issuance of a check in the amount of $3,600 from a Prodee/Neo bank account at Uniti Bank, in Los Angeles, California, made payable to "2975 Wilshire Center, LLC," as payment of rent for Prodee/Neo office space at 2975 Wilshire Boulevard, Los Angeles, California 90010.
TWENTY-ONE	5/9/2012	Issuance of a check in the amount of $3,600 from a Prodee/Neo bank account at Uniti Bank, in Los Angeles, California, made payable to "2975 Wilshire Center, LLC," as payment of rent for Prodee/Neo office space at 2975 Wilshire Boulevard, Los Angeles, California 90010.

FORFEITURE ALLEGATION

[18 U.S.C. §§ 982(a)(1), (a)(6)(A)]

1. Pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given to defendants that the United States of America will seek forfeiture as part of any sentence, in accordance with Title 18, United States Code, Sections 982(a)(1) and (a)(6)(A), in the event of any defendant's conviction on any of Counts One through Twenty-One of this Indictment.

2. Defendants shall forfeit to the United States of America the following property:

a. all right, title, and interest in any and all property, real or personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of any offense set forth in any of Counts One through Twenty-One of this Indictment;

b. any property, real or personal, involved in any offense set forth in Counts Twenty through Twenty-One of this Indictment, and any property traceable thereto; and

c. a sum of money equal to the total value of the property described in subparagraphs 2(a) and (b). The property subject to forfeiture includes, but is not limited to, a monetary judgment representing the gross proceeds of money equal to the total amount of money that was involved in the violations contained in Counts One through Twenty-One. If more than one defendant is found guilty on any of Counts One through Twenty-One, each defendant found guilty shall be jointly and severally liable for the entire amount forfeited pursuant to that Count.

3. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), each

defendant shall forfeit substitute property, up to the total value of the property described in the preceding paragraph if, as the result of any act or omission of a defendant, the property described in the preceding paragraph, or any portion thereof: (a) cannot be located upon the exercise of due diligence; (b) has been transferred, sold to, or deposited with a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property that cannot be divided without difficulty.

A TRUE BILL

_____
Foreperson

STEPHANIE YONEKURA
Acting United States Attorney

ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

ELIZABETH R. YANG
Assistant United States Attorney
Chief, Violent & Organized Crime Section

JUSTIN R. RHOADES
Assistant United States Attorney
Deputy Chief, Violent & Organized Crime Section

WILSON PARK
Assistant United States Attorney
Violent & Organized Crime Section

LINDSEY GREER DOTSON
Assistant United States Attorney
General Crimes Section

DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF G-1
300 ARMY PENTAGON
WASHINGTON DC 20310-0300

REPLY TO
ATTENTION OF

DAPE-MPA

19 DEC 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Two-Year Extension of Military Accessions Vital to the National Interest (MAVNI) Pilot Program Implementation Policy

1. References:

a. 10 U.S.C. 504.

b. Memorandum, Under Secretary of Defense (Personnel and Readiness), 25 September 2014, Military Accessions Vital to National Interest Program Changes

c. Memorandum, Deputy Secretary of Defense, 16 May 2012, subject: Reinstatement of Military Accessions Vital to National Interest (MAVNI) Pilot Program.

d. Memorandum, Under Secretary of Defense (Intelligence), 16 February 2012, subject: Military Accessions Vital to the National Interest.

e. Memorandum, Secretary of Defense, 25 November 2008, subject: Pilot Evaluation of Military Recruiting of Certain Legal, Non-Immigrant Aliens.

f. Memorandum, Deputy Secretary of Defense, 17 August 2010, subject: Two-Year Extension of Military Accessions Vital to the National Interest (MAVNI) Pilot Program.

g. Memorandum, Secretary of the Army, 23 December 2008, subject: Authority to Implement Military Accessions Vital to National interest (MAVNI).

h. Memorandum, Office of the Deputy Chief of Staff, G-1, 28 January 2009, subject: Military Accessions Vital to the National Interest (MAVNI) Pilot Program Implementation Policy.

i. Memorandum, Director of Military Personnel Management, 21 April 2009, subject: Military Accessions Vital to the National Interest (MAVNI) Priority Language List.

j. Memorandum, Office of the Deputy Chief of Staff, G-1, 12 November 2009, subject: Military Accessions Vital to the National Interest (MAVNI) Pilot Program Implementation Policy (Change 1).

k. Memorandum, Office of the Deputy Chief of Staff, G-1, 25 November 2009, subject: Military Accessions Vital to the National Interest (MAVNI) Pilot Program Implementation Policy (Change 2).

l. Memorandum, Office of the Deputy Chief of Staff, G-2, 16 October 2012, Military Accessions Vital to National Interest (MAVNI) Program – Counterintelligence-Focused Security Review and Monitoring Program

m. Army Regulation 635-200, Active Duty Enlisted Administrative Separation (RAR), 6 June 2005 with RAR 003, 09/06/2011.

n. Army Regulation 135-100, Appointment of Commissioned and Warrant Officers of the Army, 1 September 1994.

o. Army Regulation 135-101, Appointment of Reserve Commissioned Officers for Assignment to Army Medical Department Branches, 15 February 1984.

p. Army Regulation 601-100, Appointment of Commissioned and Warrant Officers in the Regular Army, 21 November 2006.

q. Army Regulation 601-210, Active and Reserve Components Enlistment Program, 8 February 2011 with RAR 003, 03/12/2013.

r. Army Regulation 135-178, Army National Guard and Army Reserve Enlisted Administrative Separations, 18 March 2014.

s. Memorandum, Office of the Deputy Chief of Staff, G-1, 26 September 2012, subject: Military Accessions Vital to the National Interest (MAVNI) Pilot Program Implementation Policy (Change 3).

t. Memorandum, Assistant Secretary of Defense (Readiness and Force Management), 13 December 2013, subject: Request to Expand the Military Accessions Vital to the National Interest Pilot Program to the Reserve Components.

u. Memorandum, Office of the Assistant Secretary (Manpower and Reserve Affairs), 18 December 2014, subject: Authority to Reinstate the Military Accessions Vital to the National Interest (MAVNI) Pilot Program

2. Purpose: To reinstate the MAVNI pilot program through 30 September 2016 and authorize changes in the program. This document supersedes previous guidance published in references i, k, and s.

3. Authority. The MAVNI Pilot Program is established under the provisions of Title 10, United States Code, Section 504(b)(2), the Enlistment and Officer Standards set forth in Army Regulation (AR) 601-210, AR 601-100, AR 135-100, AR 135-101, and the Secretary of Defense memorandum referenced in paragraph 1e above.

4. Concept of Program.

a. Eligible Applicants. The program is available to legal aliens in certain immigration categories (paragraph 5a) or undocumented immigrants who have been granted deferred action by the Department of Homeland Security (DHS) pursuant to the Deferred Action for Childhood Arrivals (DACA) process. Applicants must have demonstrated capabilities in critical foreign languages (CFLs) (Enclosure 1) or be qualified health care professionals (HCPs) in specified Areas of Concentration (AOCs) as determined by the Office of the Surgeon General (OTSG) for Regular Army AMEDD Accessions and the Office of the Chief, Army Reserve (OCAR) for Army Reserve AMEDD Accessions. Potential recruits are only eligible if the DHS validates they are legally present in the United States or if DHS validates that they have been granted deferred action pursuant to the DACA process. Each enlistment under this program is contingent on a case-by-case determination that it is vital to the national interest and consistent with other guidance from the Department of Defense.

b. Distribution. IAW reference 1t this pilot extension shall be limited to 1,300 enlistments annually, distributed as follows: a minimum of 130 are reserved for Health Care Professionals (HCPs) who may serve in either the Regular Army or the Army Reserve and 100 CFL enlistments are reserved for the Army Reserve. Persons enlisting with language skills in specified foreign languages (Encl 1) must score at least a 2/2 on the Oral Proficiency Interview, or as required by their respective career field. Exceptions will be considered on a case-by-case basis by the Army Foreign Language Proponency Office for critically short languages. Persons enlisted under the critical foreign language skills portion of the program shall be screened and identified for eligibility for special operations and special operations support career fields and if eligible, assignment priority shall be to such a unit.

c. Location. MAVNIs will be recruited nationwide.

d. Reporting requirements. Monthly program recruiting reports will be prepared and a mid-year assessment of the pilot will be provided to the DCS, G-1 and the ASA (M&RA) by 30 June each year of the pilot. Adjustments to the program can be requested through memorandum to ODCS, G-1(DAPE-MP) and ASA (M&RA).

e. MOS limitation. This pilot is limited to either Military Occupational Specialties (MOS) that do not require U.S. Citizenship, Personnel Reliability Screen or a Security

Clearance at time of enlistment, or critical officer shortages in Army Medical Department (AMEDD) AOCs as determined by the Office of the Surgeon General (OTSG) for Regular Army AMEDD Accessions and the Office of the Chief, Army Reserve (OCAR) for Army Reserve AMEDD Accessions.

5. Immigration Categories. Applicants must meet the following requirements as validated by DHS.

a. Applicants must be in one of the following categories at time of enlistment:

(1) Asylee, Refugee, Temporary Protected Status (TPS);

(2) Individuals who have been granted deferred action by DHS pursuant to the DACA process; or

(3) Non-immigrant categories E, F, H, I, J, K, L, M, O, P, Q, R, S, T, TC, TD, TN, U or V.

b. Applicants accessed under para 5a (1) or 5a (3)must have been in a valid immigration status in the U.S. for at least the two years immediately prior to their enlistment date, but not necessarily in the same category as the one held on the date of enlistment.

c. An applicant who may be eligible on the basis of a nonimmigrant category at time of enlistment must not have had any single absence from the United States of more than 90 days during the two year period immediately preceding the date of enlistment. Waivers will be considered on a case-by-case basis, submitted to OSD through ASA (M&RA).

d. An applicant who is eligible under 5a-c above is not rendered ineligible by virtue of having a pending application for adjustment of status to lawful permanent residence (Green Card). In the specific case of an alien with H nonimmigrant status at the time of filing a pending application for adjustment of status who has lost such status while his or her application for adjustment was pending, and who is otherwise eligible for enlistment under the MAVNI program, the military Service may on a case-by-case basis waive the requirement that the alien be in a status described in 5a above at the time of enlistment.

e. Applicants must have immigration documents to validate alien or DACA status in accordance with paragraph 5a-c. USAREC will coordinate with DHS in order to confirm that each applicant is legally present in the United States or has been granted deferred action pursuant to the DACA process and is eligible for enlistment in the Army using the

Systematic Alien Verification for Entitlements (SAVE) program or an analogous system agreed to between DOD and DHS.

6. Eligibility requirements common to both CFL and HCP applicants.

a. Applicants must complete a medical questionnaire (DD Form 2807-1) and Enlistment Screening Test (EST) or Computer Adaptive Screening Test (CAST) prior to validation of status with DHS. USAREC will screen via CAST/EST scores and medical questionnaire for enlistment eligibility prior to validation of status with DHS.

b. Applicants must have Tier 1 education credentials and achieve Test Score Category I-IIIA (AFQT≥50). For Pashto, Persian Dari, or Persian Farsi, Tier 1 education credentials may not be available based on the state of the education system in Afghanistan. A case by case exception is authorized for Tier 1 Education credentials and AFQT scores between 10-50 only for applicants who enlist specifically for 09L, a critically short capability in our operational force.

c. Applicants must have a valid Social Security Number (SSN) to enlist. The Department of Defense will establish procedures with the Social Security Administration (SSA) to obtain an SSN for those applicants eligible to enlist under this pilot program but do not have an SSN. DACAs will receive SSNs when they are granted deferred action. Applicants must complete initial eligibility interview with a recruiter, pre-screening steps outlined in paragraph 6.a., and have their eligibility confirmed by DHS (an approved G-845) prior to applying for an SSN under this program.

d. Applicants must enlist using the name on their US Government immigration documents. This name should match the name on the applicant's –social security card; otherwise the applicant may be required to process a name change with the SSA once they receive their social security card.

e. Conduct or Drug and Alcohol (DAT) enlistment waivers are not authorized.

f. All CFL applicants will ship to Initial Entry Training with completed citizenship packets to submit to USCIS while at the Reception Battalion. All applicants who obtain citizenship through this program and who are subsequently discharged under less than honorable conditions may be reported to DHS and in cases where citizenship has already been granted may be subject to revocation of U.S. citizenship.

g. Applicants cannot be current members of the armed forces of a foreign state.

h. All qualified MAVNI applicants will be subjected to a comprehensive counterintelligence (CI)-focused security review and monitoring program which includes

a Single Scope Background Investigation (SSBI), National Intelligence Agency Checks (NIAC), the completion of a counterintelligence (CI)-focused security review, and an issue-oriented CI interview and/or issue-oriented polygraph, as needed to resolve any foreign influence or foreign preference concerns. The results of the SSBI, NIAC and CI-focused security review will be considered in the suitability determination. Failure to obtain a favorable NIAC, SSBI or CI-focused security review will render the applicant ineligible for enlistment or continued military service. In these cases, local commanders or other appropriate authority will initiate separation IAW AR 635-200 and AR 135-178. Any Soldier discharged for failing to successfully complete the SSBI and counterintelligence-focused security review will receive a Re-Entry (RE) code of 4 in order to prevent the Soldier from seeking to join another Service.

7. Career Field Criteria:

a. Applicants enlisted into the Army under the MAVNI Program shall not be assigned to career fields that require security clearances at the time of enlistment. Additionally, Soldiers enlisted under the MAVNI program shall not be considered for a Secret security clearance until they have lived within the U.S. (or its territories) for a minimum of two years, and a minimum of one year of military service (the military service requirement does not apply to health care professionals commissioned under MAVNI).

b. Health Care Professionals must comply with Ref 1.d.

c. Soldiers previously enlisted under the MAVNI Program prior to signature of this policy, who have already been granted a security clearance, must comply with Ref 1.f.

d. For assignment to positions in the Intelligence Community or positions requiring Top Secret security clearance(including access to sensitive compartmented information), the U.S. residency requirement is five years, with a minimum of two years military service IAW reference 1.d. The ODCS, G-2 or Combatant Commands may waive the clearance-specific residency and time in service requirements under compelling operational needs. The original eligibility requirement of 2 years' U.S. residency for all MAVNI program applicants may not be waived.

8. Critical Foreign Languages: additional eligibility requirements and personnel management instructions.

a. Applicants must have demonstrated language capability in a critical foreign language as designated by the DOD (Encl 1). The applicant must demonstrate his/her language proficiency at minimum, at the 2/2 level on the Oral Proficiency Interview (OPI) or as specified by Army policy for an identified career field.

b. MAVNI recruit allocations for the Critical Foreign Language program will not exceed the specified language caps. Accessioning agencies will not exceed these established guidelines without prior coordination with ODCS, G-1. ODCS, G-1 may adjust based on accession numbers.

c. Applicants will enlist for a period of not less than 4 years (Regular Army).

d. Retention and reclassification options and incentives will be in accordance with established HQDA guidance (AR 601-280).

e. Qualified applicants shall be screened and identified for eligibility for special operations and special operations support career fields and if eligible, assignment priority shall be to such a unit when MOS structure matching the MAVNI is otherwise available. Exception to policy can be requested from the ODCS, G1, ATTN: DAPE-MP. Under strength MOS will not be targeted for USASOC MAVNI recruitment. Any MAVNI enlistee who does not desire to transition to a SOF MOS, after 24 months, will be reassigned to the General Purpose Forces (GPF) in order to utilize their PMOS.

f. Qualified applicants will be offered available enlistment incentives IAW AR 601-210, and when eligible, any reenlistment incentives they may qualify for under the Selective Reenlistment Bonus Program IAW AR 601-280, Army Retention Program.

9. Health Care Professionals. Additional eligibility requirements and personnel management instructions include the following:

a. Applicants must be recruited specifically to fill critical officer shortages in AMEDD Areas of Concentration (AOCs) as determined by the Office of the Surgeon General (OTSG) for Regular Army AMEDD Accessions and the Office of the Chief, Army Reserve (OCAR) for Army Reserve AMEDD Accessions.

b. Prior to enlistment, applicants must be fully qualified to practice within their medical specialties and must have completed all educational/specialty licensing and certification requirements in the specific medical field in which the individual seeks appointment, as prescribed by the Army Surgeon General and applicable law, regulation and policy.

c. As an exception to the maximum enlistment age policy, Health Care Professionals who enlist under this program may be accessed into the Reserve Components not later than their 40th birthday.

d. All Health Care Professionals will be enlisted under Special Reporting Code (SRC) 09Q (Army Legal Immigrant Healthcare Professional Officer Candidate). SRC

09Q will serve as the primary and duty MOS for MAVNI Health Care Professionals and will be withdrawn upon completion of commissioning, withdrawal/disqualification, or discovery of ineligibility.

e. Applicants must demonstrate understanding and proficiency in the English language. Applicants will be administered the Oral Proficiency Interview (OPI) in English if English is not the applicant's native language. Applicants must score a minimum of 2+/2+ on the OPI (participatory listening / speaking). However, OTSG, as the waiver authority, may waive this standard to a 2+/2 which is the accepted standard per AR 621-5 paragraph 10-2.

f. Applicants must meet the mental, physical and moral requirements in AR 600-100, Army Leadership.

g. Reserve Component (RC) Applicants must contract for at least six years in the Selected Reserve. The remaining two years of mandatory service obligation may be completed in the Individual Ready Reserve (6X2). Upon receiving citizenship and meeting other officer commissioning requirements and accession standards set forth in AR 601-100 and AR 135-100, applicants are eligible to serve on Active Duty. Applicants whose 09Q enlistment contract indicates a desire to seek a Regular Army (RA) commission will be given priority to such a commission when eligible. RA applicants must commit to a minimum of three years of active duty. Any remaining service after the initial 3-year obligation will be executed IAW current policy for placement into the Individual Ready Reserve unless the Soldier elects to serve in a Selected Reserve Unit. Further, under no circumstances will an RC officer be commissioned in the active component or serve in an active duty status without verification of a valid secret security clearance.

h. Applicants must be board selected for direct commission as a Health Care Professional In accordance with applicable Army Policy prior to enlistment in Special Reporting Code 09Q.

i. Applicants eligible for AMEDD officer direct appointments will not be required to attend Basic Combat Training (BCT) or Officer Candidate School (OCS).

j. Soldiers who enter the 09Q program are enlisted at the pay grade of E4 and are authorized to wear the OCS insignia.

k. Applicants will receive the completed DHS Form N-426 from the Company/Battalion Commander verifying honorable service was performed upon successful completion of a minimum of four Multiple Unit Training Assemblies (MUTAs) or equivalent Selected Reserve (SELRES) service. A completed N-426 is a

requirement for citizenship application. Applicants must be U.S. citizens before commissioning. Applicants failing to meet these requirements will be processed for separation by the Company/Battalion Commander under the provisions of AR 135-178.

l. The following statement must be entered in the remarks section of DD Form 1966: "I am enlisting for MOS 09Q (Army Legal Immigrant Healthcare Professional Officer Candidate). Upon completion of honorable service, as determined by my Company/Battalion Commander through signature on Department of Homeland Security Form N-426, and upon granting of U.S. citizenship, I will receive a Direct Commission in the Army Reserve at the grade/rank determined by the AMEDD Board Selection Process. If found ineligible to hold a commission or a security clearance, which is a requirement for all Army officers, I will be subject to discharge. If I fail to successfully complete the Basic Officer Leadership Course (BOLC), I may be discharged without recourse to an administrative board hearing. A discharge for failure to satisfactorily complete honorable service will affect my ability to obtain expedited U.S. Citizenship. Documentation of less than honorable service may be reported to DHS and, in cases where citizenship has already been granted, a recommendation may be made regarding revocation of citizenship."

10. Health Care Professional Medical Residents (USAR Only): additional eligibility requirements and personnel management instructions.

a. Applicants must be recruited specifically to fill critical medical officer shortages in AMEDD AOCs as determined by the Office of the Chief, Army Reserve (OCAR) for Army Reserve AMEDD Accessions.

b. Prior to enlistment, foreign medical resident applicants must be in their final year of a residency program approved by the Accreditation Council on Graduate Medical Education (ACGME) or American Osteopathic Association (AOA) and must have completed all other educational requirements in the specific medical field in which the individual seeks appointment as prescribed by the Army Surgeon General and applicable law, regulation, and policy.

c. As an exception to the maximum enlistment age policy, Health Care Professional Medical Residents who enlist under this program may be accessed into the Reserve Components not later than their 40th birthday.

d. All Health Care Professional Medical Residents will be enlisted under enlisted Special Reporting Code (SRC) 09Q (Army Legal Immigrant Healthcare Professional Officer Candidate). SRC 09Q will serve as the primary and duty MOS for MAVNI Health Care Professional Medical Residents and will be withdrawn upon completion of commissioning, withdrawal/disqualification, or discovery of ineligibility.

e. Applicants must demonstrate understanding and proficiency in the English language. Applicants will be administered the Oral Proficiency Interview (OPI) in English if English is not the applicant's native language. Applicants must score a minimum of 2+/2+ (participatory listening/speaking) on the OPI. However, OTSG, the waiver authority, may waive this standard to a 2+/2 which is the acceptable standard per AR 621-5 paragraph 10-2.

f. Applicant must meet the mental, physical and moral requirements in AR 600-100, Army Leadership.

g. The Army Surgeon General, in cooperation with USAREC, will ensure that Health Care Professional applicants are fully qualified to practice within their medical specialties and have completed all education/specialty licensing and certification requirements in the specific medical field in which the individual seeks appointment as prescribed by the Army Surgeon General and applicable law, regulation and policy prior to enlistment.

h. Applicants must be board selected for direct commission as a Health Care Professional in one of the critical medical officer shortage AOCs determined by the Office of the Chief, Army Reserve (OCAR) IAW applicable Army Policy prior to enlistment in Special Reporting Code 09Q. The Surgeon General in cooperation with USAREC will ensure that Health Care Professional Medical Resident applicants meet qualifications within their medical specialties and are scheduled to complete all education/specialty licensing and certification requirements in the specific medical field in which the individual seeks appointment as prescribed by the Army Surgeon General and applicable law, regulation and policy within 12 months of enlistment.

i. Applicants will not be required to attend Basic Combat Training (BCT) or Officer Candidate School (OCS).

j. Soldiers who enter the 09Q program are enlisted at the pay grade of E4 and are authorized to wear the OCS insignia.

k. Applicants must complete the medical residency for the AOC which they were boarded within 12 months of enlistment.

l. Applicants will receive the completed Department of Homeland Security Form N-426 from the Company/Battalion Commander verifying honorable service was performed upon successful completion of a minimum of four Multiple Unit Training Assemblies (MUTAs) or equivalent Selected Reserve (SELRES) service. A completed N-426 is a requirement for citizenship application. Applicants must be U.S. citizens before commissioning. Applicants failing to meet these requirements will be processed

for separation by the Company/Battalion Commander under the provisions of AR 135-178.

m. The following statement must be entered in the remarks section of DD Form 1966: "I am enlisting for MOS 09Q (Army Legal Immigrant Healthcare Professional Officer Candidate). Upon completion of the medical residency for my AOC; honorable service, as determined by my Company/Battalion commander through signature on Department of Homeland Security Form N-426; and upon granting U.S. citizenship, I will receive a Direct Commission in the Army Reserve at the grade/rank determined by the AMEDD Board Selection Process. I will be subject to discharge: if I fail to complete the medical residency for the AOC which I was boarded; if found ineligible to hold a commission; or if found ineligible to hold a security clearance which is a requirement for all Army officers. If I fail to successfully complete the Basic Officer Leadership Course (BOLC), I may be discharged without recourse to an administrative board hearing. A discharge failure to satisfactorily complete honorable service will affect my ability to obtain expedited U.S Citizenship. Documentation of less than honorable service may be reported to DHS and, in cases where citizenship has already been granted, a recommendation may be made regarding revocation of citizenship."

11. Chaplains: In an effort to fill critically short Catholic Priest positions, the ASA (M&RA) requested authority from OSD to access legal aliens in certain immigration categories (paragraph 5a) or aliens who have been granted deferred action by DHS pursuant to the DACA process. OSD did not grant a blanket approval to the Army, but agreed to review and approve/disapprove each application for MAVNI chaplaincy at their level on a case-by-case basis. Eligibility requirements and personnel management instructions are:

a. The enlistment of Chaplains under the MAVNI program requires an ETP to be approved by OSD on a case by case basis.

b. Applicants must be recruited specifically to fill critical Chaplain shortages as determined by the Office of the Chief of Chaplains (OCCH) for Regular Army Chaplain Accessions and the Office of the Chief, Army Reserve (OCAR) for Army Reserve Chaplain Accessions.

c. Prior to enlistment, applicants must be fully qualified to practice within their specialty and must have completed all educational and certification requirements in the as prescribed by the OCCH and receive ecclesiastical endorsement from their specific denomination.

d. As an exception to the maximum enlistment age policy, Chaplains who enlist under this program may be accessed into the Reserve Components not later than their 40th birthday.

e. All Chaplains will be enlisted under Special Reporting Code (SRC) TBD (Army Legal Immigrant Chaplain Officer Candidate). SRC will serve as the primary and duty MOS for MAVNI Chaplain and will be withdrawn upon completion of commissioning, withdrawal/disqualification, or discovery of ineligibility.

f. Applicants must demonstrate understanding and proficiency in the English language. Applicants will be administered the Oral Proficiency Interview (OPI) in English if English is not the applicant's native language. Applicants must score a minimum of 2+/2+ on the OPI (participatory listening / speaking). However, OCCH, as the waiver authority, may waive this standard to a 2+/2 which is the accepted standard per AR 621-5 paragraph 10-2.

g. Applicants must meet the mental, physical and moral requirements in AR 600-100, Army Leadership.

h. Reserve Component (RC) Applicants must contract for at least six years in the Selected Reserve. The remaining two years of mandatory service obligation may be completed in the Individual Ready Reserve (6X2). Upon receiving citizenship and meeting other officer commissioning requirements and accession standards set forth in AR 601-100 and AR 135-100, applicants are eligible to serve on Active Duty. Applicants whose chaplaincy enlistment contract indicates a desire to seek a Regular Army (RA) commission will be given priority to such a commission when eligible. RA applicants must commit to a minimum of three years of active duty. Any remaining service after the initial 3-year obligation will be executed IAW current policy for placement into the Individual Ready Reserve unless the Soldier elects to serve in a Selected Reserve Unit. Further, under no circumstances will an RC officer be commissioned in the active component or serve in an active duty status without verification of a valid secret security clearance.

i. Applicants must be board selected for direct commission as a Chaplain in accordance with applicable Army Policy prior to enlistment in the chaplain program.

j. Applicants eligible for Chaplain Officer direct appointments will not be required to attend Basic Combat Training (BCT) or Officer Candidate School (OCS).

k. Soldiers who enter the Chaplain program are enlisted at the pay grade of E4 and are authorized to wear the OCS insignia.

l. Applicants will receive the completed DHS Form N-426 from the Company/Battalion Commander verifying honorable service was performed upon successful completion of a minimum of four Multiple Unit Training Assemblies (MUTAs) or equivalent Selected Reserve (SELRES) service. A completed N-426 is a requirement for citizenship application. Applicants must be U.S. citizens before

commissioning. Applicants failing to meet these requirements will be processed for separation by the Company/Battalion Commander under the provisions of AR 135-178.

m. The following statement must be entered in the remarks section of DD Form 1966: "I am enlisting for the Army Legal Immigrant Chaplain Officer Candidate program. Upon completion of honorable service, as determined by my Company/Battalion Commander through signature on Department of Homeland Security Form N-426, and upon granting of U.S. citizenship, I will receive a Direct Commission in the Army Reserve at the grade/rank determined by the OCCH Board Selection Process. If found ineligible to hold a commission or a security clearance, which is a requirement for all Army officers, I will be subject to discharge. If I fail to successfully complete the Basic Officer Leadership Course (BOLC), I may be discharged without recourse to an administrative board hearing. A discharge for failure to satisfactorily complete honorable service will affect my ability to obtain expedited U.S. Citizenship. Documentation of less than honorable service may be reported to DHS and, in cases where citizenship has already been granted, a recommendation may be made regarding revocation of citizenship."

12. Responsibilities.

a. *Office of the Deputy Chief of Staff, G-1 (DAPE-MPA)*, will provide policy guidance and oversight of the Military Accessions Vital to the National Interest (MAVNI) program; review and analyze reported data, report results on a recurring basis to the Assistant Secretary of the Army for Manpower and Reserve Affairs (SAMR-MP).

b. *Office of the Deputy Chief of Staff, G-2* (DAMI-CD) will provide policy guidance and oversight of the CI focused security review and monitoring program for the MAVNI applicants.

c. *The US Army Recruiting Command (USAREC)* will establish procedures to ensure management and reporting compliance with the pilot accession objectives established in this policy document. USAREC must validate all applicants' eligibility to participate in this pilot with DHS prior to enlistment. USAREC will develop a Training Plan and distribute a MAVNI Recruitment Information Packet to all applicable agencies and personnel. USAREC will ensure the contract language enclosed is incorporated as an addendum to all CFL (ENCL 2), HCP (ENCL 3), HCP Medical Residents (ENCL 4), and Chaplain (ENCL 5) enlistment contracts under this program. Ensure no applicant ships to BCT without a favorable NIAC determination from DCS G-2 LSO and a completed SSBI as determined by DoD Central Adjudication Facility (DoD CAF). Ensure SSBI processing is discontinued immediately if results of the NIAC indicate the presence of credible derogatory information.

d. *United States Army Reserve Command (USARC)* will develop procedures to manage 09Q Soldiers upon enlistment and assist in the direct commissioning process. Health Care Professionals will be afforded opportunities of Regular Army commissioning if qualified.

e. *Army Human Resource Command (AHRC)* will establish procedures to ensure persons enlisted under the language and culture portion of the pilot program are screened and identified for eligibility for special operations and special operations support career fields and if eligible, assignment priority shall be to such a unit. AHRC will issue such assignment instructions as appropriate and ensure assignments are made where MOS structure is also available in the General Purpose Force. AHRC will also consider each Soldier's language capability when determining assignments to the General Purpose Forces. Health Care Professionals will be afforded opportunities of Regular Army commissioning, if qualified and secret clearance validated. AHRC will provide to DHS information on MAVNIs who separate under less than honorable conditions within 5 years of naturalization so DHS can determine if the US citizenship conferred is subject to revocation.

f. *Office of the Chief Public Affairs* will announce the MAVNI Recruitment pilot program, to include producing public affairs guidance and appropriate communication products in coordination with AMRG, TRADOC PAO, USAREC, ASA (MRA), and ODCS, G-1.

g. *The Office of the Surgeon General*, in cooperation with USAREC, will ensure that prospective 09Q recruits are fully qualified to practice within their medical specialties and have completed all educational/specialty licensing and certification requirements in the specific medical field in which the individual seeks appointment as prescribed by the Army Surgeon General and applicable law, regulation and policy prior to enlistment.

h. *The Office of the Chief of Chaplains*, in cooperation with USAREC, will ensure that prospective recruits for the Chaplain program are fully qualified to practice as Chaplains and have completed all educational and certification requirements as prescribed by the *Office of the Chief of Chaplains* and applicable law, regulation and policy prior to enlistment.

13. Effective Date and Expiration. This policy is effective upon signature. The pilot program will expire on 1 October 2016, unless extended by proper authority. Additionally, no enlistments under this program will be permitted after the date when the President announces that the wartime expedited military naturalization statute (8 U.S.C. § 1440) is no longer in effect.

DAPE-MPA
SUBJECT: Two-Year Extension of Military Accessions Vital to the National Interest (MAVNI) Pilot Program Implementation Policy

14. Point of contact is LTC Eric Myrick [redacted] or email [redacted].

5 Encls
as

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Chief of Chaplains
Commander, USARC (ARRC-TRI)
Commander, HRC (AHRC-EP)
Commander, USAREC (RCRO)

ENCL 1

CRITICAL FOREIGN LANGUAGES for Military Accessions Vital to the National Interest (MAVNI) Pilot Program:

ALBANIAN
AMHARIC
ARABIC
AZERBAIJANI
BENGALI
BURMESE
CEBUANO
CAMBODIAN-KHMER
CHINESE (60 cap)
CZECH
FRENCH (with citizenship from an African country)
GEORGIAN
HAITIAN CREOLE
HAUSA
HINDI (60 cap)
IGBO
INDONESIAN
KOREAN (60 cap)
KURDISH
LAO
MALAY
MALAYALAM
MORO
NEPALESE (60 cap)
PASHTO
PERSIAN DARI
PERSIAN FARSI
POLISH
PORTUGUESE
PUNJABI (60 cap)
RUSSIAN (60 cap)
SINDHI
SERBO-CROATION
SINGHALESE
SOMALI
SWAHILI (60 cap)
TAGALOG
TAJIK
TAMIL (60 cap)
THAI
TURKISH
TURKMEN
URDU (with citizenship or birth certificate from Pakistan or Afghanistan) (60 cap)
UZBEK
YORUBA

ENCL 2

LANGUAGE FOR ENLISTMENT CONTRACT FOR NON-CITIZENS ENLISTING UNDER THE LANGUAGE AND CULTURAL PORTION OF THE MAVNI PILOT PROGRAM (AN ADDENDUM TO THE DD FORM 4/1)

_____ I understand that I am enlisting under a federal law that allows the Secretary of the Army to authorize the enlistment of certain non-citizens of the United States (10 U.S.C. 504(b)(2)). I also understand that I am enlisting during a period of time in which any alien who serves honorably as a member of the Selected Reserve of the Ready Reserve or in an active-duty status in the military, air, or naval forces of the United States may apply for United States citizenship (8 U.S.C. 1440). I also understand that my enlistment may have an effect on my current immigration status.

_____ In exchange for being permitted to enlist in the Army, I agree to apply for U.S. citizenship as soon as the Army has certified my honorable service. I understand that the Army does not grant U.S. citizenship, and the Army does not guarantee that my application for U.S. citizenship will be approved. I understand that I must file my U.S. citizenship application with the Department of Homeland Security under the laws and regulations that govern such applications. I agree to inform my commander if my application for U.S. citizenship is not approved.

_____ I understand that if my application for U.S. citizenship is not approved, I may be discharged from the Army. I further understand that if I am discharged prior to obtaining U.S. citizenship, I may face serious immigration consequences, including possible deportation or removal from the United States. If I am discharged on account of alienage or as a conscientious objector, I may also be barred from becoming a U.S. citizen (8 U.S.C. 1440(a)).

_____ I understand that if I become a United States citizen based upon my military service, the Government of the United States may revoke my U.S. citizenship if I am separated from the Army under less than honorable conditions unless I have served honorably for a period or periods aggregating five years (8 U.S.C. 1440(c)).

_____ I understand that I may lose my citizenship in my country of origin, or any other country to which I have a claim of citizenship, when I become a United States citizen. Even if my former country does not take away my citizenship, I may be required to renounce citizenship in that country in order to obtain a U.S. security clearance.

ENCL 3

LANGUAGE FOR HEALTH CARE PROFESSIONAL CONTRACT FOR NON-CITIZENS ENLISTING UNDER THE MAVNI PILOT PROGRAM INTO MOS OF 09Q (AN ADDENDUM TO THE DD FORM 4/1)

_____I am seeking to receive a Commission in the Army Reserve or Regular Army through an Army Reserve Commission after I receive my United States Citizenship, meet all training requirements, and upon successful completion of honorable service as an 09Q.

_____ I understand that I am first enlisting under a federal law that allows the Secretary of the Army to authorize the enlistment of certain non-citizens of the United States (10 U.S.C. 504(b)(2)). I also understand that I am enlisting during a period of time in which any alien who serves honorably as a member of the Selected Reserve of the Ready Reserve or in an active-duty status in the military, air, or naval forces of the United States may apply for United States citizenship (8 U.S.C. 1440). I also understand that my enlistment may have an effect on my current immigration status.

_____ In exchange for being permitted to enlist in the Army, I agree to apply for U.S. citizenship as soon as the Army has certified my honorable service. I understand that the Army does not grant U.S. citizenship, and the Army does not guarantee that my application for U.S. citizenship will be approved. I understand that I must file my U.S. citizenship application with the Department of Homeland Security under the laws and regulations that govern such applications. I agree to inform my commander if my application for U.S. citizenship is not approved.

_____ I understand that if my application for U.S. citizenship is not approved, or I am otherwise found ineligible to hold a commission, I may be discharged from the Army. I further understand that if I am discharged prior to obtaining U.S. citizenship, I may face serious immigration consequences, including possible deportation or removal from the United States. If I am discharged on account of alienage or as a conscientious objector, I may also be barred from becoming a U.S. citizen (8 U.S.C. 1440(a)).

_____ I understand that if I become a United States citizen based on my military service, the Government of the United States may revoke my U.S. citizenship if I am separated from the Army under less than honorable conditions unless I have served honorably for a period or periods aggregating five years (8 U.S.C. 1440(c)).

_____ I understand that I may lose my citizenship in my country of origin, or any other country to which I have a claim of citizenship, when I become a United States citizen. Even if my former country does not take away my citizenship, I may be required to renounce citizenship in that country in order to obtain a U.S. security clearance. I may be discharged from the Army if I am unable to obtain a security clearance.

_____ I understand if I was boarded and selected for an Active Duty Appointment prior to enlisting under the MAVNI option, upon receipt of US Citizenship, I will be released

ENCL 3 (cont)

from the Army Reserves to accept a Regular Army Appointment. A copy of the Regular Army Accession Board results will be provided at time of enlistment.

ELIGIBLE AREAS OF CONCENTRATION (AOC) FOR MILTARY ACCESIONS VITAL TO THE NATIONAL INTEREST (MAVNI) HEALTHCARE PROFESSIONALS

REGULAR ARMY AOCs

DENTAL CORPS

General Dentist (63A)
Oral and Maxillofacial Surgeon (63N)
Comprehensive Dentist (63B)

MEDICAL CORPS

Pediatrician (60P)
Psychiatrist (60W)
Internist (61F)
Family Medicine (61H)
General Surgeon (61J)
Emergency Physician (62A)

MEDICAL SERVICE CORPS

Nuclear Medical Science (72A)
Entomology (72B)
Social Work (73A)
Clinical Psychology (73B)

NURSE CORPS

Psychiatric Nurse Practitioners (66CM8)
Nurse Anesthetist (66F)

ARMY RESERVE AOCs

DENTAL CORPS

General Dentist (63A)
Comprehensive Dentist (63B)
Prosthodontist (63F)
Oral and Maxillofacial Surgeon (63N)

ENCL 3 (cont)

MEDICAL CORPS

Preventive Medicine Officer (60C)
Urologist (60K)
Anesthesiologist (60N)
Ophthalmology (60S)
Otolaryngologist (ENT) (60T)
Psychiatrist (60W)
Family Medicine (61H)
General Surgeon (61J)
Thoracic Surgeon (61K)
Orthopedic Surgeon (61M)
Emergency Physician (62A)

MEDICAL SERVICE CORPS

Entomology (72B)
Clinical Psychology (73B)

MEDICAL SPECIALIST CORPS

Physician Assistant (65D)

NURSE CORPS

Psychiatric Nurse Practitioners (66CM8)

ENCL 4

LANGUAGE FOR HEALTH CARE PROFESSIONAL RESIDENT CONTRACT FOR NON-CITIZENS ENLISTING UNDER THE MAVNI PILOT PROGRAM INTO MOS OF 09Q (AN ADDENDUM TO THE DD FORM 4/1)

_____I am seeking to receive a Commission in the Army Reserve through an Army Reserve Commission after I receive my United States Citizenship, meet all training requirements, and upon successful completion of honorable service as an 09Q.

_____ I understand that I am first enlisting under a federal law that allows the Secretary of the Army to authorize the enlistment of certain non-citizens of the United States (10 U.S.C. 504(b)(2)). I also understand that I am enlisting during a period of time in which any alien who serves honorably as a member of the Selected Reserve of the Ready Reserve or in an active-duty status in the military, air, or naval forces of the United States may apply for United States citizenship (8 U.S.C. 1440). I also understand that my enlistment may have an effect on my current immigration status.

_____ In exchange for being permitted to enlist in the Army, I agree to apply for U.S. citizenship as soon as the Army has certified my honorable service. I understand that the Army does not grant U.S. citizenship, and the Army does not guarantee that my application for U.S. citizenship will be approved. I understand that I must file my U.S. citizenship application with the Department of Homeland Security under the laws and regulations that govern such applications. I agree to inform my commander if my application for U.S. citizenship is not approved.

_____ I understand that if my application for U.S. citizenship is not approved, I fail to complete the residency program for the AOC which I was boarded within 12 months of enlistment, or I am otherwise found ineligible to hold a commission, I may be discharged from the Army. I further understand that if I am discharged prior to obtaining U.S. citizenship, I may face serious immigration consequences, including possible deportation or removal from the United States. If I am discharged on account of alienage or as a conscientious objector, I may also be barred from becoming a U.S. citizen (8 U.S.C. 1440(a)).

_____ I understand that if I become a United States citizen based on my military service, the Government of the United States may revoke my U.S. citizenship if I am separated from the Army under less than honorable conditions unless I have served honorably for a period or periods aggregating five years (8 U.S.C. 1440(c)).

_____ I understand that I may lose my citizenship in my country of origin, or any other country to which I have a claim of citizenship, when I become a United States citizen. Even if my former country does not take away my citizenship, I may be required to renounce citizenship in that country in order to obtain a U.S. security clearance. I may be discharged from the Army if I am unable to obtain a security clearance.

ENCL 5

LANGUAGE FOR CHAPLAIN CONTRACT FOR NON-CITIZENS ENLISTING UNDER THE MAVNI PILOT PROGRAM INTO MOS OF 09Q
(AN ADDENDUM TO THE DD FORM 4/1)

_____I am seeking to receive a Commission in the Army Reserve or Regular Army through an Army Reserve Commission after I receive my United States Citizenship, meet all training requirements, and upon successful completion of honorable service in the Chaplain program.

_____ I understand that I am first enlisting under a federal law that allows the Secretary of the Army to authorize the enlistment of certain non-citizens of the United States (10 U.S.C. 504(b)(2)). I also understand that I am enlisting during a period of time in which any alien who serves honorably as a member of the Selected Reserve of the Ready Reserve or in an active-duty status in the military, air, or naval forces of the United States may apply for United States citizenship (8 U.S.C. 1440). I also understand that my enlistment may have an effect on my current immigration status.

_____ In exchange for being permitted to enlist in the Army, I agree to apply for U.S. citizenship as soon as the Army has certified my honorable service. I understand that the Army does not grant U.S. citizenship, and the Army does not guarantee that my application for U.S. citizenship will be approved. I understand that I must file my U.S. citizenship application with the Department of Homeland Security under the laws and regulations that govern such applications. I agree to inform my commander if my application for U.S. citizenship is not approved.

_____ I understand that if my application for U.S. citizenship is not approved, or I am otherwise found ineligible to hold a commission, I may be discharged from the Army. I further understand that if I am discharged prior to obtaining U.S. citizenship, I may face serious immigration consequences, including possible deportation or removal from the United States. If I am discharged on account of alienage or as a conscientious objector, I may also be barred from becoming a U.S. citizen (8 U.S.C. 1440(a)).

_____ I understand that if I become a United States citizen based on my military service, the Government of the United States may revoke my U.S. citizenship if I am separated from the Army under less than honorable conditions unless I have served honorably for a period or periods aggregating five years (8 U.S.C. 1440(c)).

_____ I understand that I may lose my citizenship in my country of origin, or any other country to which I have a claim of citizenship, when I become a United States citizen. Even if my former country does not take away my citizenship, I may be required to

renounce citizenship in that country in order to obtain a U.S. security clearance. I may be discharged from the Army if I am unable to obtain a security clearance.

ENCL 5 (cont)

_____ I understand if I was boarded and selected for an Active Duty Appointment prior to enlisting under the MAVNI option, upon receipt of US Citizenship, I will be released from the Army Reserves to accept a Regular Army Appointment. A copy of the Regular Army Accession Board results will be provided at time of enlistment.

Exhibit 2

From: Military Info <militaryinfo@uscis.dhs.gov>
Date: Wed, Feb 21, 2018 at 9:34 AM
Subject: RE: Background checks
To: [redacted]

Morning,

You are going to have to let the process take its course, and we still don't have the DOD confirmation yet. And we do not know when we will actually see it. Also part of the MAVNI/Military natz process is that you have to attend basic training to complete the process.

Vr

USCIS Military Naturalization Officer NM1733 | 1-877-CIS-4MIL (1-877-247-4645) | militaryinfo@uscis.dhs.gov
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Exhibit 3

From: Military Info <militaryinfo@uscis.dhs.gov>
To: [redacted]
Date: 02/21/2018 06:06 AM
Subject: RE: [redacted] (N-400 on basis of military service)

Morning,

Mr. [redacted] will be scheduled when, USCIS receives formal notification from the DOD that his background and security checks are good to go. When we receive that memo then we will place that memo in his file letting the Santa Ana field office know they can finish adjudicating Mr. [redacted] case. Most MAVNI cases will actually go to Basic before getting their naturalization cases adjudicated, and will be naturalized when they return home from basic training and their AIT.

Vr

USCIS Military Naturalization Officer NM1733 | 1-877-CIS-4MIL (1-877-247-4645) | militaryinfo@uscis.dhs.gov
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Address Changes: If you have a pending Form N-400, Application for Naturalization, and you move, please e-mail us and provide us with an updated address. For more information about address changes or to change your address online, please visit our web site at www.uscis.gov/ar-11, and click on "Change Your Address Online."

"This communication is confidential and may be legally privileged. If you are not the intended recipient, (i) please do not read or disclose to others, (ii) please notify the sender by reply mail, and (iii) please delete this communication from your system. Failure to follow this process may be unlawful. Thank you for your cooperation."

Exhibit 4

From: **Military Info** <militaryinfo@uscis.dhs.gov>
Date: Fri, Mar 2, 2018 at 2:37 PM
Subject: RE: Military Naturalization
To: [redacted]

Hello again,

Your N-400 application was filed 1/16/18, USCIS must receive official notification that your background checks are completed.

It is not unusual for an applicant to have their interview/oath ceremony when they return from Basic/AIT.

Please notify us upon your return from Basic/AIT and we will provide you with an update.

Safe travels to Missouri.

Thank you,

Dianna Carpenter

Immigration Services Officer-NM1824

USCIS - National Benefits Center

Division 1 – Military Naturalization

816-389-4433

Exhibit 5

U.S. Department of Homeland Security
Citizenship and Immigration Services

[redacted]

File: [redacted]
Date: February 20, 2018
Officer: Figueroa

Dear Naturalization Applicant:

Your application has been continued for the following reason(s):

☐ Reexamination on ability to _____ read, ____write, _____speak, or ____understand English; or _____knowledge of U.S. history and government.

☐ A more in-depth interview regarding the issue(s) of:_____
_____
_____
_____
You will be notified by mail regarding the date and time of your next interview.

☐ Another interview regarding your eligibility for exception(s) to the requirement(s) of Section 312 of the I.N.A. You will be notified by mail regarding the date and time of your next interview.

☐ Form N-648 is required to establish your eligibility for exception(s) to the requirements of Section 312, INA. Please refer to attachment N-648A for more information.

☐ The Form N-648 that you submitted lacks certain required information. Please refer to attachment N-648B for more instructions.

☒ No further action on your part is required at this time. Upon receipt of the below checked boxes, your application can be acted upon:

☐ Your permanent immigrant file.

☐ Your fingerprint background clearance from the FBI.

☐ Your military clearance and/or verification of your military service.

☒ Other: ___Further review (MAVNI case)
_____
_____
_____
_____

If you have not received a response after 120 days from the date of this notice, you may mail an inquiry to the following address: **Citizenship and Immigration Services, 995 Hardt Street, San Bernardino, CA 92408**. Please send a copy of this notice with your inquiry.

If you have a change of address, please complete and mail the attached change of address form.

☐ ~~See Reverse~~ (next page)

Please bring the following information and/or documents to your next interview: ***Failure to do so may result in the denial of your application.***

NOTE: ALL DOCUMENTS MUST BE ORIGINAL OR CERTIFIED COPIES.

Any documents in a foreign language must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.

☐ Complete arrest report(s), court disposition(s), and probation report(s) (if applicable) for the following:

Arrest date	Arresting Agency	Place	Case Number

(All court dispositions MUST be certified by the court issuing the record. If a record is no longer available, you must submit documentation from the appropriate agency as to its unavailability. If a record has been sealed or expunged, court records showing such must be submitted.)

☐ Police clearance(s) from the local law enforcement agency(ies), from all jurisdictions where you have resided for the years: _____.

☐ Birth certificate of _____

☐ Marriage certificate of _____

☐ Divorce decree (interlocutory and final decree) of _____

☐ Death certificate of _____

☐ Your written statement, as well as a letter from your church, signed by a church official, explaining how your religious beliefs prevent you from taking the full oath.

☐ Evidence of bona fide marriage - bring any documents which would assist in establishing the validity of your marriage such as (but not limited to) lease agreements or home ownership documents, joint bank and credit accounts, joint tax returns. proof of joint ownership of other property such as investments, automobiles, life insurance, health insurance.

☐ Proof that your spouse has been a U.S. citizen for more than three years, such as birth certificate, naturalization certificate, certificate of citizenship, or U.S. passport.

☐ Proof of child support for _____
(Bring evidence of your payment of financial support, such as cancelled checks, money order receipts and bank drafts showing your payment record, along with copies of any court or government orders relating to the required payment.)

☐ Copies of tax returns for tax year(s) _____
(Bring copies of any correspondence relating to payment arrangements, and copies of any returns for which you claimed to be a non-resident.)

☐ Verification of tax compliance from the Internal Revenue Service (IRS) for tax years: _____

☐ Proof of Selective Service registration. (Selective Service System telephone number: 1-847-688-6888). Note: If you failed to register with the Selective Service System before you reached age 26, you must contact Selective Service System and request a status information or advisory letter regarding your failure to register. Please submit this as well as any other correspondence that you receive from the Selective Service System to the I.N.S.

☐ Your passport(s) and any travel documents issued by the I.N.S.

☐ Proof of physical presence in the United States during the years _____

☐ Other:

Exhibit 6

From: Military Info <militaryinfo@uscis.dhs.gov>
Sent: Tuesday, March 13, 2018 11:33 AM
To: [redacted]
Subject: RE: Naturalization Application N-400 ([redacted])

[redacted],

As it was explained to you yesterday when you called the military info line, we have not yet received the official DOD notice of your clearance. And once we receive it then we will complete the pre-processing of your file and get it to the field office to complete the adjudication process. However you will most probably already be in basic training when this is completed and you will have to wait until you return home from your Initial Entrance Training (Basic and AIT). Newark will hold your file until you get home and they will complete the adjudication of your case at that time.

Just because you received a favorable MSSD from the Army only means that you are now cleared to attend basic training and AIT. Your attachment you sent is only your reservation to go to basic training, it is not official US Army orders. As long as you have an open N-400 application and are attending basic training and AIT you are covered and don't have to worry about your status. You will be taken care of when you return home form your initial training.

Most everyone here in the Military naturalization office are either retired military or military veterans, with even some ex-military recruiters and we are acutely aware of how the military works and the recruiting process. We cannot control the DOD or even how fast they get USCIS the information we need to help you and all the other MAVNI applicants. We are working as hard as we can to get these process's completed. And when we send your case to the field office at Newark it will be up to Newark to schedule your interview and adjudicate your case. Even if we got your file out the door today it would still be about 2 weeks before it got to Newark and you would already be at basic training. So you will have to wait until you return home to complete the naturalization process.

Good luck at basic and AIT.

Vr

USCIS Military Naturalization Officer NM1733 | 1-877-CIS-4MIL (1-877-247-4645) | militaryinfo@uscis.dhs.

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Address Changes: If you have a pending Form N-400, Application for Naturalization, and you move, please e-mail us and provide us with an updated address. For more information about address changes or to change your address online, please visit our web site at www.uscis.gov/ar-11, and click on "Change Your Address Online."

From: [redacted]
Sent: Tuesday, March 13, 2018 10:02 AM
To: Military Info
Subject: Naturalization Application N-400 ([redacted])

Dear Immigration Officer,

I am an Army Reservist. I am about to go on active duty by end of this month and i have my naturalization application pending for almost a year. I would like my naturalization application send out to the local field office at Newark-NJ so that i can get naturalize as soon as possible. Previously you stated that my application is pending background investigation. I would like to update you on it that my background checks are completed and i am attaching herewith proof from my army HR record for your reference. In this document, It clearly says that my **security eligibility** is **Favorable**. My Details are as below.

[redacted]

Name: [redacted]

Date of Birth: [redacted]

USCIS Receipt Number: [redacted]

Phone Number: [redacted]

I would really appreciate your urgent help on the matter as i am running out of time. Please please please help me out.

Sincerely,

[redacted]

Exhibit 7

Military Info <militaryinfo@uscis.dhs.gov> Wed, Feb 28, 2018 at 9:27 AM
To: [redacted]

Good Afternoon,

If you just received a ship date, it is a 3 or 4 week delay before DOD notifies us. As soon as we get notification we will send the file to the field office. There IS NOT a process for us to ask or request DOD expedite notification to us, DOD provides notice when they provide it.

Respectfully

DHS/USCIS/NBC

USCIS Military Naturalization Officer NM1695 | 1-877-CIS-4MIL (1-877-247-4645) | militaryinfo@uscis.dhs.gov

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Exhibit 8

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----------X

KUSUMA NIO, et al.,

Plaintiffs Civil Action 17-998-ESH

v.

U.S. DEPT. OF HOMELAND SECURITY, et al.,

Defendants

----------X

Washington, D.C
Tuesday, January 23, 2018
2:45 p.m.

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE ELLEN SEGAL HUVELLE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Jennifer M. Wollenberg, Esq.
Douglas W. Baruch, Esq.
Joseph J. LoBue, Esq.
Webster Beary, Esq.
Katherine St. Romain, Esq.
FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON LLP
801 17th Street, NW
Washington, DC 20006
(202) 639-7052

Court Reporter: Lisa Walker Griffith, RPR
U.S. District Courthouse
Room 6507
Washington, D.C. 20001
(202) 354-3247

derogatory information would prevent them from naturalizing or not.

But if the process works and there is a favorable military suitability determination, so for the 103, for example, of the 130, then that goes over to USCIS. I hope I'm answering your question.

THE COURT: So we had 103 of the 130 got favorable suitability determinations. So what happens at USCIS with the 27 who didn't get favorable suitability determinations?

MR. KISOR: If I can back up one step, so when the military says to whatever branch it is, in this case it would be the Army, to USCIS, this person has a favorable military suitability determination, the DOD and the Army do not know whether that person has filed a N-400 or not, which may be why you have more people going over -- and there are some that have gone over to USCIS, saying this person has passed our background checks.

THE COURT: That's not what I'm talking about. I'm talking about the people who didn't get a favorable suitability determination from DOD.

MR. KISOR: Those people, the Army has to figure out what to do with. Is the Army going to discharge them, is the Army going to do something else with them, is the Army going to try to mitigate this, that, the CAF is making

its recommendation to the Army. And the Army made what Major Mazzone described as a personnel decision.

THE COURT: Where does USCIS come in, in this process?

MR. KISOR: USCIS, my expectation, my understanding is that the USCIS wouldn't find out until after that.

THE COURT: After the Army says up or down?

MR. KISOR: Well--

THE COURT: After the Army makes let's call it the internal personnel decision.

MR. KISOR: I don't think the Army has made a down decision yet if I understand.

THE COURT: Let's get it clear.

MAJ. MAZZONE: Ma'am, I don't believe anyone who has been found to have an unsuitable military determination, which I call a personnel decision because it is made a personnel office, has been discharged at this point in time. The Army is still determining what to do with each of those cases.

THE COURT: What do you do vis-a-vis USCIS as this is kicking along?

MAJ. MAZZONE: As we have not made a determination on those individuals that we've highlighted, I can't say exactly what we'll do with regard to USCIS at

this point in time.

THE COURT: But USCIS is not told one thing or another. In other words, if you haven't made a determination -- well, let's take three groups. You make a positive determination, USCIS is informed of that. And at least the way we understand it, 93 members of the Nio class have made it through background checks. They're finished at DOD. DOD says there are more. But that means that USCIS is ready to do something with them, right?

MAJ. MAZZONE: Yes, Your Honor.

THE COURT: Then there are a group of people where they have considered them and they didn't get a favorable suitability determination. Has any notification of that gone to USCIS yet?

MAJ. MAZZONE: Just a minute, Your Honor. I apologize.

(There was a pause in the proceedings.)

MAJ. MAZZONE: Ma'am, I'm told we have notified three individuals and USCIS is working through the process with that.

THE COURT: You told them three didn't get a suitable?

MAJ. MAZZONE: Yes, Ma'am.

THE COURT: Do you then give them the information about those three?

You can stand up, identify yourself and tell us who is speaking because I can tell someone is speaking.

MS. SHORT: My name is Gina Short with USCIS.

THE COURT: You are an attorney there?

MS. SHORT: I am with Field Operations, Citizenship Branch Chief.

MR. KISOR: She is not an attorney.

MS. SHORT: No, I'm not an attorney.

THE COURT: You've been told, you have three that come out of there. DOD said we have made an unsuitable determination.

MS. SHORT: So at this time, we are still working out the policy with Army on exchanging the information and how to determine the path moving forward on those three cases in particular.

THE COURT: How what?

MS. SHORT: How to move forward on those cases. So we're still in communication with Army regarding those three cases.

THE COURT: What has always confused and troubled me is if a person doesn't ultimately, they don't work out, the derogatory information or it is not mitigated, that person doesn't -- we've been quibbling about this. But can they get, can they be naturalized?

MS. SHORT: It's a case by case basis. So it

just determines on what information the Army has to provide to us. And when we do the review their case, so it is a case by case basis.

THE COURT: Well, if they say it can't be mitigated, therefore the person won't fulfill six years, whatever the contract says. Some are six and some are eight. What difference does that make to their naturalization?

MS. SHORT: In this case we have a INA 329 where they don't have to meet certain -- how do I explain it? It is the one day of service circumstances. When we're talking about the Army on those three cases, I think we're talking about the extenuating circumstances where they came up with the suitability determination.

THE COURT: They came up with--

MS. SHORT: Where they came up with the determination for that suitability and why they determined that they were not suitable. Unfortunately at this time we're still working out the process with the Army.

THE COURT: Is it conceivably possible that someone would not have a military suitability determination but could be naturalized?

MS. SHORT: I can't say for sure yet at this time.

THE COURT: But you are not getting information

Exhibit 9

From: Military Info <militaryinfo@uscis.dhs.gov>
Date: March 2, 2018 at 5:01:33 PM EST
To: [redacted]
Subject: RE: Naturalization through Military

Hello,

USCIS has not received official notification that your background checks have been completed. Once we have received the notification we will route your N-400 application to Newark, NJ. Please notify our office when you return from Basic/AIT and we will provide you with an update on your application. Safe travels to Missouri ☺

Best Regards,

USCIS Military Naturalization Immigration Officer NM1824 | 1-877-CIS-4MIL (1-877-247-4645) | militaryin

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approval from the originator.

Address Changes: If you have a pending N-400, Application for Naturalization, and you move, please email us and provide an updated address. For more information about address changes or to change your address online, please visit www.uscis.gov/ar-11 and click "Change Your Address Online."
For More Information: If you do not find the information you need through our online services and need further assistance, you may contact our National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD for the hearing impaired).

Exhibit 10

U.S. Citizenship and Immigration Services

INF PASS

Information Service Summary

Field Office: Click here to enter text. Date: August 29, 2017 2/27/2018

Your Request(s):

- [x] Check status on existing case
- [ ] Case Reschedule Request
- [ ] You have not received your permanent resident card
- [ ] Request a temporary I-551 stamp
- [ ] Request emergency advance parole
- [ ] Drop Off or Pick Up Documents (i.e., RFE, N600)
- [ ] Immigration Process Inquiry
- [ ] Request a biometric appointment
- [ ] Resolve issues with Immigrant Fee
- [ ] Change my address
- [ ] Other_____

What we did:

- [ ] Your case is currently under active review and this office has a process in place to review it towards completion.
- [ ] Your Resident Card (Form I-551) has been returned to the Service Center. We have requested that your card be remailed to you at the address you provided during your visit today.
- [ ] Your Resident Card (Form I-551) has not been returned to the Service Center; therefore, you should file a Form I-90 to obtain proof of your status.
- [ ] Your I-551 Stamp is temporary evidence of your status. This stamp serves as proof of your status as a permanent resident, and authorizes you to work in the US, and will allow you to return to the United States after travelling about the country.
- [ ] Your request for an Emergency Advanced Parole has been rejected because: _____
- [ ] Your response to our request for evidence was received today or on _____. It will be associated with your case. Please allow up to 60 days to receive a decision or other notice of action.
- [x] Other: pending security checks

Your Next Step(s):

- [ ] If we need anything from you, you will notified by mail or email.
- [ ] Please allow up to 60 days to receive your card at the address you provided today
- [ ] The Form I-90 may be filed by mail or on our website: www.uscis.gov/efiling.
- [ ] The Form I-131 may be filed with Service Center. Please see the instructions for the correct mailing address.
- [ ] Please allow up to 60 days to submit an inquiry to our website or to the customer service center.
- [x] Other: wait 60 - 90 days for interview notice

Exhibit 11

From: [redacted]
Sent: Monday, February 26, 2018 1:36 PM
To: Nio Class Counsel <nioclasscounsel@friedfrank.com>
Cc: Wollenberg, Jennifer <Jennifer.Wollenberg@friedfrank.com>
Subject: Re: [redacted] - MAVNI FS in Selected Reserve with pending naturalization || Favorable MSSD

Hi,
I again called USCIS and spoke with an officer, he said that they have not received my background check yet and my file is still in Nebraska. Once they get my background check report they will send the case to local office(I think Detroit, MI) and from then it would take another 4 to 5 month to get interview date and get naturalized.

Thank you,
[redacted]

Exhibit 12

From: Perez, Elianis (CIV) [mailto:Elianis.Perez@usdoj.gov]
Sent: Thursday, February 08, 2018 1:16 PM
To: Wollenberg, Jennifer <Jennifer.Wollenberg@friedfrank.com>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>; Vuong, Sarah L. (CIV) <Sarah.L.Vuong@usdoj.gov>
Cc: Baruch, Douglas W. <Douglas.Baruch@friedfrank.com>; LoBue, Joseph <Joseph.LoBue@friedfrank.com>
Subject: RE: Nio v. DHS: More MAVNI Naturalization Problems

Counsel –

We have been working with the agencies and compiling responses to your numerous emails. Although we have consistently tried to get responses within a reasonable amount of time, we again request that you refrain from imposing arbitrary deadlines, which are made to fit your schedule or your agenda to unnecessarily burden the court with manufactured emergencies. We find this approach unhelpful to reaching a resolution on individual cases where errors have been committed.

We are gathering responses to your inquires. However, we do have the following information:

1. With regard to your concern about MAVNIs shipping to basic training before they are able to naturalize: USCIS no longer travels to Ft. Leonard Wood, MO, to conduct naturalization interviews, oath ceremonies, and the like. We don't anticipate that it would be possible for enlistees at Basic Training to leave their Basic Training sites and travel to a field office during regular business hours, and that is why USCIS has made arrangements in recent cases to conduct naturalization interviews as soon as class members return from Basic Training when scheduling does not permit interviewing them before they depart. Likewise, the locations USCIS maintained at several Basic Training sites – Fort Benning, GA; Fort Jackson, SC; and Fort Sill, OK – all officially closed either at the end of January, as the Naturalization at Basic Training Initiative is coming to an end.

2. USCIS is not demanding new N-426s from Nio class members. As we have already made clear, USCIS continues to follow its July 7 guidance and is not systematically engaging in any practice of requiring new N-426s from military naturalization applicants who submitted an N-426 signed and certified before October 13, 2017, by a person authorized by DoD to sign and certify the document at that time. These form updates are all posted at this publicly available site: https://www.uscis.gov/forms-updates.

This was posted on August 28, 2017: Update to Form N-426, Request for Certification of Military or Naval Service New edition 07/25/17, Starting 10/27/2017, we will only accept the 07/25/17 edition. Until then, you can use the 08/04/15 edition. You can find the edition date at the bottom of the page on the form and instructions. Thus, beginning on October 27, 2017, USCIS began accepting only the 7/25/17 edition of Form N-426, regardless of the date it was signed.

3. DoD personnel has not been telling *Nio* class members that they need to request new N-426s. It has been Army policy since August 17, 2017 to require an O6 signature on N-426 forms certified after that date. But due to the *Nio* and *Kirwa* injunctions, it is also Army policy to (1) not de-certify previously certified N-426 forms and (2) not require Soldiers with a previously certified N-426 form to submit a new request for certification. When providing the notice required by the *Kirwa* Court, the Army Reserve did not know who already had an N-426 so they notified all MAVNI in the DTP of the *Kirwa* injunction. This "overinclusive" notice resulted in some Soldiers who already had an N-426 being advised they needed to request another one. These were isolated incidents that were subsequently addressed by the Army Reserve. Moreover, any such communication error resulted from an Army effort to ensure that MAVNI Soldiers received the benefit of the *Kirwa* injunction, not an effort to interfere with the pending naturalization applications at issue in *Nio*. All MAVNI soldiers in the DTP received the notice that *Kirwa* class members could apply for an N-426. We are aware of one case where a MAVNI who already had an N-426 was advised to apply for a new one. After you brought the incident to the attention of the legal office at the US Army Reserve Command, the matter was quickly resolved.

4. With regard to your allegation that there were "no DoD CAF recommendations between October 17th and January 13th." The gap occurred because DoD was developing procedures to implement the October 13, 2017 MAVNI policy and DoD does not expect any further delays absent a policy change.

Now with regard to your specific inquires:

A. [redacted]: Because the Naturalization at Basic Training program has been decommissioned, his interview will likely not take place until he completes Basic Training.

B. [redacted]: You informed us that [redacted] has a favorable MSSD and was cleared for shipment to Basic Training on 2/28/18. USCIS checked the status of his application. His FBI name checks have still not been completed. He cannot be interviewed or naturalized until his FBI name checks are complete.

C. [redacted]: USCIS confirmed that there was a defect in her original N-426. Part 5 was not completed. The question regarding character of service was not answered. That is why USCIS needs a new N-426.

We are consulting with the agencies about your remaining inquiries and will update you when we have gathered those responses.

Elianis N. Pérez
Assistant Director
United States Department of Justice
Office of Immigration Litigation – District Court Section
P.O. Box 868
Ben Franklin Station
Washington, DC 20044
T: (202) 616-9124

Exhibit 13

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

KUSUMA NIO, et al, .
Plaintiffs, .
vs. . Docket No. CA 17-998-ESH
.
UNITED STATES DEPARTMENT . Washington, D.C.
OF HOMELAND SECURITY . Friday, October 27, 2017
Defendant. .
. . . . . .x 11:00 a.m.

TRANSCRIPT OF TRO/Preliminary Injunction

BEFORE THE HONORABLE SENIOR JUDGE ELLEN SEGAL HUVELLE

UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Jennifer M. Wollenberg, Attorney
Joseph J. LoBue, Attorney
Douglas W. Baruch, Attorney
Shaun Gates, Attorney
Neaha P. Raol, Attorney
Katherine St. Romain, Attorney
FRIED FRANK HARRIS SHRIVER & JACOBSON
801 17th Street, NW
Washington, DC 20006

For the Defendant: Colin A. Kisor, Deputy Director
Elianis N. Perez, Trial Attorney
Sarah Vuong, Trial Attorney
U.S. DEPARTMENT OF JUSTICE
P.O. Box 868
Ben Franklin Station
Washington, DC 20044

Nathan M. Swinton, Trial Attorney
U.S. DEPARTMENT OF JUSTICE
20 Massachusetts Avenue, NW
Washington, DC 20001

426s. So you're going to have completed applications before you under my rulings. The question is: When applications are in hand whether you will proceed? Or whether you are not going to proceed with those applications?

MR. KISOR: So the next step would be in the naturalization application would be the interview which starts the 120 day clock, and that interview is not going to happen until the DoD background screening is complete.

THE COURT: All the other stuff that use to take 180 days you don't have to do anything but an interview? In other words, you're saying that there is no activity by USCIS that will or need be taken until the interview? And that will be taken before they go to basic training, but immediately upon receipt of DOD's vetting suitability?

MR. KISOR: If I can ask Ms. Shuchek from USCIS to answer those questions so that we get it exactly correct.

THE COURT: I think we've got to get the record clear. Yep?

MS. BEHAR: The answer is that there are certain steps that can be completed prior to the interview. For example, FBI checks and other background checks that we do. Where we have an application that's already finished those then it is paused until the interview, but we are working applications up until that interview point.

THE COURT: And will you continue to do these

applications whatever you have to do that doesn't require DOD's vetting?

MS. BEHAR: Yes, that's right.

THE COURT: So you will proceed with these? This is a representation of the government which we will hold you to.

MS. BEHAR: Yes, up until the interview point, yes.

THE COURT: Well, the interview point, but you're going to conduct the interview after you get notification that DOD's done its work. When will the interview be? They have to go to basic and then they have to have an interview, right?

MS. BEHAR: I can't answer offhand when the interview would be. That would be an operational decision. I'm the attorney not the operational client.

THE COURT: Well, you were going to promise the Nio people that it would be five days after you got the okay from DoD.

MR. KISOR: No, the policy said the DoD will send it to USCIS within five days. That was a DoD policy. And so the interview will happen at some point thereafter we assume promptly.

THE COURT: But it's supposed to be before they get to basic training or when they get to basic?

MS. BEHAR: We'll assess the information that we get from that as part of the good moral character requirements. If there was something that alerted us to a new issue we might have to look into it further.

THE COURT: Well, when are you going to look at the other issues that are going to alert you? What else could you -- besides an FBI check what else can you do? What else could you in the normal course be doing?

MS. BEHAR: After the new review new information can always come up in answer to a question. We ask other questions and there can be a document that we'd like to see.

THE COURT: You will proceed with everything you can do short of an interview?

MS. BEHAR: Yes.

THE COURT: Before you hear from DoD?

MS. BEHAR: Yes, that's right.

THE COURT: Then you're going to hear from DoD and you don't, can't tell when the interview will be?

MS. BEHAR: It would be scheduled promptly. I can say that.

THE COURT: I can't solve all of your problems now. Have a seat. Thank you. You know, when you're ahead don't raise all these issues. Okay. We have one, Mr. Swinton.

Okay. Now you want, one you wanted a

Exhibit 14

Military Info 9:55 AM (18 minutes ago)

to me

Thank you for verifying your contact information.

While we did receive the notification from DoD on your DoD background checks, there are still USCIS background checks that must be completed as well. As soon as the USCIS background checks have completed and all required preprocessing is complete on your file we will forward your file to the local USCIS office in Indianapolis.

Please let us know if you have any other questions.

Thank you,

USCIS Military Naturalization Officer NM0284 | 1-877-CIS-4MIL (1-877-247-4645) | militaryinfo@uscis.dhs.gov

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Address Changes: If you have a pending Form N-400, Application for Naturalization, and you move, please e-mail us and provide us with an updated address. For more information about address changes or to change your address online, please visit our web site at www.uscis.gov/ar-11, and click on "Change Your Address Online."

Exhibit 15

From: Vuong, Sarah L. (CIV) [mailto:Sarah.L.Vuong@usdoj.gov]
Sent: Friday, February 09, 2018 4:53 PM
To: Perez, Elianis (CIV) <Elianis.Perez@usdoj.gov>; Baruch, Douglas W. <Douglas.Baruch@friedfrank.com>
Cc: Wollenberg, Jennifer <Jennifer.Wollenberg@friedfrank.com>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>; LoBue, Joseph <Joseph.LoBue@friedfrank.com>
Subject: RE: Nio v. DHS: More MAVNI Naturalization Problems

Counsel,

Just to follow-up on the email below. While FBI name checks are a part of a T3 or T5, USCIS's National Benefits Center runs FBI name checks, as well as a variety of other background checks, on every naturalization applicant before the applications are sent out to the Field for interviews. These checks are required by law and regulation, and neither the law nor the regulation contemplates receiving the results of an FBI name check through a third agency that has previously run the same checks. USCIS is in fact required to run these checks based on the following:

> 8 C.F.R. § 335.2
>
> (b) Completion of criminal background checks before examination. USCIS will notify applicants for naturalization to appear before a USCIS officer for initial examination on the naturalization application only after the USCIS has received a definitive response from the Federal Bureau of Investigation that a full criminal background check of an applicant has been completed. A definitive response that a full criminal background check on an applicant has been completed includes:

(1) Confirmation from the Federal Bureau of Investigation that an applicant does not have an administrative or a criminal record;
(2) Confirmation from the Federal Bureau of Investigation that an applicant has an administrative or a criminal record; or
(3) Confirmation from the Federal Bureau of Investigation that the fingerprint data submitted for the criminal background check has been rejected.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998, PL 105–119, November 26, 1997, 111 Stat 2440

[D]uring fiscal year 1998 and each fiscal year thereafter, none of the funds appropriated or otherwise made available to the Immigration and Naturalization Service shall be used to complete adjudication of an application for naturalization unless the Immigration and Naturalization Service has received confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed, except for those exempted by regulation as of January 1, 1997

Additionally, I have not received any further information on [redacted] regarding the status of his naturalization application. Should I get anything further from USCIS I will send it promptly.

Best,
Sarah

Exhibit 16

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, Plaintiffs, v. DONALD TRUMP, *et al.*, Defendants.	CASE NO. C17-0094-RAJ DECLARATION OF DAVID EISENREICH IN SUPPORT OF DEFENDANTS' MOTION FOR LIMITED PROTECTIVE ORDER Noting Date: March 9, 2018

DECLARATION OF DAVID EISENREICH

(1) I am currently the Section Chief of the National Name Check Program Section ("NNCPS") with the Federal Bureau of Investigation ("FBI"). I have held that position since June 25, 2017.

(2) In my current capacity as Section Chief, I supervise the National Name Check Units. The statements contained in this declaration are based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

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(202) 616-9131

(3) Due to the nature of my official duties, I am familiar with the procedures followed by the FBI in responding to requests for information from its files pursuant to the policy and the procedures of the United States Citizenship and Immigration Services ("USCIS").

(4) The purpose of this declaration is to explain the FBI's National Name Check Program and to explain the harms that could result from disclosure to individual Plaintiffs and individual potential class members in *Wagafe, et al v. Trump, et al.* a list of the two classes of Plaintiffs certified by the Court in this case.

NATIONAL NAME CHECK PROGRAM

(5) The National Name Check Program ("Program") has the mission of disseminating information from the FBI's Central Records System ("CRS") in response to requests submitted by federal agencies. The CRS contains the FBI's administrative, personnel, and investigative files. The Program has its genesis in Executive Order No. 10450, issued during the Eisenhower Administration. That executive order addressed personnel security issues and mandated National Agency Checks as part of the pre-employment vetting and background investigation process for prospective Government employees. Although Executive Order No. 10450 was superseded in January of 2017 by Executive Order No. 13467, the FBI continues to perform the primary National Agency Check conducted on all United States Government employees. Since its modest beginning, the Program has grown exponentially, with more and more customers seeking background information from FBI files on individuals before bestowing a privilege, such as Government employment or an appointment, a security clearance, attendance at a White House function, a "green card," naturalization, or a visa. In addition to serving our regular

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Government customers, the FBI conducts numerous name searches in direct support of the FBI's counterintelligence, counterterrorism, and homeland security efforts.

RESOLUTION RATE

(6) There are three stages involved in the completion of an individual name check: Batch processing, Name Search, and Analysis & Reporting. The first stage in the process, Batch processing, involves the transfer of the name check requests from USCIS to the NNCPS via electronic medium. The output data is uploaded into an FBI system, and the names are electronically checked against the FBI's CRS.

(7) If there is a possible match with the subject's Personally Identifiable Information (PII) to a FBI record, it is considered a "hit." If a search comes up with an exact match to a name and either a close date of birth or social security number, it is designated an "Ident." During the Batch processing phase, approximately 60 percent of the name checks submitted by USCIS are returned to USCIS as non-reportable information within 48-72 hours. Non-reportable information indicates that the FBI's CRS contains no identifiable information regarding a particular individual or that the FBI has a matching record but the information does not add adjudicative value to USCIS. A non-reportable information result returned to USCIS definitively concludes the name check process concerning that particular request. Duplicate submissions (i.e., identically spelled names with identical dates of birth and other identical information submitted while the original submission is still pending) are not checked, and the duplicate submissions are returned to USCIS within 48-72 hours.

(8) The remaining 40 percent of name checks continue forward to the second stage of the process, Name Search. During Name Search an expanded manual name search is required. NNCPS analysts search computer databases for different fields and identifying information

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pertaining to USCIS subjects. Approximately 30 percent of these resulted as non-reportable information in the Name Search process. Again, this result is returned to USCIS and definitively conclude the name check process. NNCPS generally completes 90% of the name check requests in thirty (30) days.

(9) The remaining 10 percent of name checks proceed to the third and final stage of the processing, Analysis and Reporting. During Analysis and Reporting NNCPS analysts are responsible for reviewing and analyzing FBI records and providing results to customers. If a record was electronically uploaded into the FBI's CRS electronic record-keeping system, it can be reviewed quickly. If the record is not electronically available, the relevant information must be retrieved from an existing paper record. Once the information is retrieved, an analyst reviews the records for relevant information. If appropriate, the FBI forwards a summary of the relevant information to USCIS.

(10) At each stage of processing, the NNCPS generally works on the oldest name checks on a first-in, first-served protocol. This protocol reflects that all applicants are equally deserving and ensures that all applicants are treated fairly. However, if an applicant's name check requires a review of numerous FBI records and files, even though that name check request came in first, the name check may require additional time until all responsive records are located and reviewed.

(11) Exceptions to the first-in, first-served policy occur when USCIS directs that name checks be handled on an "expedited" basis. Based on its own criteria, USCIS determines which name checks are to be expedited. Once designated as an "expedite," that name check proceeds to the front of the queue along with other prioritized name check requests, in front of the others waiting to be processed.

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(12) Expedited service allows USCIS to expedite name checks based on their internal criteria. However, the FBI limits the number of expedite requests it will accept from USCIS consistent with available resources and personnel, as well as because only a limited number of applications can be expedited for the process to remain meaningful, as too many expedited requests would merely reorder the queue and lead to no net benefit.

USCIS NAME CHECK REQUESTS

(13) I understand that the Plaintiffs certified by the Court as classes in *Wagafe, et al v. Trump, et al.* contain individuals seeking to adjust to legal permanent resident status and individuals seeking naturalization. USCIS typically requests name checks for individuals seeking to adjust to legal permanent resident status and individuals seeking naturalization.

(14) USCIS, in fact, submits a significant portion of all incoming name check requests. In Fiscal Year (FY) 2017, the number of USCIS name checks was more than 20% higher than the average of the prior three years. This equated to approximately 7,250 additional USCIS name check requests submitted to NNCPS weekly. Despite the increase, NNCPS generally continues to complete 60% of the name check requests within 48 – 72 hours. NNCPS generally completes 90% of the name check requests in thirty (30) days. The remaining 10% of the name checks require a more detailed review or further research. These 10% of USCIS name checks are then being assigned to analysts for detailed review and research.

(15) As previously mentioned, the number of "hits" and the availability of electronic files associated with a name may delay the processing of a name check request. A "hit" is a possible match with a name in an FBI record. The number of times the name appears in FBI records correlates to the number of records which require review.

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(16) In addition, the processing of common names also contributes to a delay in processing a name check request. The names associated with a name check request are searched in a multitude of combinations, switching the order of first, last, and middle names, as well as combinations with just the first and last, first and middle, and so on. Without detailed information in both the file and agency submission, it is difficult to determine whether or not a person with a common name is the same person mentioned in FBI records. Common names can often have more than 200 hits on FBI records.

(17) Another contributing factor which was briefly mentioned earlier in this declaration is the customer agencies' elective to expedite name check processing for certain name check requests. NNCPS acknowledges expediting checks is the result of a compelling need, but it does further delay checks which are not expedited.

THE NATIONAL NAME CHECK PROGRAM IS ADDRESSING THE FACTORS THAT CONTRIBUTE TO DELAYS IN PROCESSING A NAME CHECK

(18) I understand that Plaintiffs have alleged that delays in FBI name checks previously led to delays in USCIS adjudication decisions. Complaint at ¶ 57.

(19) The FBI is addressing delays on three fronts: leveraging technology, augmenting resources and refining processes.

(20) NNCPS developed and is implementing the Next Generation Name Check Program ("NGNCP") system to replace the current workflow applications in use and provide additional automation aimed at improving the accuracy and efficiency of the name check process.

(21) In September of 2015, the NNCPS awarded a new five-year analytical services contract. Since awarded, the contract has been modified to increase the overall number of contractors, provide overtime hours and modify terms to incentivize high performers. In

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District Court Section
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addition, two other FBI support contracts have been modified to support the retrieval and scanning of paper-based records.

(22) The FBI is also using overtime to maximize productivity. The NNCPS is in the process of hiring additional employees to fill current vacancies and has implemented an employee development program to streamline the training of new employees, thereby significantly decreasing the amount of time needed before a new employee can begin to significantly impact the NNCPS workload. The employee development program led to the development of a name check employee training manual.

(23) NNCPS, through the FBI's Records Management Division, Records Automation Section, is scanning the paper files required for review in order to provide machine readable documents for the Analysis and Reporting stage. It is also building an Electronic Records System that allows for future automation of the name check process.

(24) NNCPS is working with federal agency customers to identify high priority requests or requests no longer needed to prioritize/reduce backlog.

(25) As a mid-term improvement, NNCPS is exploring technology updates to the name check process. Specifically, the FBI procured textual analysis software in order to investigate ways to further automate the name check process. The goal is to incorporate analytical software applications that reduce the time spent to verify the identity of the individual and, once verified, assists in the analysis. This type of automation should decrease the time required to process a name check, thereby increasing production.

(26) As a long-term improvement, the FBI is developing a Central Records Complex that will create a central repository of records. Currently, paper files/information must be retrieved from over 265 locations throughout the FBI. The Central Records Complex will

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address this issue, creating a central repository-scanning of documents, and expediting access to information contained in billions of documents that are currently manually accessed in locations throughout the United States and the world.

(27) The FBI cannot provide a specific time frame for completing any particular name check submitted by USCIS. The processing of name checks, including those which are expedited at the request of USCIS, depends upon a number of factors, including where in the processing queue the name check lies; the workload of the analyst processing the name check; the volume of expedited name checks the analyst must process for, among others, military deployment, "age-outs," sunset provisions such as Diversity Visa cases, compelling reasons such as critical medical conditions, and loss of Social Security or other subsistence; the number of "hits," (*i.e.*, possible matches) that must be retrieved, reviewed and resolved; the number of records from various Field Offices that must be retrieved, reviewed and resolved; the name check subject's role and extent of involvement in any FBI investigation or case file; whether the case is currently pending or closed; necessary steps to ensure pending investigations and classified or sensitive information is not compromised through a name check response; and, more generally, the staff and resources available to conduct the checks.

(28) When a USCIS name check is completed, the FBI provides the results to USCIS as quickly as possible. On occasion, depending on the results provided to USCIS by the FBI, USCIS may require additional follow-up and coordination with the FBI.

THE FBI DOES NOT ADJUDICATE IMMIGRATION APPLICATION BENEFITS OR ADMINISTER CARRP

(29) It is important to note that the FBI does not adjudicate applications for benefits under the Immigration and Nationality Act. If appropriate, through the Name Check Program, the FBI provides a summary of available information to USCIS for use in its adjudication

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process. I am aware from my review of the declaration of James W. McCament submitted in the *Wagafe, et al v. Trump, et al* case ("McCament declaration") that a USCIS immigration services officer adjudicating an immigration benefit application shall check and review law enforcement agencies and/or intelligence community records, including the FBI Name Check, to determine whether an articulable link to national security exists related to a particular applicant.[1]

(30) USCIS's Controlled Application Review and Resolution Program ("CARRP") is not an FBI program. I understand from my review of the McCament declaration that "CARRP is a consistent, [USCIS] agency-wide approach for identifying, processing and adjudicating application and petition for immigration benefits that involve national security concerns." The FBI, however, does not administer CARRP, which is solely a USCIS program.

THE FBI DOES NOT PUBLICLY DISCLOSE NAME CHECKS RESULTS

(31) I have been advised that the Plaintiffs in *Wagafe, et al. v. Trump, et al.*, have requested that USCIS provide to them a list of individuals who are subject to CARRP. While the FBI will acknowledge whether or not a name check was conducted, and process such requests, it does not disclose to individuals the results of their name checks with respect to investigative records. The FBI follows this approach whether or not the name check revealed derogatory information – *i.e.*, the existence of investigative records – because if the FBI only refused to disclose information in those instances involving derogatory information, that refusal would itself be interpreted as an admission that the FBI possessed investigative records about the individual. This, in turn, could result in subjects or targets of FBI investigations taking countermeasures or other actions to thwart law enforcement, thus potentially compromising

[1] Nothing in this declaration should be construed as confirming or denying the name check results of any particular individual.

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investigations, confidential sources, or investigative techniques. Through channels developed in the FBI's name check process, the FBI discloses relevant information only to USCIS for its use before USCIS renders final decisions on applicants' petitions.

(32) In light of this concern, a list of individuals to whom USCIS has applied CARRP should not be publicly disclosed or disclosed to individual Plaintiffs because disclosure could allow individuals to infer that they may be subject to scrutiny by law enforcement. Such disclosure could suggest to subjects that USCIS may have received derogatory information from the FBI during the name check process. As explained above, the FBI must take a consistent approach to protecting against the disclosure of information implicating name check results to protect sensitive law enforcement information and prevent individuals from attempting to thwart FBI investigations.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 1st day of March, 2018.

David F. Eisenreich
Section Chief
National Name Check Program Section
Records Management Division
Federal Bureau of Investigation
Washington, D.C.

UNITED STATES DEPARTMENT OF JUSTICE
Civil Division, Office of Immigration Litigation
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 616-9131

Exhibit 17

From: Perez, Elianis (CIV)
Sent: Friday, February 09, 2018 1:34 PM
To: Baruch, Douglas W. <Douglas.Baruch@friedfrank.com>; Vuong, Sarah L. (CIV) <SVuong@civ.usdoj.gov>; Kisor, Colin (CIV) <CKisor@civ.usdoj.gov>
Cc: LoBue, Joseph <Joseph.LoBue@friedfrank.com>; Wollenberg, Jennifer <Jennifer.Wollenberg@friedfrank.com>
Subject: RE: Nio v. DHS: More MAVNI Naturalization Problems

Counsel –

As we have explained throughout this litigation, the DoD FBI background checks are only conducted by the FBI and are not conducted as part of the DoD enhanced background process. By law, USCIS is prohibited from completing the adjudication of a naturalization application prior to receipt of confirmation from the FBI that a "full criminal background check has been completed." Dep't of Commerce & Related Agencies Appropriation Act, 1998, Pub. L. 105-119, title I, 111 Stat. 2440, 2448-49 (Nov. 26, 1997) (beginning with fiscal year 1998, no USCIS funds may be used to complete adjudication of an application for naturalization unless USCIS has received confirmation from the FBI that a full criminal background check has been completed). Since July 7, 2017, USCIS has also required the results of DoD enhanced background checks for naturalization of applicants who are MAVNI recruits. Accordingly, because [redacted] FBI background check is not complete, she cannot be interviewed or naturalized at this time.

Elianis N. Pérez
Assistant Director
United States Department of Justice
Office of Immigration Litigation – District Court Section
P.O. Box 868
Ben Franklin Station
Washington, DC 20044
T: (202) 616-9124
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From: Baruch, Douglas W. [mailto:Douglas.Baruch@friedfrank.com]
Sent: Friday, February 09, 2018 12:33 PM
To: Vuong, Sarah L. (CIV) <SVuong@civ.usdoj.gov>; Perez, Elianis (CIV) <EPerez@civ.usdoj.gov>; Kisor, Colin (CIV) <CKisor@civ.usdoj.gov>
Cc: LoBue, Joseph <Joseph.LoBue@friedfrank.com>; Wollenberg, Jennifer <Jennifer.Wollenberg@friedfrank.com>
Subject: RE: Nio v. DHS: More MAVNI Naturalization Problems

Sarah –

It's our understanding that FBI name checks are done as part of the DoD background checks. If so, that already has been completed for [redacted] and should be readily confirmable by USCIS. And again, if so, USCIS can interview and naturalize her now, prior to basic training, and we request that USCIS do so. If our understanding is incorrect, please let us know.

Regards,

Doug

Douglas W. Baruch
Douglas.Baruch@friedfrank.com | Tel: **+1 202 639 7052** | Fax: 202 639 7003 | Mobile: +1 202 669 0270

Fried, Frank, Harris, Shriver & Jacobson LLP
801 17th Street, NW Washington, DC 20006
friedfrank.com

From: Vuong, Sarah L. (CIV) [mailto:Sarah.L.Vuong@usdoj.gov]
Sent: Friday, February 09, 2018 12:07 PM
To: Wollenberg, Jennifer <Jennifer.Wollenberg@friedfrank.com>; Perez, Elianis (CIV) <Elianis.Perez@usdoj.gov>; Kisor, Colin (CIV) <Colin.Kisor@usdoj.gov>
Cc: Baruch, Douglas W. <Douglas.Baruch@friedfrank.com>; LoBue, Joseph <Joseph.LoBue@friedfrank.com>
Subject: RE: Nio v. DHS: More MAVNI Naturalization Problems

Counsel –

I have just heard from USCIS regarding [redacted]. Because her FBI name checks have not been completed, she cannot be interviewed or naturalized at this time.

Best,
Sarah

Exhibit 18

From: [redacted]
Sent: Thursday, March 01, 2018 3:54 PM
To: Nio Class Counsel
Subject: Re: FS MAVNI NIO Request - Meet all the criteria

Hi Jenny,

[redacted]

I just got off the phone with USCIS. One of the agent said that he can see on their system that DoD background check has been cleared but unfortunately, USCIS has their own background check with naturalization. In my case, it is still pending so they cannot send it to the field office yet. I asked him to double check regarding with background check, he said that when it comes to naturalization with USCIS, they have their own background check.

How should I go on about this?

Thank you again,

Best regards,
[redacted]

Exhibit 19

On Fri, Mar 2, 2018 at 6:20 AM, Military Info <militaryinfo@uscis.dhs.gov> wrote:

Hello,

Thank you for contacting us regarding your Form N-400, Application for Naturalization. Your Form N-400 is currently pending the required background checks. Please note that USCIS has our own background check requirements in addition to the background check you referenced in your email below. Furthermore, USCIS must be contacted directly by the DoD concerning the results any background checks conducted by the military.

Once the background checks have been completed, we will be sending your Form N-400 to the USCIS Field Office that has jurisdiction over your case.

We hope the information provided was helpful. If we may be of assistance in the future, please let us know.

Much obliged,

USCIS Military Naturalization Officer NM0811 | 1-877-CIS-4MIL (1-877-247-4645) | militaryinfo@uscis.dhs.gov

WARNING: This document and any attached files are UNCLASSIFIED / FOR OFFICIAL USE ONLY (U / FOUO) – LAW ENFORCEMENT SENSITIVE. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval from the originator. If you have received this document by mistake, please contact the originator for specific handling and destruction procedures.

Address Changes: If you have a pending Form N-400, Application for Naturalization, and you move, please e-mail us and provide us with an updated address. For more information about address changes or to change your address online, please visit our web site at www.uscis.gov/ar-11, and click on "Change Your Address Online."

Exhibit 20

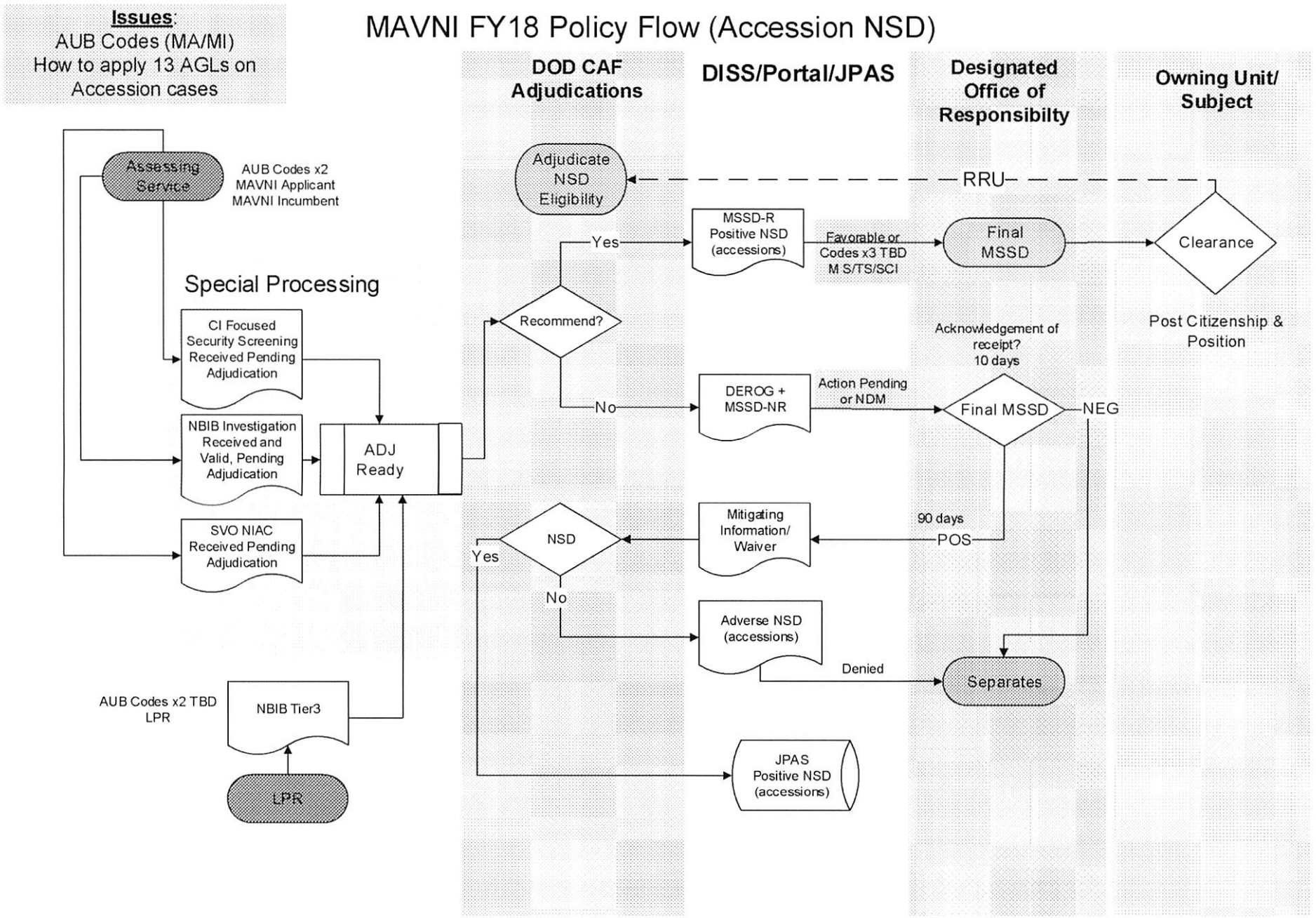

Issues:
AUB Codes (MA/MI)
How to apply 13 AGLs on Accession cases
MAVNI FY18 Policy Flow (Accession NSD)
DOD CAF Adjudications
DISS/Portal/JPAS
Designated Office of Responsibilty
Owning Unit/ Subject
Assessing Service
AUB Codes x2
MAVNI Applicant
MAVNI Incumbent
Adjudicate NSD Eligibility
RRU
Special Processing
CI Focused Security Screening Received Pending Adjudication
NBIB Investigation Received and Valid, Pending Adjudication
SVO NIAC Received Pending Adjudication
ADJ Ready
Recommend?
Yes
No
MSSD-R Positive NSD (accessions)
Favorable or Codes x3 TBD M:S/TS/SCI
Final MSSD
Clearance
Post Citizenship & Position
Acknowledgement of receipt? 10 days
DEROG + MSSD-NR
Action Pending or NDM
Final MSSD
NEG
90 days
POS
Mitigating Information/ Waiver
NSD
Yes
No
Adverse NSD (accessions)
Denied
Separates
AUB Codes x2 TBD
LPR
NBIB Tier3
LPR
JPAS Positive NSD (accessions)

Exhibit 21

Department of Defense
INSTRUCTION

NUMBER 1304.26
March 23, 2015
Incorporating Change 2, April 11, 2017

USD(P&R)

SUBJECT: Qualification Standards for Enlistment, Appointment, and Induction

References: See Enclosure 1

1. PURPOSE. In accordance with the authority in DoD Directive 5124.02 (Reference (a)), this instruction:

a. Reissues DoD Instruction (DoDI) 1304.26 (Reference (b)).

b. Updates established policies and responsibilities for basic entrance qualification standards for enlistment, appointment, and induction into the Military Services and delegates the authority to specify certain standards to the Secretaries of the Military Departments.

c. Establishes the standards for age, aptitude, citizenship, dependents, education, medical, character/conduct, physical fitness, and other disqualifying conditions, which are cause for non-qualification for military service. Other standards may be prescribed in the event of national emergency.

d. Sets standards designed to ensure that individuals under consideration for enlistment, appointment, or induction are able to perform military duties successfully, and to select those who are the most trainable and adaptable to Service life.

2. APPLICABILITY. This instruction applies to:

a. OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the "DoD Components").

b. Applicants for initial enlistment into the Military Services Regular and Reserve Components.

c. Applicants for appointment as commissioned or warrant officers in the Regular and Reserve Components.

d. Applicants for reenlistment following release from active duty into subsequent Regular or Reserve Components (including the Army National Guard of the United States and the Air National Guard of the United States) after a period of more than 6 months has elapsed since discharge.

e. Applicants for contracting into the Reserve Officer Training Corps (ROTC), and all other Military Services special officer personnel procurement programs, including the Military Service Academies.

f. All individuals being inducted into the Military Services.

3. POLICY. It is DoD policy to:

a. Use common entrance qualification standards for enlistment, appointment, and induction into the Military Services.

b. Avoid inconsistencies and inequities based on ethnicity, gender, race, religion, or sexual orientation in the application of these standards by the Military Services.

c. Judge the suitability of individuals to serve in the Military Services on the basis of their adaptability, potential to perform, and conduct.

4. RESPONSIBILITIES. See Enclosure 2.

5. RELEASABILITY. **Cleared for public release**. This instruction is available on ~~the Internet from~~ the DoD Issuances Website at http://www.dtic.mil/whs/directives.

6. EFFECTIVE DATE. This instruction is effective March 23, 2015.

Jessica L. Wright
Under Secretary of Defense for
Personnel and Readiness.

Enclosures
1. References
2. Responsibilities
3. Enlistment, Appointment, and Induction Criteria
4. Enlistment Waivers

Glossary

TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES 5

ENCLOSURE 2: RESPONSIBILITIES 6

ASSISTANT SECRETARY OF DEFENSE FOR *MANPOWER AND* RESERVE AFFAIRS (ASD(*M&*RA)) 6
ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS (ASD(HA)) 6
ASSISTANT SECRETARY OF DEFENSE FOR READINESS AND FORCE MANAGEMENT (ASD(R&FM)) 6
SECRETARIES OF THE MILITARY DEPARTMENTS 6

ENCLOSURE 3: ENLISTMENT, APPOINTMENT, AND INDUCTION CRITERIA 8

GENERAL ELIGIBILITY CRITERIA 8
Entrance Considerations 8
Eligibility Determination 8
BASIC ELIGIBILITY CRITERIA 8
Age 8
Citizenship 9
Education 9
Aptitude 10
Medical 10
Physical Fitness 10
Dependency Status 11
Character/Conduct 11
Drugs and Alcohol 12

ENCLOSURE 4: ENLISTMENT WAIVERS 13

WAIVER REQUIREMENTS 13
Medical Waiver 13
Dependent Waiver 13
Conduct Waiver 13
Drug Waiver 13
CLASSIFYING CONDUCT OFFENSES 14
Initial Classification 14
Non-Similar Offenses 14

GLOSSARY 19

PART I: ABBREVIATIONS AND ACRONYMS 19
PART II: DEFINITIONS 19

TABLE

Conduct Waiver Codes 15

ENCLOSURE 1

REFERENCES

(a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
(b) DoD Instruction 1304.26, "Qualification Standards for Enlistment, Appointment, and Induction," September 20, 2005, as amended (hereby cancelled)
(c) Title 10, United States Code
(d) Section 313 of Title 32, United States Code
(e) Title 8, United States Code
(f) DoD Instruction 1145.01, "Qualitative Distribution of Military Manpower," December 12, 2013, as amended
(g) DoD Instruction 6130.03, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services," April 28, 2010, as amended
(h) DoD Instruction 1308.3, "DoD Physical Fitness and Body Fat Programs Procedures," November 5, 2002
(i) Executive Order 12968
(j) DoD Instruction 1010.01, "Military Personnel Drug Abuse Testing Program (MPDATP)," September 13, 2012
(k) DoD Instruction 1010.16, "Technical Procedures for the Military Personnel Drug Abuse Testing Program (MPDATP)," October 10, 2012
(l) Section 922 of Title 18, United States Code

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR *MANPOWER AND* RESERVE AFFAIRS (ASD(*M&*RA)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the ASD(*M&*RA) acts as an advisor to the USD(P&R) on the Reserve enlistment and appointment standards.

2. ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS (ASD(HA)). Under the authority, direction, and control of the USD(P&R), the ASD(HA) acts as an advisor to the USD(P&R) on the medical requirements of the standards in Enclosure 3 of this instruction.

3. ASSISTANT SECRETARY OF DEFENSE FOR READINESS AND FORCE MANAGEMENT (ASD(R&FM)). Under the authority, direction, and control of the USD(P&R), the ASD(R&FM):

a. Acts as an advisor to the USD(P&R) on the height and weight requirements of the standards in Enclosure 3 of this instruction.

b. Ensures the U.S. Military Entrance Processing Command assists the Military Services in implementing the standards in Enclosure 3 of this instruction.

4. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

a. Oversee conformance with this instruction.

b. Recommend suggested changes to this instruction to the USD(P&R) as necessary.

c. Establish other Service-specific standards as necessary to implement this instruction.

d. Review all standards on an annual basis.

e. Establish procedures to grant waivers, accomplish reviews, and require individuals to meet the appropriate standards or be granted an exception pursuant to section 504(a) of Title 10, United States Code (U.S.C.) (Reference (c)).

f. Request approval from the USD(P&R) for generalized exceptions to these standards as permitted by law.

g. Use the standards in Enclosure 3 of this instruction to determine the entrance qualifications for all individuals being enlisted, appointed, or inducted into any component of the Military Services.

ENCLOSURE 3

ENLISTMENT, APPOINTMENT, AND INDUCTION CRITERIA

1. GENERAL ELIGIBILITY CRITERIA

a. Entrance Considerations. Accession of qualified individuals will be a priority when processing applicants for the Military Services.

b. Eligibility Determination. Eligibility will be determined by the applicant's ability to meet all requirements of this instruction, to include obtaining waivers. Applicants will not be enlisted, appointed, or inducted unless all requirements of this instruction are met.

2. BASIC ELIGIBILITY CRITERIA

a. Age

(1) To be eligible for Regular enlistment, the minimum age for enlistment is 17 years and the maximum age is 42 years in accordance with section 505 of Reference (c). The maximum age for a prior service enlistee is determined by adding the individual's years of prior service to age 42. The Secretary concerned will establish enlistment age standards for the Reserve Components in accordance with section 12102 of Reference (c).

(2) Age limitations for appointment as a commissioned or warrant officer normally depend on the Military Service concerned. In accordance with section 532 of Reference (c), most persons appointed as commissioned officers must be able to complete 20 years of active commissioned service before their 62nd birthday to receive a Regular commission.

(3) In accordance with section 12201 of Reference (c), a person will be at least 18 years of age for appointment as a Reserve Officer. The maximum age qualification for initial appointment as a Reserve Officer will not be less than 47 years of age for individuals in a health profession specialty designated by the Secretary concerned as a specialty critically needed in wartime.

(4) In accordance with section 313 of Title 32, U.S.C. (Reference (d)), to be eligible for original enlistment in the National Guard, a person must be at least 17 years of age and under 45, or under 64 years of age and a former member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps. To be eligible for reenlistment, a person must be under 64 years of age.

(5) In accordance with section 313 of Reference (d), to be eligible for appointment as an officer of the National Guard, a person must be at least 18 years of age and under 64 years of age.

b. Citizenship

(1) To be eligible for Regular or Reserve enlistment, an individual must meet one of the conditions outlined in section 504(b) of Reference (c); however, the Secretary concerned may authorize the enlistment of a person not described in this section if the Secretary determines that such enlistment is vital to the national interest.

(2) To be eligible for appointment as a commissioned officer (other than as a commissioned warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, the individual must be a citizen of the United States as outlined in section 532 of Reference (c). The Secretary of Defense (or the Secretary of Homeland Security for the Coast Guard, when not operating as a Service under the Navy) may waive the requirement of U.S. citizenship with respect to a person who has been lawfully admitted to the United States for permanent residence, or for a United States national otherwise eligible for appointment as a cadet or midshipman in accordance with section 2107(a) of Reference (c), when the Secretary determines that the national security so requires, but only for an original appointment in a grade below the grade of major or lieutenant commander.

(3) To be eligible for appointment as a Reserve Officer in an armed force, the individual must be a citizen of the United States or lawfully admitted to the United States for permanent residence in accordance with section 1101 et seq of Title 8, U.S.C. (Reference (e) (also known as the "Immigration and Nationality Act")), or have previously served in the Military Services or in the National Security Training Corps as outlined under section 12201 of Reference (c).

(4) To be eligible for enlistment in the National Guard, a person must meet one of the conditions in section 504(b) of Reference (c); however, the Secretary concerned may authorize the enlistment of a person not described in this section if the Secretary determines that such enlistment is vital to the national interest.

(5) To become an officer of the Army National Guard of the United States or the Air National Guard of the United States, the individual must first be appointed to, and be federally recognized in, the same grade in the Army National Guard or the Air National Guard. In accordance with 12201 of Reference (c), the individual must be a citizen of the United States or lawfully admitted to the United States for permanent residence in accordance with 1101 et seq of Reference (e), or have previously served in Military Service or in the National Security Training Corps.

c. Education

(1) Possession of a high school diploma is desirable, although not mandatory, for enlistment in any component of the Military Services. Section 520 of Reference (c) states that a person who is not a high school graduate may not be accepted for enlistment in the Military Services unless the score of that person on the Armed Forces Qualification Test (AFQT) is at or above the thirty-first percentile. Section 520 also states that a person may not be denied enlistment in the Military Services solely because he or she does not have a high school diploma if his or her enlistment is needed to meet established strength requirements.

(2) Bearers of alternative credential (e.g., General Educational Development Certificates and certificates of attendance) and non-graduates may be assigned lower enlistment priority based on first-term attrition rates for those credentials. DoDI 1145.01 (Reference (f)) identifies the authority for establishing the qualitative distribution objectives for accessions.

(3) Educational requirements for appointment as a commissioned or warrant officer are determined by each Military Service. Section 12205 of Reference (c) establishes education requirements for certain Reserve appointments. Generally, and unless excepted under section 12205 of Reference (c), a baccalaureate degree is required for appointment above the grade of first lieutenant in the Army, Air Force, and Marine Corps Reserves or lieutenant junior grade in the Navy Reserve, or to be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or Air National Guard. In addition, special occupations (e.g., physician or chaplain) may require additional vocational credentials as determined by the Secretary concerned.

d. Aptitude

(1) Overall aptitude requirements for enlistment and induction are based on applicant scores on the AFQT derived from the Armed Services Vocational Aptitude Battery. Applicant scores are grouped into percentile categories. Persons who score in AFQT Category V (percentiles 1-9) are ineligible to enlist. In accordance with section 520 of Reference (c), the number of persons who enlist in any Armed Force during any fiscal year (i.e., accession cohort) who score in AFQT Category IV (percentiles 10-30) may not exceed 20 percent of the total number of persons enlisted by Service. Reference (f) identifies the authority for establishing the qualitative distribution objectives for accessions.

(2) For officers and warrant officers, no single test or instrument is used as an aptitude requirement for appointment.

e. Medical

(1) In accordance with DoDI 6130.03 (Reference (g)), the pre-accession screening process will be structured to identify any medical condition, including mental health, that disqualifies an applicant for military service.

(2) Individuals who fail to meet established medical standards, as defined in Reference (g), may be considered for a medical waiver. Each Service's waiver authority for medical conditions will make a determination based on all available information regarding the issue or condition. Waiver requirements are outlined in Enclosure 4 of this instruction.

f. Physical Fitness

(1) In accordance with DoDI 1308.3 (Reference (h)), all individuals must meet the pre-accession height and weight standards as prescribed in Table 1 of the Reference (h).

(2) The Military Services may have additional physical fitness screening requirements.

g. Dependency Status

(1) The Military Services may not enlist married individuals with more than two dependents under the age of 18 or unmarried individuals with custody of any dependents under the age of 18; however, the Secretary concerned may grant a waiver for particularly promising entrants. Waiver requirements are outlined in Enclosure 4 of this instruction.

(2) The Military Services will specify the circumstances under which individuals who have dependents may become commissioned officers or warrant officers; variations in policy may be affected by the commissioning source (e.g., Service Academies, ROTC, or Officer Candidate School).

h. Character/Conduct. The underlying purpose of these enlistment, appointment, and induction standards is to minimize entrance of persons who are likely to become disciplinary cases, security risks, or who are likely to disrupt good order, morale, and discipline. The Military Services are responsible for the defense of the Nation and should not be viewed as a source of rehabilitation for those who have not subscribed to the legal and moral standards of society at-large. As a minimum, an applicant will be considered ineligible if he or she:

(1) Is under any form of judicial restraint (bond, probation, imprisonment, or parole).

(2) Has a significant criminal record. Section 504 of Reference (c) prohibits any person who has been convicted of a felony from being enlisted in any of the Military Services; however, section 504 authorizes a waiver in meritorious cases. Except as limited by paragraph (3), below, persons convicted of felonies may request a waiver to permit their enlistment. The waiver procedure is not automatic, and approval is based on each individual case. Waiver requirements are outlined in Enclosure 4 of this instruction.

(3) Has a State or federal conviction, or a finding of guilty in a juvenile adjudication, for a felony crime of rape, sexual abuse, sexual assault, incest, any other sexual offense, or when the disposition requires the person to register as a sex offender. In these cases, the enlistment, appointment, or induction will be prohibited and no waivers are allowed.

(4) Has been previously separated from the Military Services under conditions other than honorable or for the good of the Military Service concerned.

(5) Has exhibited antisocial behavior or other traits of character that may render the applicant unfit for service.

(6) Receives an unfavorable final determination by the DoD Consolidated Adjudication Facility on a completed National Agency Check with Law and Credit (NACLC) or higher-level investigation, which is adjudicated to the National Security Standards in accordance with Executive Order 12968, Reference (i), during the accession process.

(a) An applicant may be accessed (including shipping him or her to training or a first duty assignment) provided that a NACLC or higher-level investigation was submitted and accepted by the investigative service provider (Office of Personnel Management (OPM)) and an advanced fingerprint was conducted, and OPM did not identify any disqualifying background information.

(b) If NACLC adjudication is not completed until after accession, any additional disqualifying information identified during the adjudication should be transmitted to the appropriate personnel or human resource offices, as determined by the Services, for appropriate action.

i. Drugs and Alcohol. A current or history of alcohol dependence, drug dependence, alcohol abuse, or other drug abuse is incompatible with military life and does not meet military standards in accordance with Reference (g). Pursuant to DoDI 1010.01 (Reference (j)), the pre-accession screening process is structured to identify individuals with a history of drug (including pharmaceutical medications, illegal drugs and other substances of abuse) and alcohol abuse.

(1) Drug use (to include illegal drugs, other illicit substances, and pharmaceutical medications), drug abuse, and alcohol abuse may be self-admitted by an applicant, discovered during the medical screening process, or identified by the drug and alcohol test (DAT), which is administered at the Military Entrance Processing Stations (MEPS) or other approved military processing facility.

(2) Current or history of alcohol dependence, drug dependence, alcohol abuse, or other drug abuse may be a medically disqualifying condition based on the standards in accordance with Reference (g). The MEPS Chief Medical Officer or equivalent, when the physical is not performed at MEPS, will make that determination based on all of the information available on a case-by-case basis. These instances will be treated as a medical disqualification and handled in accordance with the guidance provided in paragraphs 2e(1) through 2e(2) of this enclosure.

(3) Individuals who test positive for illegal drugs on the DAT, which is administered as part of the accession physical, will be disqualified. A waiver may be requested. Waiver requirements are outlined in Enclosure 4 of this instruction.

(4) Service qualification standards regarding drugs and alcohol may be more restrictive.

ENCLOSURE 4

ENLISTMENT WAIVERS

1. WAIVER REQUIREMENTS. In accomplishing whole person reviews of enlistment eligibility, the following categories and combinations of categories would require a favorable waiver determination by the Secretary of the Military Department concerned for the applicant to be considered qualified.

a. Medical Waiver. A medical waiver is required for enlistment qualification of an applicant who has or may have had a disqualifying medical condition in accordance with Reference (g).

b. Dependent Waiver. A dependent waiver is required when an applicant is married with more than two dependents under the age of 18 or when an applicant is unmarried and has custody of any dependents under the age of 18.

c. Conduct Waiver. In processing conduct waiver requests, the Military Services may require information about the "who, what, when, where, and why" of the offense in question; and letters of recommendation from responsible community leaders, such as school officials, clergy, and law enforcement officials, attesting to the applicant's character or suitability for enlistment. Waivers are not authorized for cases noted in Enclosure 3, paragraph 2.h(3).

(1) A Conduct Waiver is required when the final finding of the courts or other adjudicating authority is a conviction or other adverse adjudication of:

(a) One "major misconduct" offense, or;

(b) Two "misconduct" offenses, or;

(c) A pattern of misconduct.

(1) One "misconduct" offense and four "non-traffic" offenses.

(2) Five or more "non-traffic" offenses.

(2) Use the Table of this enclosure to determine the appropriate level of offense and applicable code. See section 2 of this enclosure for additional guidance.

d. Drug Waiver. A drug waiver is required when an applicant or enlistee is confirmed positive for the presence of drugs at the time of the original or subsequent physical examination (i.e., tests positive on the DAT at a MEPS or equivalent facility). Drug waivers for these applicants may be considered and granted or rejected only after the disqualification period established in section 6 of Enclosure 7 of DoDI 1010.16 (Reference (k)) ends.

2. CLASSIFYING CONDUCT OFFENSES. The procedures that will be used in the classifying and coding of all conduct offenses are:

a. Initial Classification. Align the offense that is the subject of adverse adjudication with an offense from the Table of this enclosure. **As an exception**, any offense classified as a felony under State or federal jurisdiction will be treated as a major misconduct offense for DoD purposes regardless of where similar charges are listed.

b. Non-Similar Offenses. If unable to find a similar charge, the Military Services will:

(1) Treat the offense as a major misconduct offense if the adjudicating authority can impose a maximum period of confinement that exceeds 1 year.

(2) Treat the offense as a misconduct offense if the adjudicating authority can impose a maximum period of confinement that exceeds 6 months but is not more than 1 year.

(3) Treat all other offenses as either other non-traffic offenses or traffic offenses, depending on the nature of the offense.

Table. Conduct Waiver Codes

TRAFFIC OFFENSES	
OFFENSE CODE	**OFFENSE TITLE**
100	Bicycle ordinance violation.
101	Blocking or retarding traffic.
102	Contempt of court for minor traffic offenses.
103	Crossing yellow line; driving left of center.
104	Disobeying traffic lights, signs, or signals.
105	Driving on shoulder.
106	Driving uninsured vehicle.
107	Driving with blocked vision and/or tinted window.
108	Driving with expired plates or without plates.
109	Driving with suspended or revoked license.
110	Driving without license.
111	Driving without registration or with improper registration.
112	Driving wrong way on one-way street.
113	Failure to appear for traffic violations.
114	Failure to comply with officer's directive.
115	Failure to have vehicle under control.
116	Failure to signal.
117	Failure to stop or yield to pedestrian.
118	Failure to submit report after accident.
119	Failure to yield right-of-way.
120	Faulty equipment such as defective exhaust, horn, lights, mirror, muffler, signal device, steering device, tail pipe, or windshield wipers.
121	Following too closely.
122	Hitchhiking.
123	Improper backing such as backing into intersection or highway, backing on expressway, or backing over crosswalk.
124	Improper blowing of horn.
125	Improper passing such as passing on right, passing in no-passing zone, passing stopped school bus, or passing pedestrian in crosswalk.
126	Improper turn.
127	Invalid or unofficial inspection sticker or failure to display inspection sticker.
128	Jaywalking.
129	Leaving key in ignition.
130	Leaving scene of accident (when not considered hit and run).
131	License plates improperly displayed or not displayed.
132	Operating overloaded vehicle.
133	Racing, dragging, or contest for speed.
134	Reckless, careless, or imprudent driving (considered a traffic offense when the fine is less than $300 and there is no confinement). Court costs are not part of a fine.
135	Reserved for future use.
136	Seat belt and/or child restraint violation.
137	Skateboard, roller skate, or inline skate violation.
138	Speeding.
139	Spilling load on highway.
140	Spinning wheels, improper start, zigzagging, or weaving in traffic.
141	Violation of noise control ordinance.
142	Other traffic offenses not specifically listed.
143	Reserved for future use.
144	Reserved for future use.

Table. Conduct Waiver Codes, continued

NON-TRAFFIC OFFENSES	
OFFENSE CODE	**OFFENSE TITLE**
200	Altered driver's license or identification.
201	Assault (simple assault with fine or restitution of $500 or less and no confinement).
202	Carrying concealed weapon (other than firearm); possession of brass knuckles.
203	Check, worthless, making or uttering, with intent to defraud or deceive (less than $500).
204	Committing a nuisance.
205	Conspiring to commit misdemeanor.
206	Curfew violation.
207	Damaging road signs.
208	Discharging firearm through carelessness or within municipal limits.
209	Disobeying summons; failure to appear (other than traffic).
210	Disorderly conduct; creating disturbance; boisterous conduct.
211	Disturbing the peace.
212	Drinking alcoholic beverages on public transportation.
213	Drunk in public.
214	Dumping refuse near highway.
215	Failure to appear, contempt of court (all offenses except felony proceedings).
216	Failure to appear, contempt of court (felony proceedings).
217	Failure to stop and render aid after accident.
218	Fare and/or toll evasion.
219	Harassment, menacing, or stalking.
220	Illegal betting or gambling; operating illegal handbook, raffle, lottery, or punchboard; cockfighting.
221	Indecent exposure.
222	Indecent, insulting, or obscene language communicated directly or by telephone to another person.
223	Jumping turnstile (to include those States that adjudicate jumping a turnstile as petty larceny).
224	Juvenile adjudications such as beyond parental control, incorrigible, runaway, truant, or wayward.
225	Killing a domestic animal.
226	Littering.
227	Loitering.
228	Malicious mischief (fine or restitution of $500 or less and no confinement).
229	Pandering.
230	Poaching.
231	Purchase, possession, or consumption of alcoholic beverages or tobacco products by minor.
232	Removing property from public grounds.
233	Removing property under lien.
234	Robbing an orchard.
235	Shooting from highway.
236	Throwing glass or other material in roadway.
237	Trespass (non-criminal or simple).
238	Unlawful assembly.
239	Unlawful manufacture, sale, possession, or consumption of liquor in public place.
240	Unlawful use of long-distance telephone calling card.
241	Using or wearing unlawful emblem and/or identification.
242	Vagrancy.
243	Vandalism (fine or restitution of $500 or less and no confinement).
244	Violation of fireworks laws.
245	Violation of fish and game laws.
246	Violation of leash laws.
247	Violation of probation.
248	Other non-traffic offenses not specifically listed.
249	Reserved for future use.

Table. Conduct Waiver Codes, continued

MISCONDUCT OFFENSES	
OFFENSE CODE	**OFFENSE TITLE**
300	Aggravated assault, fighting, or battery (more than $500 fine or restitution or confinement).
301	Carrying of weapon on school grounds (other than firearm).
302	Concealment of or failure to report a felony.
303	Contributing to delinquency of minor.
304	Crimes against the family (non-payment of court-ordered child support and/or alimony).
305	Criminal mischief (more than $500 fine or restitution or confinement).
306	Criminal trespass.
307	Desecration of grave.
308	Domestic battery and/or violence not considered covered by section 922 of Title 18, U.S.C. (Reference (l)), referred to in this issuance as the "Lautenberg Amendment."
309	Driving while drugged or intoxicated; driving while ability impaired; permitting driving under the influence.
310	Illegal or fraudulent use of a credit card or bank card (value less than $500).
311	Larceny or conversion (value less than $500).
312	Leaving scene of an accident or hit and run.
313	Looting.
314	Mailbox destruction.
315	Mailing of obscene or indecent matter (including e-mail).
316	Possession of marijuana or drug paraphernalia.
317	Prostitution or solicitation for prostitution.
318	Reckless, careless, or imprudent driving (considered a misdemeanor when the fine is $300 or more or when confinement is imposed; otherwise, considered a minor traffic offense).
319	Reckless endangerment.
320	Resisting arrest or eluding police.
321	Selling or leasing weapons.
322	Stolen property, knowingly receiving (value less than $500).
323	Throwing rocks on a highway; throwing missiles at sporting events; throwing objects at vehicles.
324	Unauthorized use or taking of a vehicle or conveyance from family member; joy riding.
325	Unlawful carrying of firearms or carrying concealed firearm.
326	Unlawful entry.
327	Use of telephone, Internet, or other electronic means to abuse, annoy, harass, threaten, or torment another.
328	Vandalism (more than $500 fine or restitution or confinement).
329	Willfully discharging firearm so as to endanger life; shooting in public.
330	Other misconduct offenses not specifically listed.
331	Reserved for future use.
332	Reserved for future use.

Table. Conduct Waiver Codes, continued

MAJOR MISCONDUCT OFFENSES	
OFFENSE CODE	**OFFENSE TITLE**
400	Aggravated assault; assault with dangerous weapon; maiming.
401	Arson.
402	Attempt to commit a felony.
403	Breaking and entering with intent to commit a felony.
404	Bribery.
405	Burglary.
406	Carjacking.
407	Carnal knowledge of a child.
408	Carrying of weapon on school grounds (firearm).
409	Check, worthless, making or uttering, with intent to defraud or deceive (over $500).
410	Child abuse.
411	Child pornography.
412	Conspiring to commit a felony.
413	Criminal libel.
414	Domestic battery and/or violence as defined in the Lautenberg Amendment. (Waiver not authorized if applicant was convicted of this offense.)
415	Embezzlement.
416	Extortion.
417	Forgery, knowingly uttering or passing forged instrument (except for altered identification cards).
418	Grand larceny or larceny (value of $500 or more).
419	Grand theft auto.
420	Hate crimes.
421	Illegal and/or fraudulent use of a credit card, bank card, or automated card (value of $500 or more).
422	Indecent acts or liberties with a child; molestation.
423	Indecent assault.
424	Kidnapping or abduction.
425	Mail matter; abstracting, destroying, obstructing, opening, secreting, stealing, or taking (not including the destruction of mailboxes).
426	Manslaughter.
427	Murder.
428	Narcotics or habit-forming drugs, wrongful possession or use (not including marijuana).
429	Negligent or vehicular homicide.
430	Perjury or subornation of perjury.
431	Possession or intent to use materials in a manner to make a bomb or explosive device to cause bodily harm or destruction of property.
432	Public record; altering, concealing, destroying, mutilating, obligation, or removing.
433	Rape, sexual abuse, sexual assault, criminal sexual abuse, incest, or other sex crimes. (See Section 2.h.(3) of Enclosure 3 of this instruction; waivers for these offenses are not authorized.)
434	Riot.
435	Robbery (including armed).
436	Sale, distribution, or trafficking of cannabis (marijuana) or any other controlled substance (including intent).
437	Sodomy (only when it is nonconsensual or involves a minor).
438	Stolen property, knowingly received (value of $500 or more).
439	Terrorist threats (including bomb threats).
440	Violation of civil rights.
441	Other major misconduct offenses not specifically listed.
442	Reserved for future use.
443	Reserved for future use.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AFQT	Armed Forces Qualification Test
ASD(HA)	Assistant Secretary of Defense for Health Affairs
ASD(*M&*RA)	Assistant Secretary of Defense for *Manpower and* Reserve Affairs
ASD(R&FM)	Assistant Secretary of Defense for Readiness and Force Management
DAT	drug and alcohol test
DoDI	DoD instruction
MEPS	Military Entrance Processing Station
NACLC	National Agency Check with Law and Credit
OPM	Office of Personnel Management
ROTC	Reserve Officer Training Corps
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this instruction.

adjudicating authority. Any government official who is empowered to make findings or determinations concerning an alleged criminal offense (adult and juvenile) and establish responsibility for commission of the offense. Examples include judges, courts, magistrates, prosecutors, hearing officers, military commanders (for Article 15 actions pursuant to chapter 47 of Reference (c), suspension of dependent privileges, or similar actions), probation officers, juvenile referees, and parole officers or boards.

adverse adjudication (adult or juvenile)

A finding, decision, sentence, or judgment by an adjudicating authority, against an individual, that was other than unconditionally dropped or dismissed or the individual was

acquitted is considered adverse adjudication. If the adjudicating authority places a condition or restraint that leads to dismissal, drops the charges, acquits, or the records are later expunged, or the charge is dismissed after a certain period of time, the adjudication is still considered adverse. A suspension of sentence, not processed, or a dismissal after compliance with imposed conditions is also adverse adjudication. This includes fines and forfeiture of bond in lieu of trial.

A conviction for violating any federal law (including chapter 47 of Reference (c)), or any State or municipal law or ordinance, is considered an adverse adjudication. For example, a shoplifter is reprimanded and required by the on-scene police officer, store security guard, or manager to pay for the item before leaving the store but is not charged, not found guilty, or is not convicted. In this situation, there is no adverse adjudication because no legal proceedings occurred and no adjudicating authority was involved.

conviction. The act of finding a person guilty of a crime, offense, or other violation of the law by an adjudicating authority.

dependent

A spouse of an applicant for enlistment.

An unmarried adopted child or an unmarried step-child under the age of 18 living with the applicant.

An unmarried biological child of the applicant under the age of 18.

Any person living with the applicant who is, by law or in fact, dependent upon the applicant for support, or who is not living with the applicant and is dependent upon the applicant for over one-half of his or her support.

Reserve Components. Includes the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve.

restitution. Any compensation in time, labor, or money for the adverse effects of an offense as a result of agreements from judicial or prosecutorial involvement. For example, an individual is adversely adjudicated for vandalism and is ordered by the adjudicating authority to replace or repair the damaged property.

service review. A formal review of condition(s) or event(s) that, based on Service-specific standards, may make an applicant for enlistment ineligible to serve. Once a Service review is complete, the Service may grant an exception to policy to allow an individual to serve. These standards are subject to change at the discretion of the Service.

waiver. A formal request to consider the suitability for service of an applicant who because of inappropriate conduct, dependency status, current or past medical conditions, or drug use may not be qualified to serve. Upon the completion of a thorough examination using a "whole

person" review, the applicant may be granted a waiver. The applicant must have displayed sufficient mitigating circumstances that clearly justify waiver consideration. The Secretaries of the Military Departments may delegate the final approval authority for all waivers.

Exhibit 22

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----------X

KUSUMA NIO, et al.,

Plaintiffs Civil Action 17-998-ESH

v.

U.S. DEPT. OF HOMELAND SECURITY, et al.,

Defendants

----------X

Washington, D.C
Tuesday, January 23, 2018
2:45 p.m.

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE ELLEN SEGAL HUVELLE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Jennifer M. Wollenberg, Esq.
Douglas W. Baruch, Esq.
Joseph J. LoBue, Esq.
Webster Beary, Esq.
Katherine St. Romain, Esq.
FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON LLP
801 17th Street, NW
Washington, DC 20006
(202) 639-7052

Court Reporter: Lisa Walker Griffith, RPR
U.S. District Courthouse
Room 6507
Washington, D.C. 20001
(202) 354-3247

(There was a pause in the proceedings.)

MR. KISOR: Your Honor, we don't know and I think reason we don't know is because these would be scheduled, there are between 86 and 90, I guess, field offices nationwide. So, these interviews would be happening at any one of those facilities. And getting accurate, very fast, centralized numbers is sometimes difficult.

THE COURT: You did a pretty good job here. I see there is discrepancy. But, all right, let's hear from Ms. Wollenberg.

I do want to have an accurate reporting system. I don't need to have as many attachments as I got. But it certainly would be helpful to know how we're doing because there is a claim here. It is not just discovery but whether we're going to get these people through or whether they're going to hit a wall or whether they're going to have to wait an indeterminable amount of time.

MR. KISOR: I think the answer is that people are going to have to wait. It is simply a math problem. If you have to do 2100 and you could do, for example, 50 a month which would be, I don't think they could do that many but if they could do 50 in a month, that is still well over a year.

THE COURT: Yeah. But is it --

MR. KISOR: The issue is this process takes a

Exhibit 23

[redacted]

OFFICE OF THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1000

ACTION MEMO

FOR: SECRETARY OF DEFENSE DepSec Action _____

FROM: Tony Kurta, Performing the Duties of the USD(P&R) AMKurta 5/19

Todd R. Lowery, Performing the Duties of USD(I) TRL

SUBJECT: Military Accessions Vital to the National Interest (MAVNI) Pilot Program

Sir: You requested further information regarding the risk to mission presented by Service members recruited via the MAVNI Pilot Program, together with a plan to mitigate that risk.

- The MAVNI population presents Counterintelligence (CI) and Security (S) risks based on three factors: the level of vetting to which each MAVNI has been subject; the potential threat posed by individuals who may have a higher risk of connections to Foreign Intelligence Services; and the MAVNI's current military status/proximity to the force and sensitive information. Enclosure 1 divides the MAVNI population into four groups, each with a different risk profile and corresponding mitigation plan.

- USD(P&R) and USD(I) are confident that the enhanced MAVNI screening prescribed in FY17—Tier 5 background investigation (formerly termed a Single Scope Background Investigation (SSBI)); National Intelligence Agency Check (NIAC); and CI review, interview, and polygraph (as needed)—yields more thorough results than the previous approach. However, we cannot say with a high degree of confidence that this enhanced vetting is sufficient to mitigate the risks such that they are relatively equal to those posed by the non-MAVNI Service member population.

- USD(I) has directed the Defense Intelligence Agency (DIA) to complete a comprehensive CI Risk Assessment of the MAVNI Pilot Program NLT June 30, 2017. DIA's assessment will inform execution of the mitigation plans at Enclosure 1.

- Execution of the FY17 enhanced screening process has diverted already constrained Army CI fiscal and manpower resources from their primary roles in support of the global Army CI/S mission.

- The previous execution of the MAVNI Pilot Program presents a significantly elevated risk to the Department from a CI/S and insider threat perspective, to include a considerable burden on limited intelligence assets. Accordingly, we intend to discontinue the MAVNI Pilot Program, while committing to apply lessons learned from the Pilot in developing a follow-on program that ensures continued access to vital skills not readily available in the U.S. recruit pool.

- As specific proposals are developed, OSD OGC will conduct a legal risk assessment; OGC advises that it is critical to frame these policies with great care and precision so as to make them more likely to survive anticipated litigation.

- Unless otherwise directed, we will implement the mitigation measures in Enclosure 1. We will also develop a Legislative/Public Affairs strategy to support execution of the mitigation plans.

Prepared by: Stephanie P. Miller/OUSD(P&R) MPP AP/703-697-8444

[redacted]

[redacted]

ENCLOSURE 1: MAVNI RISK GROUPS AND MITIGATION PLANS

Group 1: MAVNIs in the Force based entry without a completed SSBI (approx. 1,500). **Risk Profile: Highest of the MAVNI Population.**

- Presents the highest level of risk. Although these personnel are being held on station, largely at basic/initial entry training, they live and work in the force while having been subject to only a NIAC at time of accession, without a completed SSBI or CI/S review (lowest level of screening among the MAVNI population). Enhanced CI/S vetting of this population is nearly complete.
- **Action:** Continue to hold on station pending completion of FY17 enhanced screening and favorable military suitability determination; enroll in continuous monitoring. Use Secretarial plenary authority to separate those with unmitigable derogatory findings (30% of cases adjudicated to date).

Group 2: MAVNIs in the Force with Completed Tier 5 Investigations (approx. 4,100).
Risk Profile: Moderate to high within the MAVNI Population.

- Presents moderate risk. Living and working in the force, in deployed and operational locations across the globe. All have a completed SSBI, but none have been subject to the robust CI/S review required as part of FY17 enhanced screening. Some have been granted access to classified information. If the CI/S risk associated with Group 1 (30% of cases adjudicated to date have unmitigable derogatory information), holds for Group 2, this population – particularly that subset with elevated risk profiles (~1,550 of the 4,100) – could present high risk.
- Group 2 MAVNIs should be subjected to the robust CI/S review, interview, and/or polygraph required as part of FY17 enhanced screening. But the majority of Group 2 MAVNIs are now naturalized citizens. There are significant legal constraints to subjecting this population to enhanced screening without an individualized assessment of cause.
- **Action:** Expedite continuous monitoring. Conduct appropriate enhanced screening of all of Group 2 MAVNIs or those with elevated risk profiles (e.g., those accessed due to skill in higher risk languages).

Group 3: MAVNIs Drilling in the Selected Reserve (SELRES) Delayed Training Program (DTP) (approx. 2,400), without an SSBI or Enhanced Screening. Have not attended basic training. **Risk Profile: Moderate within the MAVNI population.**

- Presents moderate risk. These MAVNIs entered the DTP and drill as Reservists, with access to DoD personnel, facilities, equipment, and information. They have not been subject to either a Tier 5 background investigation or FY17 enhanced screening.
- Approx. 500 Group 3 MAVNIs have received command endorsement and applied for naturalization based on having "performed creditable service" in the form of two weekend drills. These citizenship applications are under review by the U.S. Citizenship and Immigration Services.
- **Action:** The heightened risk associated with Groups 1/2, and the application of resources needed to mitigate that risk, render it infeasible to continue to process DTP MAVNIs. **Except for individual cases deemed vital to the national interest, Group 3 will be separated by Secretarial plenary authority.**

Group 4: MAVNIs in the Delayed Entry Program (DEP) (approx. 1,800). **Risk Profile: Lowest within the MAVNI Population but higher than the non-MAVNI Service member population.**

- Presents the least risk; little to no access to military personnel, facilities, equipment, or information.
- **Action**: The heightened risk associated with Groups 1/2, and the application of resources needed to mitigate that risk, render it infeasible to continue to process those in DEP. **After the development of a Legislative Affairs/Public Affairs strategy, cancel all DEP enlistment contracts.**

NOTE: Approximately 1,000 Group 3/4 MAVNIs are no longer in a valid immigration status. U.S. Citizenship and Immigration Services has deferred action on deportation in these cases only by virtue of their DTP/DEP status.

Exhibit 24

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

FEB 14 2018

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
CHIEF, NATIONAL GUARD BUREAU
DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION

SUBJECT: DoD Retention Policy for Non-Deployable Service Members

In July, the Secretary of Defense directed the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) to lead the Department's effort to identify changes to military personnel policies necessary to provide more ready and lethal forces. In his initial memorandum to the Department, Secretary Mattis emphasized, "[e]very action will be designed to ensure our military is ready to fight today and in the future." Given the Secretary's guidance, OUSD(P&R) moved forward from the underlying premise that all Service members are expected to be world-wide deployable. Based on the recommendations of the Military Personnel Policy Working Group, the Deputy Secretary of Defense determined that DoD requires a Department-wide policy establishing standardized criteria for retaining non-deployable Service members. The objective is to both reduce the number of non-deployable Service members and improve personnel readiness across the force.

The Deputy Secretary of Defense directed the following interim policy guidance, which will remain in effect until the Department issues a DoD Instruction on reporting and retention of non-deployable Service members:

- Service members who have been non-deployable for more than 12 consecutive months, for any reason, will be processed for administrative separation in accordance with Department of Defense Instruction (DoDI) 1332.14, *Enlisted Administrative Separations*, or DoD Instruction 1332.30, *Separation of Regular and Reserve Commissioned Officers*, or will be referred into the Disability Evaluation System in accordance with DoDI 1332.18, *Disability Evaluation System (DES)*. Pregnant and post-partum Service members are the only group automatically excepted from this policy.

- The Secretaries of the Military Departments are authorized to grant a waiver to retain in service a Service member whose period of non-deployability exceeds the 12 consecutive months limit. This waiver authority may be delegated in writing to an official at no lower than the Military Service headquarters level.

- The Military Services have until October 1, 2018, to begin mandatory processing of non-deployable Service members for administrative or disability separation under this policy, but they may begin such processing immediately.

- The Military Services may initiate administrative or disability separation upon determination that a Service member will remain non-deployable for more than 12 consecutive months; they are not required to wait until the Service member has been non-deployable for 12 consecutive months.

- The Military Services will continue to provide monthly non-deployable reports to OUSD(P&R) in the format established by the Military Personnel Policy Working Group.

My office will issue a DoDI to provide additional policy guidance and codify non-deployable reporting requirements. Publication of the DoDI will supersede and cancel this policy memorandum.

Robert L. Wilkie

cc:
Assistant Secretary of the Army
for Manpower and Reserve Affairs
Assistant Secretary of the Navy
for Manpower and Reserve Affairs
Assistant Secretary of the Air Force
for Manpower and Reserve Affairs
Senior Enlisted Advisor to the Chairman
of the Joint Chiefs of Staff
Deputy Chief of Staff, G-1, U.S. Army
Chief of Naval Personnel, U.S. Navy
Deputy Chief of Staff for Personnel and Services,
U.S. Air Force
Deputy Commandant for Manpower and Reserve
Affairs, U.S. Marine Corps
Director, Reserve and Military Personnel,
U.S. Coast Guard
Director, Manpower and Personnel, Joint Staff
National Guard Bureau, J-1

Exhibit 25

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

KUSUMA NIO, et al, .
Plaintiffs, .
vs. . Docket No. CA 17-998-ESH
.
UNITED STATES DEPARTMENT . Washington, D.C.
OF HOMELAND SECURITY . Friday, October 27, 2017
Defendant. .
. . . . . .x 11:00 a.m.

TRANSCRIPT OF TRO/Preliminary Injunction

BEFORE THE HONORABLE SENIOR JUDGE ELLEN SEGAL HUVELLE

UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Jennifer M. Wollenberg, Attorney
Joseph J. LoBue, Attorney
Douglas W. Baruch, Attorney
Shaun Gates, Attorney
Neaha P. Raol, Attorney
Katherine St. Romain, Attorney
FRIED FRANK HARRIS SHRIVER & JACOBSON
801 17th Street, NW
Washington, DC 20006

For the Defendant: Colin A. Kisor, Deputy Director
Elianis N. Perez, Trial Attorney
Sarah Vuong, Trial Attorney
U.S. DEPARTMENT OF JUSTICE
P.O. Box 868
Ben Franklin Station
Washington, DC 20044

Nathan M. Swinton, Trial Attorney
U.S. DEPARTMENT OF JUSTICE
20 Massachusetts Avenue, NW
Washington, DC 20001

then the interview in 120 days. You've extended the process. You've prolonged the process considerably and arguably that is not what people, it's not an expectation. I view it that they had a right to an expedited path to citizenship. They weren't guaranteed citizenship, but their part of the bargain was to give you or the DoD eight years of military service either their medical, in the medical field or language field. And they would have a right to apply for expedited citizenship.

And that's what you've not permitted here. Because the vetting is a DoD essentially issue. We are not going to take you in the Army. You're in control your client of the naturalization process. And you, whether you agree with DoD I don't think that is really the -- you're not slowing down the process for the vetting there. And they're doing it because they're taking them in the Army.

Now whether or not that withstands scrutiny to take everybody the other day it was argued that these people, I can't remember the word you used, but had derogatory information by definition because they weren't born here.

MR. KISOR: That was an argument that was made in the Kirwa case, your Honor, that wasn't --

THE COURT: I know. I know. So did Mr. Swinton made it. You are the government let's be clear. That's a

entry into the military or the military delayed entry program.

THE COURT: This is September 2016. And some of the people in this potential class came in --

MR. ARENDT: The Army hasn't recruited since June of 2016, your Honor.

THE COURT: You haven't taken any new MAVNI since when?

MR. ARENDT: June of 2016.

THE COURT: Their dates are all before then. So you're saying that these people were, if nothing had changed they would have been subject to a Tier 5. Put aside anything that's happened recently.

MR. ARENDT: Yes, ma'am.

THE COURT: And I base that on which document?

MR. ARENDT: It was the preceding policy document, ma'am. The SSBI which is now called the Tier 5 was initiated in 2012 September, I believe.

THE COURT: And that applied to doctors as a Tier 5 up until --

MR. ARENDT: Yes, ma'am.

THE COURT: So who does this September 30, 2016?

MR. ARENDT: That would apply to anyone recruited after September 2016.

THE COURT: Why don't they apply it retroactively?

Exhibit 26

From: "USCIS" <USCIS-CaseStatus@dhs.gov>
Date: Feb 14, 2018 10:00 AM
Subject: Your recent inquiry (receipt [redacted])
To: [redacted]
Cc:

U.S. Department of Homeland Security
USCIS
80 Monroe Ave Seventh Floor
Memphis,TN 38103

U.S. Citizenship and Immigration Services
Wednesday, February 14, 2018

Emailed to [redacted]

Dear [redacted]

On 02/09/2018, you or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:
-- Applicant or Petitioner

Attorney Name:
-- Information not available

Case type:
-- N400

Filing date:
-- 06/30/2017

Receipt #:
-- [redacted]

Referral ID:
[redacted]
Beneficiary (if you filed for someone else):
-- Information not available

Your USCIS Account Number (A-number):
-- Information not available

Type of service requested:
-- Expedite

The status of this service request is:

Thank you for contacting USCIS concerning the above-referenced application. Below is a summary of what we have found and how the issue has been resolved or additional actions required.

What We Have Done
USCIS has reviewed your request for expedited processing and we regret to inform you that your request has been denied based on the fact that your security checks are still pending. USCIS is unable to move forward on your application until such checks are completed. No further action is required from you at this time.

USCIS is committed to adjudicating immigration applications in a timely manner, efficiently and in the order received. We hope this information is helpful. If we may be of further assistance, please let us know.

Online Services
The USCIS website offers many online services and tools to assist you. Please visit the USCIS Website at www.uscis.gov for information about the below topics:
* Case Status Online tool
* Instructions to sign up for case status updates
* Typical processing times
* Submitting an e-Request to inquire about application/petition status
* USCIS Office Locator
* Instructions for using InfoPass to schedule an appointment
* Downloadable Forms

Address Changes
If you move, please provide us with an updated mailing address. For more information about address changes, please visit our Web site at http://www.uscis.gov/ar-11, and click on "Change Your Address Online."

For Additional Information
If you do not find the information you need through the online services and need further assistance, please contact the National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD for the Hearing Impaired).

Exhibit 27

---------- Forwarded message ---------
From: Military Info <militaryinfo@uscis.dhs.gov>
Date: Mon, Feb 12, 2018 at 7:53 AM
Subject: RE: US ARMY Reserve member N-400 Applicant with completed DoD background checks
To: [redacted]

Morning,

Congratulations on getting a ship date for basic training, however DOD has yet to notify USCIS of their decision. Your naturalization process will process as soon as the ARMY forwards USCIS the needed information to move your case to the field office. As you are a reservist we will forward your case to your home field office once the case is ready to adjudicate. This will cut down on us trying to chase you around the country with your file further delaying your naturalization process. And after you return home from basic and AIT you will be interviewed and oathed at that time.

Again congratulations on getting your date to go to basic. You are now one step closer to naturalization and have something to look forward to after basic and AIT.

Vr

USCIS Military Naturalization Officer NM1733 | 1-877-CIS-4MIL (1-877-247-4645) | militaryinfo@uscis.dhs.gov
WARNING: This document and any attached files are UNCLASSIFIED / FOR OFFICIAL USE ONLY (U / FOUO) – LAW ENFORCEMENT SENSITIVE. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval from the originator. If you have received this document by mistake, please contact the originator for specific handling and destruction procedures.

Exhibit 28

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----------X

KUSUMA NIO, et al.,

Plaintiffs Civil Action 17-998-ESH

v.

U.S. DEPT. OF HOMELAND SECURITY, et al.,

Defendants

----------X

Washington, D.C
Tuesday, January 23, 2018
2:45 p.m.

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE ELLEN SEGAL HUVELLE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Jennifer M. Wollenberg, Esq.
Douglas W. Baruch, Esq.
Joseph J. LoBue, Esq.
Webster Beary, Esq.
Katherine St. Romain, Esq.
FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON LLP
801 17th Street, NW
Washington, DC 20006
(202) 639-7052

Court Reporter: Lisa Walker Griffith, RPR
U.S. District Courthouse
Room 6507
Washington, D.C. 20001
(202) 354-3247

THE COURT: Nothing makes sense. But okay.

How about adjudication in process? That only comes up -- What does adjudication mean as opposed to having these interviews?

MAJ. MAZZONE: Ma'am, what line are you on? I apologize.

THE COURT: I'm on the 6th person. Wait a minute. The 5th person down.

MAJ. MAZZONE: Yes, Ma'am. That means that is at the DOD CAF for their review.

THE COURT: One cannot derive anything about the 5th or the second person when they talk about adjudication complete. That doesn't tell you anything in particular to say that it is complete or it is in progress.

MAJ. MAZZONE: So, for the second person, ma'am, all of the background check has been done. Everything that the Army intends to do in terms of the background check has been completed. A recommendation from the CAF has been provided to the United States Army. However, before the United States Army takes action on that particular individual, they want to make an internal personnel decision.

THE COURT: Okay. My law clerk says these names are actually public, the reports are public.

I want to ask about the last name. It may be

Exhibit 29

From: [redacted]
Sent: Friday, March 09, 2018 8:22 PM
To: Wollenberg, Jennifer <Jennifer.Wollenberg@friedfrank.com>
Subject: Nio vs Mattis(All my security clearances are finished but no ship date to BCT)

Hello Ma'am,

This is [redacted], enlisted in the U.S. Army Reserves in DEC 2015.
I've been waiting for **27 months** for my security clearances to finish so that DOD/USAREC adjudicate the results and issue me a ship date. Following is the status of my background checks:

1. **NIAC clearance** - Completed
2. **SSBI clearance** - Completed
3. **CI clearance** - Completed

It's been a while since my clearances finished and DOD was supposed to adjudicate the clearance results and issue me a ship date. **But they are just sitting on my file without any updates**. I was able to figure out from my recruiter that my NIAC clearance may have been expired and that's why DOD stopped adjudicating my case.

I have been drilling at my unit [redacted] for about **3 years** now with **80+ MUTA Battle Assemblies** in my account and passed every drug test. I'm always on top of everything and ready to serve whenever my unit needs me. Hence my unit **Commander** [redacted] **certified** my service as **honorable** on N-426 form to apply for naturalization which I submitted to USCIS last year. And USCIS won't process my naturalization application without DOD's green signal.

All I'm asking DOD is to ship me to BCT and let me serve as a soldier before other secruity clearances expire.

Please find the letter from my unit SSG requesting to issue me a ship date.

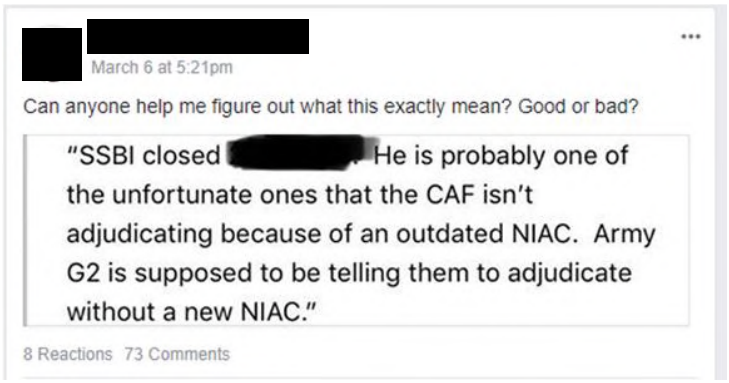
I came to this country legally, finished my masters, working as a Software Engineer, finishing up 2nd masters, joined the Army, paying taxes, bought a house, have absolutely zero criminal records, 2 traffic citations(both speeding), no medical history, excellent credit, speak 4 languages, certified in mulitple technologies. All this would not have been possible without America and Americans who have supported me throughout. **No people on earth are so fearless or daring or determined as Americans. This is what inspires me everyday. I may not be American by birth but I'm American by choice and signed up to take a bullet and protect America, Americans and the freedom of this country.**

I volunteer whenever they need some help at my reserve unit without getting paid just to show that I belong in the Army. I want to make my career in the Army but DOD is holding me back for 3 years.

Thanks
[redacted]

Exhibit 30

Screenshots taken from comments made in response to a post on the MAVNI Facebook Page (March 6, 2018)



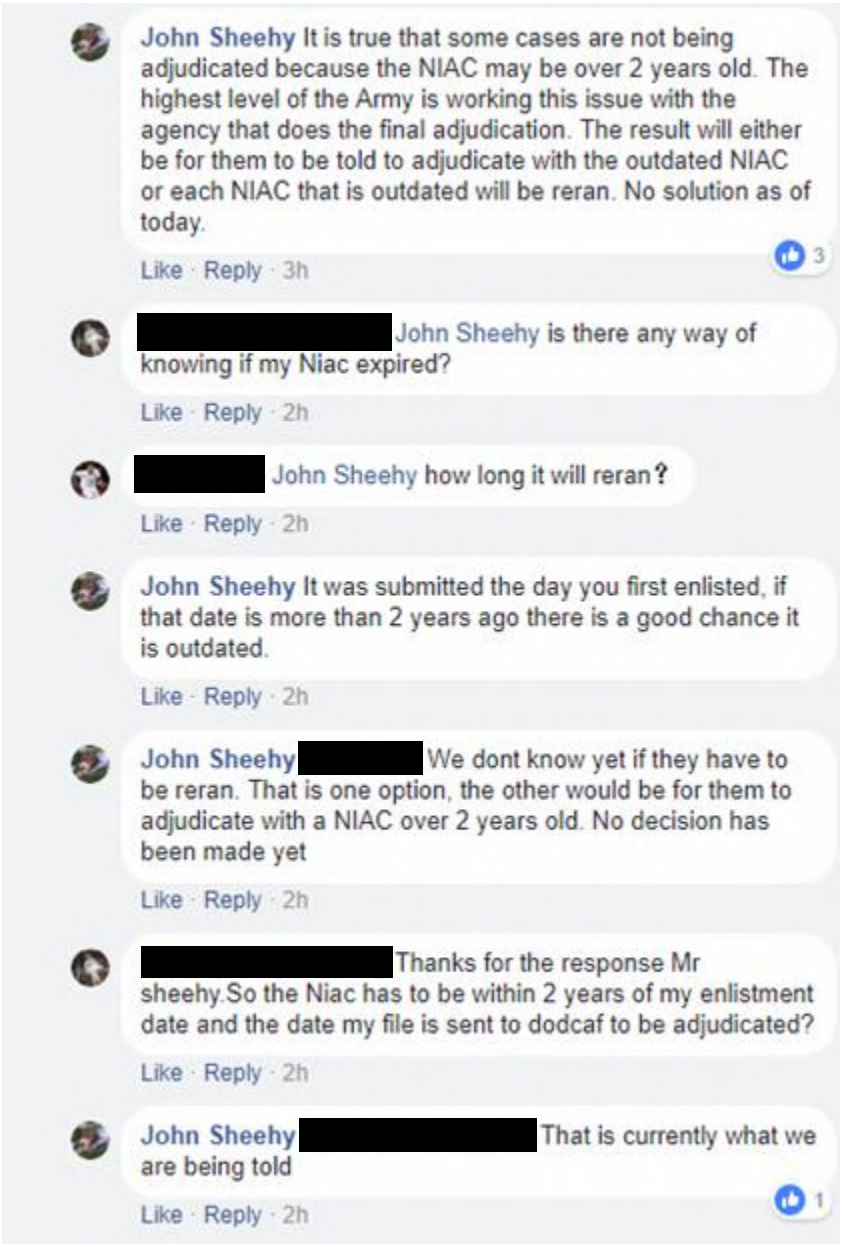


Exhibit 31

From: Wollenberg, Jennifer
Sent: Wednesday, January 31, 2018 7:18 PM
To: Kisor, Colin (CIV); Perez, Elianis (CIV); Vuong, Sarah L. (CIV)
Cc: Baruch, Douglas W.; LoBue, Joseph
Subject: Nio v. DHS: NIAC Concerns

Counsel –

We wanted to bring a serious concern to your attention so that Defendants can address the issue before it causes further delays with the MAVNI naturalization process.

We have heard that NIACs are "expiring" while the DoD background check and adjudication process drags on. And, we have heard that there is a backlog for a NIAC now, even though it is basically a computer check that previously took a day or two to complete, causing further delays of months.

For example, class member [redacted] and last four digits of SSN are: [redacted]) enlisted in November 2015, has the rank of E-4, had the SSBI completed in September 2016, and had a CI interview in August 2017. However, [redacted] was informed by DoD in November 2017 that the NIAC had expired, and even though DoD personnel said that they were working on a solution, to this day, the problem does not appear to have been resolved (even though we understand that the NIAC "expired" many months ago in July 2017). Please advise as to the status of this soldier's NIAC.

If DoD and USCIS intend to allow NIAC "expirations" to further hold up the completion of the naturalization process, for MAVNIs whose NIACs are expiring prior to naturalization, what process does DoD have in place to expeditiously renew or extend the NIACs?

Regards,

Jenny

Jennifer M. Wollenberg
Jennifer.Wollenberg@friedfrank.com | Tel: **+1 202 639 7278**

Fried, Frank, Harris, Shriver & Jacobson LLP
801 17th Street, NW Washington, DC 20006
friedfrank.com

Exhibit 32

DEPARTMENT OF THE ARMY
ARMY RESERVE MEDICAL COMMAND
2801 GRAND AVENUE
PINELLAS PARK, FLORIDA 33782-6140

February 5, 2018

Office of the Inspector General

[redacted]

This letter is in response to the referral we received from the United States Army Reserve Command (USARC) Inspector General office on February 1, 2018 concerning your request for an update on the status of your enhanced background investigation.

The AR-MEDCOM Inspector General Office conducted an inquiry into this matter and determined that your SSBI is completed, however; additional information is required in order to request adjudication such as proof of U.S. citizenship, a memorandum renouncing Egyptian citizenship, and a memorandum of destruction of Egyptian passport (if applicable). Example memorandums have also been sent to your unit.

This office will take no further action pertaining to this case. If you have additional questions or concerns, please contact the undersigned at 727-563-3638 or at lindsey.r.wible.mil@mail.mil.

Sincerely,

WIBLE.LINDSEY.RENEE.1033001637 Digitally signed by WIBLE.LINDSEY.RENEE.1033001637 DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=USA, cn=WIBLE.LINDSEY.RENEE.1033001637 Date: 2018.02.05 15:09:29 -05'00'

Lindsey R. Wible
Major, U.S. Army
Detailed Inspector General

UNIT LETTERHEAD

REPLY TO
ATTENTION OF

OFFICE SYMBOL **DATE**

MEMORANDUM FOR Director, Department of Defense Consolidated Adjudication Facility; Attn: Division B/Army; 600 10th Street, Fort George Meade MD. 20755

SUBJECT: Certification of Passport and Citizenship Card Destruction – 1LT SNUFFY, Martha N., XXX-XX-XXX

1. This memorandum is to certify the destruction of the following passport and citizenship card pertaining to 1LT SNUFFY, Martha N., XXX-XX-XXX

PASSPORT TYPE:
PASSPORT NUMBER:
DATE OF ISSUE:
PLACE OF ISSUE:
EXPIRATION DATE:

2. The destruction of these documents was at the request of 1LT Snuffy in order for her to obtain her security clearance. According to US Department of Defense requirements to obtain a security clearance, I affirm that it is my information that appears above. I do not intend to renew my foreign passport in the future and I am willing to renounce my foreign citizenship.

3. Point of contact for this memorandum is (name) at commercial (XXX) XXX-XXXX.

DESTRUCTION OFFICIAL: NAME
Security Manager / Or Unit CDR/1SG

WITNESSING OFFICIAL: NAME
(witnessing official's title)

DEPARTMENT OF THE ARMY
HEADQUARTERS, ARMY RESERVE MEDICAL COMMAND
2801 GRAND AVENUE
PINELLAS PARK FLORIDA 33782-6140

REPLY TO
ATTENTION OF

AFRC-RMC-CIS 23 January 2018

MEMORANDUM FOR Director, Department of Defense Consolidated Adjudication Facility; Attn: Division B/Army; 600 10th Street, Fort George Meade MD. 20755

SUBJECT: Renounce Foreign Citizenship, GI NAME, SSN

1. This memorandum is to certify that I am willing to renounce the citizenship of COUNTRY automatically when becoming a U.S. citizen.

2. I no longer have a foreign passport in my possession….. Passport has not been located in over 2 3 years etc…… …and will not renew foreign passport

3. Point of contact for this memorandum is GI's name at commercial and email address.

name
RANK, US Army Reserve

Exhibit 33

Counterintelligence Screening

Instructions to MAVNI Personnel Prior to Arrival

MAVNI Mission Operations Center
Fort George G Meade, MD
21 April 2017

3-1. Documents for the interview

This chapter provides instructions to MAVNI personnel regarding the documents which they must complete and bring to the interview. Failure to provide all required documents may result in significant delays during the interview. Personnel may be rescheduled and/or delayed further accession into the MAVNI program if required documents are not brought to the interview. Units, Recruiters and/or MEP personnel are responsible for ensuring MAVNI personnel arrive at the interview site with all required documents for the interview.

Section II
Responsibilities

3-2. MAVNI Personnel

The MAVNI will –

a. Bring the original of required documents to the interview. Copies of identification, citizenship certificate, passports, birth certificates, permanent resident card, naturalization certificate, travel documents, and other official documents.

b. The following documents are required, if applicable:
(1) Naturalization Certificate, Certificate of Citizenship, Letter with Naturalization Information from USCIS with raised seal
(2) United States (U.S.) Permanent Resident card or I-94
(3) All passports and travel documents (U.S., U.N., and Foreign, valid and expired)
(4)) Social Security Card
(5) Military issued Common Access Card (CAC)
(6) Driver's License or State Identification Card
(7) Legal Name Change Documentation from a US government or State source
(8) Arrests/Police/Driving Records; to include documents showing disposition or satisfaction of charges (Past and Current)
(9) Bankruptcy documents; including discharge documents
(10) Completed Foreign Travel Form, Relatives and Associates Form, and Relatives and Associates with Military & Government Service Form
(11) Completed Personal Financial Statement
(12) Proof of satisfaction of derogatory financial items or proof of approved credit management plans with debtors
(13) DD214 – Member 2 or 4 copy (ensure discharge information is shown)
(14) Documentation showing renouncement of prior non-U.S. citizenship to include a copy of letter sent and receipt of mailing
(15) foreign identification cards to include the National Identity Card Overseas (expired and current)

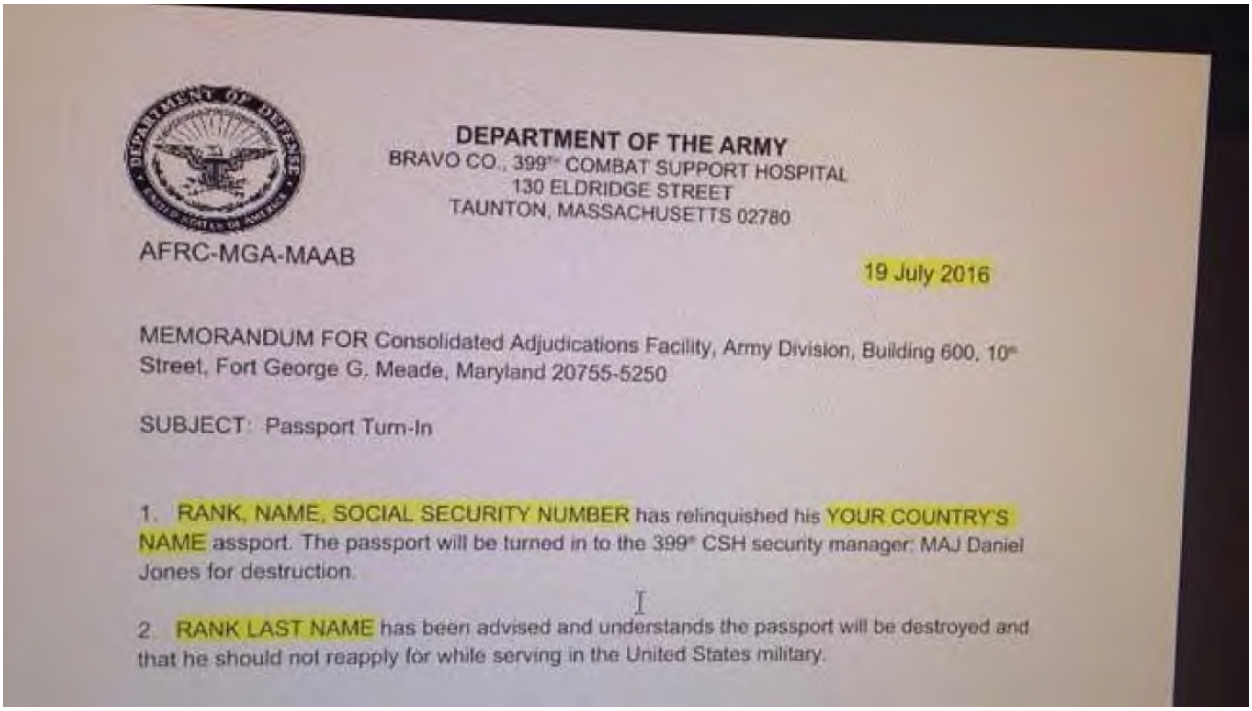
3-3. Units, Recruiters, and/or MEP Personnel

The requirements for the Units, Recruiters, and/or MEP Personnel are as follows -

a. Ensure MAVNI personnel bring all required documents as specified in paragraph 3-2 to the interview.

Exhibit 34

In December 2017, Army personnel in B CO, 399th CSH instructed non-citizen MAVNIs in an email as follows: "Attached are a series of documents needed to complete security clearance process. Documents in Word are memos they are requiring related to passport destruction. If you have a foreign country's passport, you will have to turn it in." Partial image of one of the attached documents appears below.



DEPARTMENT OF THE ARMY
BRAVO CO., 399TH COMBAT SUPPORT HOSPITAL
130 ELDRIDGE STREET
TAUNTON, MASSACHUSETTS 02780

AFRC-MGA-MAAB

19 July 2016

MEMORANDUM FOR Consolidated Adjudications Facility, Army Division, Building 600, 10th Street, Fort George G. Meade, Maryland 20755-5250

SUBJECT: Passport Turn-In

1. RANK, NAME, SOCIAL SECURITY NUMBER has relinquished his YOUR COUNTRY'S NAME assport. The passport will be turned in to the 399th CSH security manager: MAJ Daniel Jones for destruction.

2. RANK LAST NAME has been advised and understands the passport will be destroyed and that he should not reapply for while serving in the United States military.

Exhibit 35

From: Vuong, Sarah L. (CIV) <Sarah.L.Vuong@usdoj.gov>
Sent: Tuesday, February 13, 2018 5:04 PM
To: Wollenberg, Jennifer; Perez, Elianis (CIV); Kisor, Colin (CIV)
Cc: LoBue, Joseph; Baruch, Douglas W.
Subject: RE: Nio v. DHS: More MAVNI Naturalization Problems

Counsel,

I now have information regarding [redacted] naturalization application. The Houston Field Office spoke to the applicant on February 6 and 8. All of his files were not available for review prior to his departure. After all files are available for review, USCIS will interview the applicant as soon as possible. Naturalization interviews are no longer taking place at Fort Jackson, so it is unclear when it will be logistically possible to schedule the applicant's interview. USCIS will continue coordinating with the applicant.

Best,
Sarah

Exhibit 36

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY CENTER FOR INITIAL MILITARY TRAINING
210 DILLON CIRCLE
FORT EUSTIS, VIRGINIA 23604-5701

ATMT

JUN 2 3 2017

MEMORANDUM FOR Initial Entry Training Units with Military Accessions Vital to National Interest (MAVNI) Trainees and Soldiers.

SUBJECT: **CHANGE 1**, Exception to Policy (ETP) for MAVNI Trainees and Soldiers in Initial Entry Training (IET).

1. The Army Deputy Chief of Staff, G-1, LTG McConville, directed a stop move for MAVNI Trainees on 7 November 2016. This effects all MAVNIs who arrived after 30 September 16 to IET locations.

2. In order to comply with Office of Secretary of Defense mandated screening requirements, the Army has withheld the issuance of travel orders for all Trainees who enlisted under the MAVNI program that have not completed all phases of security investigations, and received a favorable adjudication. This stop-movement applies to MAVNI Trainees in the Delayed Entry Program (DEP) or Delayed Training Program (DTP), MAVNIs in IET, as well as those in operational units. These Trainees require clarifying guidance on privileges authorized while in the hold category in IET units.

3. MAVNI Trainees who were currently attending Basic Combat Training (BCT), One Station Unit Training (OSUT), or Advanced Individual Training (AIT) that are a hold under (waiting to start training) or hold over (completed training) awaiting adjudication of Single Source Background Investigation (SSBI)/Tier 3 and Counter Intelligence (CI) interviews review by DoD Central Adjudication Facility (DoD CAF) require guidance on privileges authorized while in extended hold status. All MAVNIs will be entered in Army Training Requirements and Resource System (ATRRS) utilizing the appropriate hold categories. MAVNIs will remain under the IET unit and governing regulations and will not be moved to permanent party units or control.

4. MAVNI-Without Naturalization: USAR MAVNIs will not be released from Active Duty (REFRAD) until Naturalization is completed. If Naturalization is not complete, this should be the priority of each command to ensure this process is completed as soon as possible for all MAVNIs in IET. Leave and pass may be authorized for CONUS travel, at the discretion of the appropriate level commander. No OCONUS travel is authorized without valid U.S. passports and citizenship documents and should only be considered in extreme cases with SJA review. OCONUS travelers will be provided detailed instructions on the conduct of their leave.

ATMT
SUBJECT: Exception to Policy (ETP) for MAVNI Trainees and Soldiers in Initial Entry Training (IET).

5. MAVNI - With Naturalization: The MAVNI Trainees/Soldiers that are Naturalized may receive the following privileges based on appropriate level commander approval IAW TR 350-6, table 4-1 dated 20 MAR 17 with below exceptions. Battalion Commanders will monitor all movements and privileges they are authorized to provide, and **Brigade Commanders are the approval authority for all overnight passes and leaves**. Alcohol usage is not authorized for any MAVNI while in IET.

a. MAVNI Trainees awaiting the start of BCT may receive up to Phase III privileges with clear guidance from the Brigade Commander on the privileges authorized. MAVNI Soldiers that have completed BCT and are on hold status may be authorized Phase V privileges.

b. MAVNI Trainees in OSUT awaiting training may receive up to Phase III privileges with clear guidance from the Brigade Commander on the privileges authorized. MAVNI Soldiers who have completed OSUT and are on hold status may be authorized Phase V+ privileges.

c. MAVNI Soldiers in AIT awaiting training may receive up to Phase V privileges with clear guidance from the Brigade Commander on the privileges authorized. MAVNI Soldiers who have completed OSUT and are on hold status may be authorized Phase V+ privileges.

6. Brigade Commanders have the authority to modify privileges based on performance and conduct within the limits of this ETP. The exception to policy only applies to MAVNI Trainees that were affected by the 7 November 2016 stop-move entering IET locations after 30 September 2016.

7. This ETP will be rescinded upon notification of the stop-move restriction being lifted by DA-G1.

8. Points of Contact (POC) for this memorandum are LTC Christopher B. Garrett at (757) 501-7027 or Mr. Jim Rose at (757) 501-7018.

ANTHONY C. FUNKHOUSER
Major General, U.S. Army
Commanding