

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

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DR. KUSUMA NIO, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 1:17-00998-ESH-RMM
v.)	
)	
UNITED STATES DEPARTMENT OF)	
HOMELAND SECURITY, <i>et al.</i> ,)	
)	
Defendants.)	
)	
_____)	

**DEFENDANTS’ NOTICE OF COMPLIANCE WITH THE COURT’S
FEBRUARY 21, 2019 ORDER**

Pursuant to the Court’s February 21, 2019 Order (ECF No. 239), Defendants, United States Department of Homeland Security, *et al.*, submit the following:

1. An amended version of the chart Defendants previously filed on February 8, 2019 (ECF No. 234), which includes new columns for the date and result of each class member’s MSSR recommendation by DoD CAF,¹ and if applicable, the date notice was sent to the class member consistent with the October 26, 2018 DoD Memorandum. *See* attached Exhibits (“Exh.”) A-C.
2. As per the Court’s Order to provide “[a]ny reports, memos, or other documentation related to the ‘reviews’ of the MAVNI program referenced in paragraphs 15-17 of the July 7, 2017 Declaration of Stephanie Miller,” the Department of Defense (“DoD”) has advised undersigned counsel that the materials referenced in this Declaration are largely contained in the classified 2017 Inspector General Report that was already provided to the Court. *See*

¹ This updated chart reflects that of the 590 individuals who are listed as having “Pending” MSSDs, 507 have an “MSSR Result” of “Non-Recommend.”

ECF No. 38 (The 2017 DoD Inspector General classified report was filed with the Court on August 30, 2017). DoD has also advised that there is one additional memorandum that may be relevant to the Court's request, and that it is consulting with DoD Office of General Counsel to ensure that this document can be released. Defendants will provide this memorandum to the Court as soon as it receives release authority from DoD.

3. The Court also ordered Defendants to provide "[f]iles for . . . five class members who were discharged due to an unsuitable MSSD." ECF No. 239, at 2. Defendants hereby provide notice that the information requested by the Court has been provided to the Court and to Plaintiffs in unredacted form.² Because this information is almost entirely comprised of highly sensitive personal information, the Court has permitted Defendants to provide this information directly to Plaintiffs and the Court rather than filing it on the public docket.

DATED: March 8, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director, Office of Immigration Litigation

COLIN A. KISOR
Deputy Director

² The DoD produced the attached documents responding to the Court's Order, dated February 21, 2019, requiring files for five class members who were discharged due to an unsuitable MSSD, including any reports related to (a) SSBI, CI-focused security review, of NIAC results; (b) MSSR and MSSD memos, reports, or notices; and (c) any documentation or reports relating to their discharge. The CI-focused security reviews (CIFSRs), NIACs, and security referrals contain classified information. To provide the Court with unclassified versions, most DoD information in those reports has been declassified. These unclassified versions, however, may still contain some minimal redactions to protect information that was classified by other federal agencies. Should the Court later decide that an ex parte, in camera review of the redacted classified information is required, the DoD will need to coordinate with the non-DoD agencies with original classification authority.

ELIANIS N. PEREZ
Assistant Director

By: /s/ C. Frederick Sheffield
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ATTORNEYS FOR DEFENDANTS

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

I HEREBY CERTIFY that on this 8th day of March, 2019, a true copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing via e-mail to the following:

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ATTORNEY FOR DEFENDANTS

EXHIBIT A

Individuals Pending		Individuals Naturalized - Total		Pending With Interviews Completed		Pending With Interviews Scheduled	
883		1,033		112		65	
Avg Months Between MSSD and Naturalization**		Avg Days Between MSSD and Naturalization**		Cases Pending Over 2 Months After MSSD***		Cases With Negative Days Elapsed Between MSSD and Naturalization	Approved Cases With Blank MSSD Dates
3.97		120.6		711		29	23
Individuals who received MSSD Uploaded to USCIS since November 27, 2018 Report		Individuals Naturalized - Since November 27, 2018 Report					
106		187					
<i>Please note:</i>							
1) The report reflects the most up-to-date data available at the time the report is generated.							
2) Individuals with a pending case status may be approved but not naturalized.							
3) Naturalized cases are those which have populated certificate numbers, oath and natz dates.							
The USCIS data is current as of February 7, 2019.							
The DoD data is current as of January 25, 2019. However, MSSR data is current as of Feb 27, 2019.							
***Pending* refers to a pending naturalization application.							
**This data was reported to the Court on December 13, 2018 (ECF No. 224)							

EXHIBIT B

EXHIBIT C

Code	Description	Reference	Note	Type
JBK			7	Invol
JBM				Invol
JCC			3	Invol
JCP				Invol
JCR				Invol
JDA				Invol
JDG				Invol
JDK				Invol
JDN				Invol
JFB				Invol
JFC				Invol
JFF				Invol
JFL				Invol
JFM				Invol
JFP				Invol
JFQ			8	Invol
JFR			9	Invol
JFT				Invol
JFV				Invol
JFW				Invol
JFX				Invol
JGA				Invol
JGH				Invol
JHJ				Invol
JJC				Invol
JJD				Invol
JJF				Invol
JKA				Invol
JKB				Invol
JKD				Invol
JKF				Invol
JKK				Invol
JKL				Invol
JKM			10	Invol
JKN				Invol
JKQ				Invol
JKR				Invol
JND				Invol
JPC				Invol
JPD				Invol

Code	Description	Reference	Note	Type
KBK			1	Vol
KBM				Vol
KCA			2	Vol
KCB			2	Vol
KCC			3	Vol
KCF				Vol
KCM				Vol
KCQ				Vol
KDB				Vol
KDF				Vol
KDG				Vol
KDM				Vol
KDS				Vol
KFF				Vol
KFN				Vol
KFS				Vol
KFV				Vol
KGH				Vol
KGM				Vol
KGN				Vol
KGP				Vol
KGQ				Vol
KGX				Vol
KHC			4	Vol
KND			5	Vol
LBK			7	Invol REFRAD
LBM				Invol REFRAD
LCC			3	Invol REFRAD
LCR				Invol REFRAD
LDG				Invol REFRAD
LDN				Invol REFRAD
LFC				Invol REFRAD
LFF				Invol REFRAD
LFT				Invol REFRAD
LFV				Invol REFRAD
LFW				Invol REFRAD
LFX				Invol REFRAD
LGA				Invol REFRAD
LGH				Invol REFRAD
LND			5	Invol REFRAD

Code	Description	Reference	Note	Type
MBK			6	Vol REFRAD
MBM				Vol REFRAD
MCA			2	Vol REFRAD
MCB			2	Vol REFRAD
MCC			3	Vol REFRAD
MCF				Vol REFRAD
MCQ				Vol REFRAD
MDB				Vol REFRAD
MDF				Vol REFRAD
MDG				Vol REFRAD
MDM				Vol REFRAD
MDS				Vol REFRAD
MFF				Vol REFRAD
MFR				Vol REFRAD
MGH				Vol REFRAD
MGQ				Vol REFRAD
MND			5	Vol REFRAD
RBD				Retirement
RBE			11	Retirement
RCC			11	Retirement
SFJ				Retirement
SFK				Retirement
VBK			12	Retirement
WFJ			13	Retirement
WFK			13	Retirement
WFQ			13	Retirement
YDA				Release
YDN				Release
YFB				Release
YFC				Release