

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

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

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**DEFENDANTS' DECEMBER 12, 2019 REPORT TO THE COURT**

In accordance with this Court’s November 20, 2019 Order, ECF No. 286, and based on information provided to the Department of Justice from the Department of Defense, the Army, and U.S. Citizenship and Immigration Services (“USCIS”), Defendants submit the attached Six-Week Report. The attached Six-Week Report includes the following information regarding class members who have pending naturalization applications, those who have naturalized since the last report, and those who have been denied naturalization:

- a. Enlistment Date
- b. Naturalization Application Filing Date
- c. CI Report Completion Date
- d. MSSR Result (recommend/non-recommend/pending/NA)
- e. MSSR Date (blank if pending/NA if no MSSR will be issued)
- f. Date MSSR Notification (Pursuant to 10/26/18 Memo) Sent to Class Member
- g. MSSD Completion Date (blank if pending)
- h. MSSD Result (suitable/unsuitable/pending)

- i. Effective Discharge Date (blank if not discharged)<sup>1</sup>
- j. Discharge Revoked? (yes/no)<sup>2</sup>
- k. Date MSSR Report provided to USCIS
- l. Date CI Report provided to USCIS
- m. Date materials provided to FDNS
- n. Date USCIS sent the individual's materials to FOD
- o. Date materials provided to NBC
- p. Date materials provided to USCIS field office
- q. Naturalization Interview Scheduled? (yes/no)
- r. Date Naturalization Interview Completed (blank if not scheduled)
- s. Naturalization Case Status (approved/denied/withdrawn/pending)
- t. Naturalization Date (blank if not naturalized).

The attached report reflects that, as of December 10, 2019, a total of 1,784 former *Nio* class members are now United States citizens. 180 individuals naturalized since Defendants' last Six-Week Report. There are now 245 class members with pending naturalization applications. Of those, 107 have already been interviewed, and 13 have interviews scheduled.<sup>3</sup>

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<sup>1</sup> As explained in Defendants' November 19, 2019 filing, the information provided concerning "effective discharge date" and whether a discharge was "revoked" may be inaccurate due to an apparent disconnect across the various Army information systems. *See* ECF No. 285, at 3. For purposes of determining whether a given individual has been discharged or reinstated, Plaintiffs and the Court should refer to the information being provided by the Army in the *Calixto* case.

<sup>2</sup> *See supra*, n. 1.

<sup>3</sup> As discussed in the October 30, 2019 filing, ECF No. 280, at 2 n.1, USCIS has confirmed that the two individuals previously identified are class members and have been added to the class list at rows 3 and 354. Additionally, on December 6, 2019, counsel for the plaintiffs emailed the defendants' counsel with 4 names of purported class members who were not listed in the previous October 30 six-week status report. Three of the four named individuals do appear on the latest report at rows 214, 370, and 682. However, USCIS database queries did not return any record of an N-400 application for the fourth individual; therefore, this individual is not listed in this report.

USCIS informs DOJ that USCIS continues to prioritize the processing of naturalization applications of class members who have received MSSR Notification Letters pursuant to the Army's October 26, 2018 policy ("MSSR Notification Letter"). Additionally, "Column J" of the Excel spreadsheet reports that there are 22 cases added to the pool of MSSR Notification Letter priority cases since the last update on November 20, 2019. USCIS will prioritize these applications in addition to the names previously provided by the Army. At this time, 109 soldiers have received an MSSR Notification Letter and have a pending naturalization application. Of the 109 soldiers with pending naturalization applications who have received an MSSR notification letter, 53 have already been interviewed by USCIS, and an additional 10 have been scheduled for interview.

DATED: December 12, 2019

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

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

I HEREBY CERTIFY that on this 12th day of December, 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 PLAINTIFFS

*/s/ C. Frederick Sheffield*  
\_\_\_\_\_  
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United States Department of Justice

ATTORNEY FOR DEFENDANTS

# EXHIBIT

# A

Individuals Pending	Individuals Naturalized - Total	Pending With Interviews Completed	Pending With Interviews Scheduled	Individuals Naturalized - Since October Report
245	1,784	107	13	180
<i>Please note:</i>				
1) The report reflects the most up-to-date data available at the time the database is queried.				
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.				
<i>Please note:</i>				
The data provided by USCIS is current as of December 10, 2019				
The data provided by DoD is current as of December 9, 2019				



















7/19/2017	2/13/2018	Pend ng	Pend ng	Pend ng	Pend ng	Pend ng	Pend ng	Yes	N/A	7/18/2019	7/18/2019	8/9/2019	8/16/2019	8/26/2019	YES	10/30/2019	App oved	11/19/2019	
6/30/2017	12/22/2017	Non-Recommend	9/27/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	8/6/2019	8/13/2019	8/26/2019	YES	10/19/2019	App oved	11/20/2019	
3/3/2017	3/6/2018	Non-Recommend	7/23/2018	6/26/2018	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/8/2019	7/8/2019	7/19/2019	7/24/2019	7/31/2019	YES	8/23/2019	App oved	8/23/2019	
7/28/2017	1/23/2018	Non-Recommend	3/6/2019	6/26/2019	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	7/25/2019	7/30/2019	7/31/2019	YES	9/4/2019	App oved	9/4/2019	
10/29/2018	1/26/2018	Non-Recommend	12/4/2018	9/6/2019	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	9/4/2019	9/5/2019	9/11/2019	YES	10/23/2019	App oved	11/26/2019	
3/28/2018	11/3/2017	Non-Recommend	11/30/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/17/2019	7/17/2019	9/6/2019	9/11/2019	9/18/2019	YES	10/24/2019	App oved	12/3/2019	
3/23/2017	1/24/2018	Non-Recommend	10/12/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/1/2019	7/1/2019	9/6/2019	9/11/2019	9/16/2019	YES	10/24/2019	App oved	12/3/2019	
2/8/2017	1/23/2018	Non-Recommend	11/2/2019	Pend ng	Pend ng	Pend ng	Pend ng	Yes	N/A	7/3/2019	7/3/2019	8/7/2019	8/13/2019	8/16/2019	YES	9/26/2019	Pend ng		
11/6/2017	1/24/2018	Non-Recommend	8/20/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	9/6/2019	9/11/2019	9/18/2019	YES	10/16/2019	App oved	12/4/2019	
5/18/2017	10/10/2017	Non-Recommend	11/29/2018	7/1/2019	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	7/18/2019	7/26/2019	7/29/2019	YES	8/22/2019	App oved	9/23/2019	
10/9/2018	1/24/2018	Non-Recommend	1/29/2019	9/10/2019	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	9/6/2019	9/11/2019	9/18/2019	YES	10/24/2019	App oved	11/19/2019	
12/12/2016	2/23/2018	Pend ng	Pend ng	Pend ng	Pend ng	Pend ng	Pend ng	Yes	N/A	7/3/2019	7/3/2019	8/8/2019	8/13/2019	8/23/2019	YES	10/18/2019	App oved	11/11/2019	
6/15/2017	6/26/2017	8/1/2018	Non-Recommend	12/3/2018	9/10/2019	Pend ng	Pend ng	N/A	6/27/2019	7/17/2019	7/17/2019	9/4/2019	9/5/2019	9/11/2019	YES	10/9/2019	App oved	11/11/2019	
9/13/2017	2/26/2018	Non-Recommend	8/29/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	9/4/2019	9/5/2019	9/12/2019	YES	10/12/2019	App oved	10/17/2019	
3/15/2017	2/5/2018	Non-Recommend	8/5/2018	6/18/2019	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	7/18/2019	7/24/2019	7/25/2019	YES	8/23/2019	App oved	8/23/2019	
3/22/2017	3/5/2018	Non-Recommend	9/24/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	9/5/2019	9/18/2019	9/20/2019			Pend ng		
2/7/2017	2/5/2018	Non-Recommend	11/30/2018	6/11/2019	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/17/2019	7/17/2019	7/24/2019	7/26/2019	7/29/2019	YES	9/23/2019	Pend ng		
8/20/2017	1/23/2018	Non-Recommend	11/2/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/15/2019	7/15/2019	9/5/2019	9/18/2019	9/25/2019			Pend ng		
3/4/2019	1/25/2018	Recommend	3/6/2018	N/A	4/10/2018	Su table		N/A							YES	8/14/2019	App oved	8/14/2019	
6/15/2017	3/5/2018	Non-Recommend	7/24/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/15/2019	7/15/2019	8/8/2019	8/13/2019	8/22/2019	YES	9/26/2019	App oved	10/22/2019	
7/10/2017	1/25/2018	Non-Recommend	9/24/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/16/2019	7/16/2019	7/30/2019	8/1/2019	8/5/2019	YES	9/10/2019	App oved	9/26/2019	
8/21/2017	12/15/2017	Non-Recommend	11/8/2019	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/16/2019	7/16/2019	9/5/2019	9/18/2019	9/19/2019	YES	10/24/2019	App oved	11/26/2019	
3/21/2017	N/A	Pend ng	Pend ng	Pend ng	Pend ng	Pend ng	Pend ng	N/A	N/A	7/16/2019	7/16/2019	9/5/2019	9/18/2019	9/19/2019			Pend ng		
1/19/2017	11/28/2017	Non-Recommend	11/27/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	9/5/2019	9/18/2019	9/20/2019	YES	10/22/2019	Pend ng		
4/11/2017	11/7/2017	Non-Recommend	10/11/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	8/7/2019	8/13/2019	8/22/2019	YES	11/14/2019	Pend ng		
4/12/2017	1/16/2018	Non-Recommend	10/9/2018	9/6/2019	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/16/2019	7/16/2019	9/6/2019	9/18/2019	9/20/2019	YES	10/24/2019	App oved	10/24/2019	
2/12/2018	2/2/2018	Non-Recommend	11/16/2018	6/18/2019	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/10/2019	7/10/2019	8/15/2019	8/21/2019	8/26/2019	YES	9/24/2019	App oved	11/26/2019	
4/10/2017	5/10/2017	Pend ng	Pend ng	Pend ng	Pend ng	Pend ng	Pend ng	N/A	N/A	7/3/2019	7/3/2019	8/7/2019	8/13/2019	8/23/2019			Pend ng		
10/23/2019	N/A	N/A	N/A	N/A	N/A	N/A	11/10/2016	N/A	N/A									Pend ng	
7/13/2017	11/3/2017	Non-Recommend	6/5/2018	Pend ng	Pend ng	Pend ng	Pend ng	N/A	6/27/2019	7/3/2019	7/3/2019	7/10/2019	7/12/2019	7/25/2019	YES	10/18/2019	App oved	11/14/2019	

Code	Description	Reference	Note	Type
		AR 635-200, chap 4	7	Invol
		AR 635-200, para 16-5, 16-6, 16-7 & 16-9		Invol
		AR 635-200, para 16-7	3	Invol
		AR 635-200, para 5-10		Invol
		AR 635-200, chap 18		Invol
		AR 635-200, chap 7, sec V		Invol
		AR 635-200, para 5-8		Invol
		AR 380-67		Invol
		AR 635-200, para 5-9		Invol
		AR 635-200, chap 7, sec II		Invol
		AR 635-200, chap 7, sec III		Invol
		AR 635-200, para 5-3		Invol
		AR 635-40, para 4-24b (3)		Invol
		AR 635-40, para 4-24b (4)		Invol
		AR 635-40, para 4-24b (6)		Invol
		AR 635-40, para 4-24b (3)	8	Invol
		(To be determined)	9	Invol
		AR 635-200, para 13-2e		Invol
		AR 635-200, para 5-17		Invol
		AR 635-200, para 5-11		Invol
		AR 635-200, para 5-13		Invol
		AR 635-200, chap 11		Invol
		AR 635-200, para 19-12		Invol
		AR 635-200, chap 13		Invol
		AR 635-200, chap 3		Invol
		AR 635-200, chap 3		Invol
		AR 635-200, chap 3, sec III		Invol
		AR 635-200, para 14-12b		Invol
		AR 635-200, chap 14, sec II		Invol
		AR 635-200, para 14-12c (1)		Invol
		AR 635-200, para 14-12c (1)		Invol
		AR 635-200, para 14-12c (2)		Invol
		AR 635-200, para 14-12c (4)		Invol
		(To be determined)	10	Invol
		AR 635-200, para 14-12a		Invol
		AR 635-200, para 14-12c		Invol
		AR 635-200, para 14-12c		Invol
		AR 635-200, para 5-14		Invol
		AR 635-200, chap 9		Invol
		AR 635-200, chap 9		Invol
		AR 635-200, chap 4	1	Vol
		AR 635-200, para 16-5		Vol
		AR 635-200, para 16-7	2	Vol
		AR 635-200, para 16-7	2	Vol
		AR 635-200, para 16-7	3	Vol
		AR 635-200, para 5-16		Vol
		AR 600-43		Vol
		AR 635-200, para 5-4		Vol
		AR 635-200, para 6-3a or b		Vol
		AR 635-200, chap 8		Vol
		AR 635-200, para 6-3b(1) or (2)		Vol
		AR 635-200, para 16-10		Vol
		AR 635-200, chap 7, sec III		Vol
		AR 635-200, para 5-3		Vol
		AR 635-40, chap 5		Vol
		AR 635-200, chap 10		Vol
		AR 635-200, para 5-17		Vol
		AR 635-200, para 16-4a or b, or para 19-13a or b		Vol
		AR 635-200, para 16-1a		Vol
		AR 635-200, para 16-1a		Vol
		(To be determined)		Vol
		(To be determined)		Vol
		AR 635-200, para 16-2		Vol
		AR 635-200, para 16-3	4	Vol
		(To be determined)	5	Vol
		AR 635-200, chap 4	7	Invol REFRAD
		AR 635-200, para 16-5		Invol REFRAD
		AR 635-200, para 16-7	3	Invol REFRAD
		AR 635-200, chap 18		Invol REFRAD
		AR 635-200, para 5-8		Invol REFRAD
		AR 635-200, para 5-9		Invol REFRAD
		AR 635-200, chap 7, sec III		Invol REFRAD
		AR 635-200, para 5-3		Invol REFRAD

AR 635-200, para 13-2e		Invol REFRAD
AR 635-200, para 5-17		Invol REFRAD
AR 635-200, para 5-11		Invol REFRAD
AR 635-200, para 5-13		Invol REFRAD
AR 635-200, chap 11		Invol REFRAD
AR 635-200, para 5-15a(2)		Invol REFRAD
(To be determined)	5	Invol REFRAD
AR 635-200, chap 4	6	Vol REFRAD
AR 635-200, para 16-5, 16-6, 16-8 or 16-9		Vol REFRAD
AR 635-200, para 16-7	2	Vol REFRAD
AR 635-200, para 16-7	2	Vol REFRAD
AR 635-200, para 16-7	3	Vol REFRAD
AR 635-200, para 5-16		Vol REFRAD
AR 635-200, para 5-4		Vol REFRAD
AR 635-200, para 6-3a or b		Vol REFRAD
AR 635-200, chap 8		Vol REFRAD
AR 635-200, para 6-3b(1) or (2)		Vol REFRAD
AR 635-200, para 16-10		Vol REFRAD
AR 635-200, chap 7, sec III		Vol REFRAD
AR 635-200, para 5-3		Vol REFRAD
AR 635-40, para 4-24b(5)		Vol REFRAD
AR 635-200, para 16-4a or b, or 19-13c		Vol REFRAD
AR 635-200, para 5-15a(1)		Vol REFRAD
(To be determined)	5	Vol REFRAD
AR 635-200, chap 12		Retirement
AR 635-200, chap 12	11	Retirement
AR 635-200, chap 12	11	Retirement
AR 635-40, para 4-24b(1)		Retirement
AR 635-40, para 4-24b(2)		Retirement
AR 601-10	12	Retirement
AR 635-40, para 4-24b(7)	13	Retirement
AR 635-40, para 4-24b(7)	13	Retirement
AR 635-40, para 4-24b(7)	13	Retirement
AR 635-200, chap 7, sec IV		Release
AR 635-200, para 5-9		Release
AR 635-200, chap 7, sec II		Release
AR 635-200, chap 7, sec III		Release