

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

DR. KUSUMA NIO, *et al.*,

Plaintiffs,

v.

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

Defendants.

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) Civil Action No. 1:17-cv-00998-ESH
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DEFENDANTS' JUNE 1, 2020 REPORT TO THE COURT

In accordance with this Court's April 20, 2020 Order (ECF No. 297), 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 status report. The attached status report includes the following information regarding individuals included in the *Nio* reporting 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)

- j. Discharge Revoked? (yes/no)
- 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- s. Naturalization Case Status (approved/denied/withdrawn/pending)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).

USCIS reports that its operations have been significantly impacted by COVID-19. Since March 18, 2020, all USCIS offices have been closed to the public. As a consequence, USCIS has generally not been able to conduct naturalization interviews and oath ceremonies, and many previously-scheduled naturalization interviews and oath ceremonies had to be de-scheduled. To the extent possible, USCIS has continued to process cases during the temporary closure. Some USCIS Field Offices are expected to re-open beginning this month, although it is not known when USCIS will be able to resume operations on the same scale as before the COVID-19 pandemic.

The attached report reflects that, as of May 26, 2020, a total of 1,906 individuals included in the *Nio* reporting are now United States citizens. 45 individuals naturalized since Defendants' last status report filed February 19, 2020. There are now 116 individuals with pending naturalization applications.¹ Of those, 60 have already been interviewed, and two have interviews scheduled. Of the

¹ On May 19, 2020, plaintiffs' counsel emailed DOJ to provide a list of 12 individuals to be added to the June 1, 2020 status report. USCIS does not have a record of a naturalization application for

116 pending cases, 39 were filed after August 1, 2019; therefore, none of these 39 cases have been subject to any delay due to USCIS's prior policy of awaiting the "adjudicatory phase" of the DoD background checks.

USCIS informs DOJ that USCIS continues to track the processing of naturalization applications of individuals 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 reflects that there are seven pending cases added to the pool of MSSR Notification Letter priority cases since the February 19, 2020 status report.² At this time, 75 soldiers have received an MSSR Notification Letter and have a pending naturalization application. Of the 75 soldiers with pending naturalization applications who have received an MSSR notification letter, 48 have already been interviewed by USCIS, and one additional soldier has been scheduled for interview.

DATED: June 1, 2020

Respectfully submitted,

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██████████. The remaining 11 individuals filed naturalization applications after the last February 19, 2020 status report, and are included in the attached spreadsheet. Note that the Army/DoD data is not yet available for the individuals listed at columns 241 and 250.

² Almost all of these cases involve naturalization applications that were filed within the last several months.

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ATTORNEYS FOR DEFENDANTS

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

I HEREBY CERTIFY that on this 1st day of June, 2020, 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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United States Department of Justice

ATTORNEY FOR DEFENDANTS

EXHIBIT

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	A	B	C	D	E	F	G	H	I
1	Individuals Pending		Individuals Naturalized - Total		Pending With Interviews Completed		Pending With Interviews Scheduled		Individuals Naturalized - Since February Report
2	116		1,906		60		2		45
3									
4									
5	<i>Please note:</i>								
6	1) The report reflects the most up-to-date data available at the time the database is queried.								
7	2) Individuals with a pending case status may be approved but not naturalized.								
8	3) Naturalized cases are those which have populated certificate numbers, oath and natz dates.								
9									
10									
11									
12	<i>Please Note:</i>								
13	The data provided by USCIS is current as of May 26, 2020								
14	The data provided by DoD is current as of May 22, 2020								

EXHIBIT

2

EXHIBIT

3

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

Code	Description	Reference	Note	Type
		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

Code	Description	Reference	Note	Type
		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