



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

NOV 30 2018

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Compliance with Court Order and Preliminary Injunction in *Jiahao Kuang v. United States Department of Defense, et al.*, Case No. 18-03698-JST (N.D. Cal.)

The Military Departments are directed to immediately begin implementation and compliance with the attached Order issued on November 16, 2018 by the United States District Court for the Northern District of California in the subject litigation. In this Order, the court enjoined the Department of Defense "from taking any action continuing to implement" the October 13, 2017 memorandum, "Military Service Suitability Determinations for Foreign Nationals Who Are Lawful Permanent Residents." and ordered the Department "to return to the pre-October 13, 2017 practices for the accession of Lawful Permanent Residents into the military."

Effective immediately, the October 13, 2017 memorandum referenced above, which is also attached, is suspended until further notice. The Military Departments will apply the policies and practices in place prior to the October 13, 2017 memorandum and will process and ship accordingly for initial military training otherwise eligible foreign national recruits who are Lawful Permanent Residents.

To ensure orderly compliance with the court's order, each Military Department will report to the point of contact listed immediately below no later than December 7, 2018, the pre-October 13, 2017 policies and practices for the accession of Lawful Permanent Residents to which the Military Department will return, the Military Department's plan to return to those policies and practices, and the status of implementation of such plan, including information on the number of Lawful Permanent Residents who are expected to ship to initial entry training and their expected dates of arrival. Any questions or requests for clarification should be directed to Mr. Chris Arendt, Acting Director of Accession Policy, christopher.p.arendt.civ@mail.mil, (703) 695-5525.

A handwritten signature in black ink, appearing to read "James N. Stewart".

James N. Stewart
Performing the Duties of the
Under Secretary of Defense for Personnel and
Readiness

Enclosures:
As stated

cc:
Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Intelligence
General Counsel for Department of Defense
Chief, National Guard Bureau