

Exhibit A

UNITED STATES OF AMERICA)

CHICAGO, ILLINOIS)

In the Matter of the Revocation
of the Naturalization of)

NEDJO MILOSEVIC)
A [REDACTED] 797)

AFFIDAVIT OF GOOD CAUSE

I, Robert J. Lessnau, declare under penalty of perjury as follows:

- I. I am a Special Agent for the United States Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE). In this capacity, I have access to the official records maintained by DHS/ICE, including the immigration file of Nedjo Milosevic, A [REDACTED] 797 (Milosevic).
- II. I have examined the records relating to Mr. Milosevic's case. Based upon my review of these records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.
- III. Mr. Milosevic is formerly a citizen of Yugoslavia and subsequently, of Bosnia and Herzegovina, and is a native of Yugoslavia. He was a member of the Army of the Republika Srpska (VRS),¹ the Bosnian Serb Army. From on or about April 6 until May 25, 1992, Mr. Milosevic was a member of the Birac Brigade of the VRS. From May 25, 1992 until the end of June 1996, was a member of the Zvornik Brigade, VRS. From approximately December 1992, Mr. Milosevic was a member of the Zvornik Brigade's elite Military Police Company. The Zvornik Brigade, including members of the Military Police

¹ The Army of Republika Srpska, known by its Bosnian-Croatian-Serbian ("BCS") acronym "VRS" (*Vojaska republike srpske*), was the military branch of the breakaway Bosnian Serb entity known as Republika Srpska, which occupied territory that today is part of the Republic of Bosnia and Herzegovina.

Company, is notorious for its role in many acts of persecution, culminating in the 1995 Srebrenica persecution and mass killings which resulted in the brutal murder of thousands of Bosnian Muslim men and boys. Although not dispositive to this case, the United States House of Representatives, the International Criminal Tribunal for the former Yugoslavia, the International Court of Justice, and Bosnian courts have determined that the crimes at Srebrenica constitute genocide.

A. Shortly after the war began in Bosnia, on or about June 1, 1992, Mr. Milosevic and other men from his home village assisted or otherwise participated in the persecution of Bosnian Muslims who were living peacefully in the villages of Djulici and Klisa in Zvornik Municipality (County) in eastern Bosnia. As members of the newly-formed “Brnjica” Company of the Zvornik Brigade, Mr. Milosevic and other men were directed to find and detain all the inhabitants. The Brnjica Company employed substantial and lethal violence in order to carry out this order. Approximately 2,500 women and children were unlawfully expelled from the villages to territory held by the internationally recognized Bosnian Government. The approximately 750 men who survived the initial assault were arrested by members of the Brnjica Company and forced to go to a detention facility near Zvornik. Over the next two weeks these men were persecuted, and those who still alive after two weeks’ time were taken to a remote location in Zvornik Municipality and executed. Although the Brnjica Company is not known to have perpetrated these murders, the evidence indicates that the Company arrested them. The men of the Brnjica Company, including Mr. Milosevic, were permitted to take over the victims’ housing and personal property for their own use.

- B. Mr. Milosevic joined the Zvornik Brigade Military Police Company a few months after this persecutory act, and he served there for four years. In July 1995, the Military Police Company roster listed Mr. Milosevic as one of the unit's approximately 89 soldiers.
- C. In July 1995, Bosnian Serb forces attacked the area in and around Srebrenica in violation of the United Nations declaration that the enclave was to be treated as a "Safe Area" for internally displaced persons within Bosnia. They captured the town itself on July 11, 1995, forcing the inhabitants of the Safe Area to flee north towards the U.N. base at Potocari. Bosnian Serb forces later arrived at Potocari and segregated the men and some boys from the women and children. Beginning on the afternoon of July 12 and continuing throughout July 13, 1995, Bosnian Serb forces transported the males to detention sites in the town of Bratunac, northeast of Potocari while forcibly expelling the women and children to Bosnian Government territory.
- D. Separately from the events at Potocari and relevant to this case, between 12,000 and 15,000 Bosnian Muslim men and boys not captured at Potocari formed what is now known as the "Column" and began walking north/northwest in an attempt to escape from the enclave in the nighttime hours of July 10-11. It is estimated that about one-fourth of this number was armed, and the armed men formed a spearhead at the front of the Column. The goal of this attempted breakout was the safety of Bosnian Government territory more than 40 miles away, over very difficult mountain terrain, heavily forested in parts, and seeded with landmines placed by the Bosnian Serbs. When they learned of the escaping Bosnian Muslim men,

Bosnian Serb forces unleashed a variety of attacks against the Column. By the afternoon or early evening of July 13, Bosnian Serb forces captured large numbers of mostly unarmed non-combatants in the rear of the Column, while large numbers of Bosnian Muslims were killed in direct attacks launched by the concentrating Bosnian Serb forces. Many Bosnian Muslims agreed to surrender, some of them fooled by VRS men dressed in captured United Nations peacekeeper uniforms and vehicles who called to the eventual victims with loudspeakers “promising” that they would not be harmed.

- E. Surviving wartime records held by ICE show that a detachment of Zvornik Brigade Military Police, including Mr. Milosevic, was dispatched on or about July 14, 1995, to a location southwest of the town of Zvornik. They established an ambush position on heights overlooking a narrow valley through which the Column had to pass, and in the course of the afternoon of that day are believed to have killed several hundred, mostly unarmed civilian members of the Column.
- F. After being detained a day or more, both prisoners captured at Potocari and from the Column were transported by bus to temporary holdings facilities established in the north within the area of responsibility (AOR) of the Zvornik Brigade. There, thousands of detained Bosnian Muslim prisoners were executed. Some were killed individually or in small groups by the soldiers who captured them. Others were killed in the places where they were temporarily detained. Most, however, were slaughtered in carefully orchestrated mass executions, commencing on July 13 in the Zvornik Brigade AOR, and continuing in the period between July 14 through 17. The bodies were dumped in either mass graves or left to decompose at the

killing sites. The total number of men executed is now believed to be in excess of 8,000 men and boys.

- G. Investigations conducted by the International Criminal Tribunal for the former Yugoslavia (ICTY) determined that the members of the Zvornik Brigade Military Police Company were involved in the guarding, and in some instances, the execution of Bosnian Muslim prisoners of war and civilians from July 13 through July 23, 1995. In known instances, members of the Military Police Company participated in ambushes of the Column which can be characterized as killing actions. The Military Police Company guarded groups of prisoners at no less than three schools that were turned into ad hoc detention facilities prior to the prisoners being executed. In addition, Bosnian Serb military units transferred custody of captured Bosnian Muslim men to the Military Police Company. In almost all cases prior to July 23, 1995, these prisoners were later determined to be “missing” and are presumed to have been executed. Mr. Milosevic is believed, according to statements given by former members of the Zvornik Brigade Military Police Company, to have exercised duty officer functions at the Military Police Company compound where the prisoners were held.
- H. Later in 1995, as the massive scope of all the killings became known to the international community, the Zvornik Brigade Military Police Company was instrumental in efforts to conceal the commission of the crimes by participating in the exhumation of the victims from the mass graves in which they were initially buried and reburying them in smaller, concealed ‘secondary’ graves.

- I. Mr. Milosevic assisted or otherwise participated in the persecution of thousands of Bosnian Muslims while participating as an active member of the Zvornik Brigade Military Police Company.
- IV. Upon information and belief, Mr. Milosevic was not residing in the neighboring country of Serbia during the Bosnian War, but at all times relevant to the determination of his eligibility refugee status, residing in Bosnia.
 - A. The ICTY provided ICE with copies of a number of military documents and rosters from the Zvornik Brigade Military Police Company; in addition, ICE has located additional documents through its own research. These documents, which are dated or reference events from approximately April 1992 through June 1996, include soldier attendance records, military unit of assignment records, deployment records, pay records, food rations, firearms inventory lists, and statements of former members of the Zvornik Brigade. Many of these documents bear Mr. Milosevic's name and personal identifying information and confirm his military service during the mid-1990s, including in July 1995. These documents also indicate that Mr. Milosevic was living in and around Zvornik during the war.
 - B. A certified Birth Certificate from Bosnian authorities shows that Mr. Milosevic's son, Aleksandar, was born in Zvornik, Bosnia, on April 29, 1993. It is implausible that Mr. Milosevic's pregnant wife would leave the relative safety of the neighboring country of Serbia, where Mr. Milosevic had falsely claimed that she had sought refuge in 1992, and travel to a war zone in Bosnia to give birth to their child.

- C. Within Republika Srpska, the breakaway entity in Bosnia, ethnic Serbs were being given houses of forcibly expelled Bosnian Muslims. Although Mr. Milosevic may have been displaced from elsewhere in Bosnia, he ultimately remained within Bosnia during the war and did not flee in fear to the country of Serbia in 1993 or 1994 as he falsely represented to U.S. government officials on separate occasions. The failure to disclose his wartime residency in Bosnia and inventing a story of fleeing to Serbia during the war were material misrepresentation that shut down a line of questioning as to whether he had a well-founded fear of persecution.
- V. On or about September 03, 1998, Mr. Milosevic filed a Registration for Classification as Refugee, Form I-590, with the United States Immigration and Naturalization Service (INS).² On February 17, 1999, INS officer Stephen Gabriel interviewed Mr. Milosevic, under oath, regarding his refugee application in Belgrade, Serbia. On the same day, February 17, 1999, Mr. Milosevic's Registration for Classification as Refugee was approved. On July 20, 1999, Mr. Milosevic entered the United States at New York, New York, as a refugee from Bosnia.
- VI. On or about August 19, 2000, Mr. Milosevic filed an Application to Register Permanent Residence or Adjust Status, Form I-485, with the INS. On November 13, 2001, the application was approved and Mr. Milosevic's status in the United States was adjusted to that of a permanent resident.
- VII. On or about June 18, 2004, Mr. Milosevic filed an Application for Naturalization, Form N-400, with the Lincoln, Nebraska, Service Center of the United States Citizenship and

² As of March 1, 2003, the INS ceased to exist and its functions were transferred to various agencies within DHS. See Homeland Security Act of 2002, §§ 441, 451, 471, Pub. L. No. 107-296, 116 Stat. 213 (2002) (codified at 6 U.S.C. §§ 251, 271, 29).

Immigration Services (USCIS). The application was forwarded to the USCIS Chicago Office, and, on October 7, 2004, USCIS Officer John J. McCann interviewed Mr. Milosevic, under oath, concerning the information he provided on his Application for Naturalization. Based on his written application and naturalization interview, Mr. Milosevic's naturalization application was approved on October 7, 2004. Mr. Milosevic took the oath of allegiance on November 2, 2004, and on that date was admitted as a citizen of the United States. He was issued Certificate of Naturalization number 28556900.

VIII. Mr. Milosevic illegally procured his naturalization because he was not lawfully admitted for permanent residence in accordance with all applicable provisions of the Immigration and Nationality Act (INA).

A. Mr. Milosevic was not lawfully admitted for permanent residence because he willfully misrepresented material facts regarding his wartime residence and his military service in both his Registration for Classification as Refugee and his Application to Register Permanent Residence or Adjust Status.

1. On the Registration for Classification as Refugee, Form I-590, Mr. Milosevic indicated that he fled Bosnia in January 1994, after allegedly suffering abuse at the hands of local Bosnian Muslims, and relocated to the country of Serbia. He claimed that his wife left Bosnia for Serbia in the spring of 1992. In response to question 13 (Military Service), on the Form I-590, Mr. Milosevic stated that he served in the military police in Yugoslavia in 1984 as a draftee and had attained the rank of private. He listed no further military service. In response to question 14 (Membership), on the Form I-590, Mr. Milosevic was required to list "Political,

professional, or social organizations of which I am now or have been a member or with whom I am now or have been affiliated since my 16th birthday” and Mr. Milosevic wrote “None.” He further stated on Form I-590 that he was living in Loznica, in the Federal Republic of Yugoslavia, where he had refugee status. Mr. Milosevic also stated his son Aleksandar was born in 1993 in Zvornik, in Bosnia and Herzegovina and his son Radovan was born in 1998 in Loznica, in the Federal Republic of Yugoslavia.

2. On the Biographic Information Form, Form G-325C, which accompanied the Form I-590, Mr. Milosevic indicated that he had worked as a metal worker at Djurdjevik near Zivinice from 1988 to April 1992 and he had been unemployed since April 1992. Mr. Milosevic stated he lived in Zivinice, in what was then Bosnia and Herzegovina from 1984 until January 1994 and in Loznica in what was then Serbia (Federal Republic of Yugoslavia) from January 1994 until September 1998.
3. Mr. Milosevic submitted Form G-646, Sworn Statement of Refugee Applying for Admission into the United States, and certified he had not committed a crime involving moral turpitude and that he had not attempted to procure a visa by fraud or misrepresentation. He stated that these grounds of inadmissibility did not apply to him.
4. On or about February 17, 1999, Mr. Milosevic was interviewed by INS Officer Gabriel in Belgrade, Serbia. Consistent with the Form I-590, Mr. Milosevic indicated that after being harmed, jailed, and expelled from his

home by local Bosnian Muslims, he fled Bosnia in January 1994. During the interview, Mr. Milosevic failed to disclose any further military service subsequent to 1984 or any employment after 1992.

5. Mr. Milosevic's claim that he fled Bosnia in January 1994 was false. As stated above, Mr. Milosevic resided in an ethnic Serb-controlled area of Bosnia until at least June 1996. Thus, he lived in Bosnia during and after the war.³
6. Mr. Milosevic also willfully failed to disclose a portion of his military service. As stated above, Mr. Milosevic was a member of the VRS from approximately April 1992 through June 1996. The Zvornik Brigade, including members of the Military Police Company, assisted or otherwise participated in the persecution and mass killings at Srebrenica in July 1995.
7. After being admitted to the United States as a refugee, Mr. Milosevic filed an Application to Register Permanent Residence or Adjust Status, Form I-485, with the INS on or about August 19, 2000. In response to Part 3, Section C ("List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place since your 16th birthday. Include any foreign military service in this part."), Mr. Milosevic listed military service in the former Yugoslavia from August 1984 to September 1985 in JNA former Yugoslavia. Again, he listed no additional military service. On the Biographic Information Form, Form G-

³ The Bosnian War lasted from approximately April 1992 until November 1995.

325C, which accompanied the Form I-485, Mr. Milosevic indicated that he had resided in Serbia from February 1993 to July 1999.

8. In response to Question 8 of the Form I-485 (“Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion?”), Mr. Milosevic checked the box marked “No.”
9. On August 7, 2000, Mr. Milosevic signed Form I-485 under penalty of perjury, certifying the information in contained was true and correct.
10. Generally, an individual applying to enter the United States as a refugee must be admissible as an immigrant pursuant to section 212 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1182. *See* INA § 207(c)(1), 8 U.S.C. § 1182(c)(1). Moreover, a refugee applying to adjust his status to that of a permanent resident must also be admissible pursuant to INA § 212, 8 U.S.C. § 1182. *See* INA § 209(a)(2), 8 U.S.C. § 1159(a)(2); 8 C.F.R. § 209.1(e).
11. Mr. Milosevic should not have been admitted to the United States as a refugee or permanent resident because he was inadmissible pursuant to INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i), as an individual who willfully misrepresented material facts.
 - i. Mr. Milosevic’s misrepresentations in his refugee and adjustment applications were clearly material because they had the natural tendency to influence the decision of whether or not to approve the applications. Mr. Milosevic obtained his refugee status, in part, by

claiming that he fled Bosnia in either February 1993 or January 1994, after claiming that he had been harmed, jailed, and forced out of his residence by local Bosnian Muslims. In reality, Mr. Milosevic resided in an ethnic Serb-controlled portion of Bosnia from approximately April 1992 until at least June 1996 – in other words, for the duration of the Bosnian War and at least seven months after it had ended. In fact, it is unknown to the United State Government if Mr. Milosevic ever resided outside of Bosnia prior to immigrating to the United States. Mr. Milosevic's misrepresentation about his wartime residence cut off a line of questioning as to whether he had a well-founded fear of persecution and actually qualified as a refugee.⁴

- ii. Mr. Milosevic's misrepresentations about his employment and membership in the Military Police Company of the Zvornik Brigade were also material. The failure to disclose military service during the Bosnian War prevented an appropriate line of inquiry regarding whether Mr. Milosevic was barred from refugee status as a persecutor or if he had committed human rights abuses.⁵

⁴ A refugee is "any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion" *See* INA 101(a)(42), 8 U.S.C. § 1101(a)(42).

⁵ An individual who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular group, or political opinion, cannot be a refugee. *See* INA § 101(a)(42), 8 U.S.C. § 1101(a)(42). Also, individuals who ordered, incited, assisted, or otherwise participated in genocide, torture, or extrajudicial killings are inadmissible from the United States. *See* INA §§ 212(a)(3)(E)(ii) and (iii), 8 U.S.C. §§ 1182(a)(3)(E)(ii) and (iii).

iii. Mr. Milosevic's misrepresentations that he never knowingly committed any crime of moral turpitude were also material. The failure to disclose he had assisted or otherwise participated in the persecution of others prevented an appropriate line of inquiry regarding whether Mr. Milosevic was barred from refugee status as a persecutor or if he had committed human rights violations.

12. Because Mr. Milosevic was inadmissible, he was not lawfully admitted for permanent residence to the United States. A person cannot be naturalized unless he or she has been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. *See* INA § 318, 8 U.S.C. § 1429. Thus, Mr. Milosevic illegally procured his naturalization.

B. Mr. Milosevic was precluded from establishing the good moral character necessary to naturalize because he committed unlawful acts that adversely reflect on his moral character.

1. To be eligible for naturalization, an applicant must show that he has been a person of good moral character for the five-year statutory period before filing the Form N-400, and until the time he becomes a naturalized United States citizen.

2. As described above, Mr. Milosevic made multiple false statements under oath. These acts constitute the essential elements of perjury, making a false official statement, and false swearing in an immigration matter. *See* 18 U.S.C. §§ 1001, 1546, 1621.

3. Mr. Milosevic filed his Form N-400 on May 18, 2004. He was therefore required to establish good moral character from May 19, 1999, the date five years prior to the date on which he filed his Form N-400, until he took the Oath of Allegiance on November 2, 2004.
4. Mr. Milosevic willfully misrepresented and concealed his prior military service. In addition, he willfully misrepresented and concealed information about his wartime residence, his persecution of others, his memberships, his crimes and his giving false or misleading information.
 - i. On his Application for Naturalization, Form N-400, in Part 10(B) question 8(a) Mr. Milosevic represented he had never been a member of or associated with any organization, association, fund, foundation, party, club, society or similar group in the United States or any other place.
 - ii. On his Application for Naturalization, Form N-400, in Part 10, Section D, questions 23 and 24, Mr. Milosevic represented that he (1) never had given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; and (2) never had lied to any U.S. government official to gain entry or admission into the United States.
 - iii. On his Application for Naturalization, Form N-400, in Part 10 (B) question 11, Mr. Milosevic stated he has not persecuted (either

directly or indirectly) any person because of race, religion, national origin, membership in a particular social group or political opinion.

- iv. On his Application for Naturalization, Form N-400, Part 10(D) question 15, Mr. Milosevic stated he had not committed a crime or offense for which he was not arrested.
- v. Mr. Milosevic signed and dated this Application for Naturalization on May 12, 2004, thereby certifying, under penalty of perjury, that the information in his Application for Naturalization was true and correct. Mr. Milosevic filed his application with USCIS on or about June 18, 2004.
- vi. At his naturalization interview on October 7, 2004, Mr. Milosevic again swore, under penalty of perjury, that the contents of his naturalization application were true and correct.
- vii. These representations were false because Mr. Milosevic had previously misrepresented to U.S. immigration officials (1) the timing and circumstances of his departure from Bosnia; (2) his prior military service in the VRS and (3) his assistance or participation in the persecution of others.
 - a. On the Registration for Classification as Refugee, Form I-590, Mr. Milosevic indicated that he fled Bosnia and relocated to Serbia in January 1994. In response to question 13 (Military Service), Mr. Milosevic stated that he was a military policeman in Yugoslavia in 1984 and had attained

the rank of private. He listed no further military service. On the Biographic Information Form, Form G-325C, which accompanied the Form I-590, Mr. Milosevic indicated that he had been unemployed since April 1992. When interviewed by INS Officer Gabriel regarding the application on February 17, 1999, Mr. Milosevic again stated that he fled wartime Bosnia in January 1994. He, again, failed to disclose any further military service subsequent to 1984 or any employment after 1992.

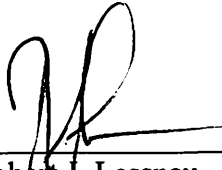
- b. On the Application to Register Permanent Residence or Adjust Status, Form I-485, Mr. Milosevic only listed military service from August 1984 to September 1985. On the Biographic Information Form, Form G-325C, which accompanied the Form I-485, Mr. Milosevic indicated that he had resided in Serbia since February 1993.
- c. As stated above, Mr. Milosevic was a member of the Zvornik Brigade Military Police Company from approximately April 1992 through June 1996. The ICTY determined that the members of the Zvornik Brigade Military Police Company were involved in the guarding, and in some instances, the execution of Bosnian Muslim prisoners of war and civilians.
- d. If Mr. Milosevic did abandon his residence in Bosnia prior to immigrating to the United States, it was during or after

1996. Since his departure from Bosnia took place after the war ended and he was living safely in an ethnic Serb-dominated area of Bosnia, it appears that he did not flee Bosnia in fear of persecution as claimed in his I-590.

- IX. Mr. Milosevic procured his naturalization by willful misrepresentation and concealment of material facts.
- A. As described above, Mr. Milosevic's concealment of his prior lies and willful misrepresentations to U.S. immigration officials regarding his continuous residence in Bosnia during the war, his military service with the VRS, and his assistance or participation in persecution were material to determining his eligibility for naturalization because they would have had the natural tendency to influence USCIS's decision whether to approve his naturalization application.
- B. By concealing his prior willful misrepresentations about his residency, military service in Bosnia, and assistance or participation in persecution, Mr. Milosevic was able to procure his naturalization.
- C. Mr. Milosevic procured his naturalization by willful misrepresentation and concealment of material facts.
- X. Based on the facts outlined in the foregoing paragraphs, good cause exists to institute proceedings pursuant to INA § 340(a), 8 U.S.C. § 1451(a), to revoke Mr. Milosevic's citizenship and to cancel his certificate of naturalization.
- XI. Mr. Milosevic's last known residence is [REDACTED], Harwood Heights, Illinois, 60706.

Declaration in Lieu of Jurat
(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed on
December 19, 2018.



Robert J. Lessnau
Special Agent
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security