

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

ANGE SAMMA *et al.*, on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
DEFENSE *et al.*,

Defendants.

Civil Action No. 1:20-cv-01104-ESH

DECLARATION OF SCARLET KIM

I, Scarlet Kim, declare as follows:

1. I am a Staff Attorney with the American Civil Liberties Union Foundation and counsel for Plaintiffs in the above-numbered action. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

2. Attached as Exhibit 1 is a true and correct copy of a memorandum from Tony Kurta and Todd R. Lowery to the Secretary of Defense with the subject line "Military Accessions Vital to the National Interest (MAVNI) Pilot Program."

3. Attached as Exhibit 2 is a true and correct copy of excerpts from the Transcript of Preliminary Injunction Motion Hearing in *Kirwa v. Dep't of Def.*, No. 17-cv-1793 (D.D.C.), dated October 18, 2017.

4. Attached as Exhibit 3 is a true and correct copy of an excerpt of the Congressional Record, dated June 4, 2003.

5. Attached as Exhibit 4 is a true and correct copy of Instructions for USCIS Form N-426, Request for Certification of Military or Naval Service, dated July 25, 2017.

6. Attached as Exhibit 5 is a true and correct copy of Instructions for USCIS Form N-426, Request for Certification of Military or Naval Service, dated September 16, 2019.

7. Attached as Exhibit 6 is a true and correct copy of an excerpt from the Transcript of Continued Oral Argument on Preliminary Injunction Motion in *Nio v. Dep't of Homeland Sec.*, No. 17-cv-998 (D.D.C.), dated August 23, 2017.

8. Attached as Exhibit 7 is a true and correct copy of an excerpt from the Senate Committee on the Judiciary Report accompanying the Administrative Procedure Act, dated October 29, 1945.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 29, 2020

A handwritten signature in black ink, appearing to read 'SK', is written above a horizontal line.

Scarlet Kim