

**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. _____

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 Preliminary Injunction.

2. Attached as Exhibit 1 is a true and correct copy of DD Form 4 with the title "Enlistment/Reenlistment Document, Armed Forces of the United States," dated October 2007, and available at: <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0004.pdf>.

3. Attached as Exhibit 2 is a true and correct copy of a memorandum from the Office of the Under Secretary of Defense with the subject line "Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of the Active Components of the Military or Naval Forces for Purposes of Naturalization," dated October 13, 2017, and available at: <https://dod.defense.gov/Portals/1/Documents/pubs/Naturalization-Honorable-Service-Certification.pdf>.

4. Attached as Exhibit 3 is a true and correct copy of the 1968 Senate Committee on the Judiciary Report accompanying amendments to the Immigration and Nationality Act, S. Rep. No. 1268-1292.

5. Attached as Exhibit 4 is a true and correct copy of a final rule promulgated by the Department of Homeland Security with the title “Naturalization for Certain Persons in the U.S. Armed Forces,” dated January 19, 2010, and available at: <https://www.govinfo.gov/content/pkg/FR-2010-01-19/pdf/2010-578.pdf>.

6. Attached as Exhibit 5 is a true and correct copy of Chapter 3 of the USCIS Policy Manual, Volume 12 (Citizenship & Naturalization), Part I (Military Members and Their Families), current as of April 7, 2020.

7. Attached as Exhibit 6 is a true and correct copy of Chapter 3 of the USCIS Policy Manual, Volume 12 (Citizenship & Naturalization), Part I (Military Members and Their Families), current as of August 23, 2017.

8. Attached as Exhibit 7 is a true and correct copy of USCIS Form N-426 (Request for Certification of Military or Naval Service), dated September 16, 2019, and available at: <https://www.uscis.gov/n-426>.

9. Attached as Exhibit 8 is a true and correct copy of excerpts from a publication by U.S. Army Human Resources Command with the title “The Soldier’s Guide to Citizenship Application,” dated April 2017.

10. Attached as Exhibit 9 is a true and correct copy of excerpts from a publication by U.S. Army Human Resources Command with the title “The Soldier’s Guide to Citizenship Application,” dated September 2011.

11. Attached as Exhibit 10 is a true and correct copy of excerpts from a publication by U.S. Army Human Resources Command with the title “The Soldier’s Guide to Citizenship Application,” dated April 12, 2005.

12. Attached as Exhibit 11 is a true and correct copy of a publication by the U.S. Navy with the title “Guide to Naturalization Applications Based Upon Qualifying Military Service,” dated April 12, 2005 and available at:

https://www.jag.navy.mil/legal_services/documents/Navy%20Immigration%20Guide.pdf.

13. Attached as Exhibit 12 is a true and correct copy of a publication by the U.S. Navy Judge Advocate General Corps with the title “Navy JAG Local Service Record Application Processing Procedures” and available at: https://www.jag.navy.mil/organization/documents/PSD_checklist.pdf.

14. Attached as Exhibit 13 is a true and correct copy of U.S. Navy article MILPERSMAN 5352-010 with the title, “Naturalization of Military Personnel,” dated March 2008.

15. Attached as Exhibit 14 is a true and correct copy of the 2016 MAVNI Information Paper, dated April 16, 2016.

16. Attached as Exhibit 15 is a true and correct copy of the Declaration of Stephanie P. Miller in Support of Defendants’ Memorandum in Opposition to Plaintiffs’ Motion for Preliminary Injunction in *Nio v. U.S. Department of Homeland Security*, No. 17-cv-998 (D.D.C. June 7, 2017), ECF No. 19-7.

17. Attached as Exhibit 16 is a true and correct copy of excerpted slides from a presentation by James Hwang MD, U.S. Army with the title “MAVNI Information Session 2013.”

18. Attached as Exhibit 17 is a true and correct copy of excerpts from the Department of Defense Manual 5200.02, with the title “Procedures for the DoD Personnel Security Program

(PSP),” dated April 3, 2017, and available at: <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/520002m.pdf>

19. Attached as Exhibit 18 is a true and correct copy of the Declaration of Nathalie Asher in Support of Defendants’ Memorandum in Opposition to Plaintiffs’ Motion for Preliminary Injunction in *Nio v. U.S. Department of Homeland Security*, No. 17-cv-998 (D.D.C. June 7, 2017), ECF No. 31-1.

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

Executed on April 23, 2020

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

Scarlet Kim