

**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 YU MIN LEE

I, Yu Min Lee, hereby declare as follows:

1. I am 28 years old. I was born in South Korea in January 1992. I have lived continuously in the United States since I was six years old and it is the only country I know.
2. After high school, I attended Fullerton Community College where I earned two associate’s degrees, in interdisciplinary studies and foreign languages, in May 2014. After earning my associate’s degrees, I attended the University of California, Los Angeles, where I earned a bachelor’s degree in linguistics in June 2016.
3. I was granted deferred action and work authorization under the Deferred Action for Childhood Arrivals (“DACA”) program in June or July 2012. My first grant of DACA status remained in effect for two years.
4. In 2014, 2016, and 2018, I reapplied for DACA, and each time was granted deferred action and work authorization.
5. On July 1, 2016, I enlisted in the United States Army through the Military Accessions

Vital to the National Interest (“MAVNI”) recruitment program. On that day, I signed an eight-year enlistment contract and took the oath of enlistment. I have reviewed the enlistment contract attached to the Motion as Exhibit 1 and believe that the main terms of my contract are substantially the same as those in that exhibit.

6. I currently serve on active duty as a Specialist (E-4) and my military occupational specialty (“MOS”) is automated logistics specialist.
7. I shipped to basic combat training (“BCT”) at Fort Jackson, South Carolina in September 2019 and graduated from BCT in November 2019. I wanted to ship to BCT earlier but because I was a MAVNI recruit, I was required to complete extra background checks and military service suitability determinations before I could ship to BCT.
8. I shipped to advanced individual training (“AIT”) at Fort Lee, Virginia in November 2019 and graduated from AIT in February 2020.
9. In January 2020, I requested a certification of honorable service (“N-426”) from my drill sergeant at AIT. My drill sergeant asked me to provide the N-426, which I did. I checked in with my drill sergeant about the progress of my N-426 several times in January and February 2020. In February 2020, my drill sergeant also asked me to provide an N-400 form, which is the naturalization application. I provided my drill sergeant with a completed N-400, at which point my drill sergeant told me that because I was about to graduate from AIT, he would be unable to help me obtain the N-426 certification. At that time, while I was speaking to my drill sergeant, another drill sergeant came over and told my drill sergeant that I would need to complete 180 days of service before I could obtain the N-426 certification.

10. I shipped to my duty station at Schofield Barracks in Hawaii on February 24, 2020.
11. I understand that the Army is refusing to complete N-426 certifications for active duty soldiers, like me, until they serve 180 days.
12. I also understand that the Army is requiring that an officer of O-6 pay grade or higher designated by the Secretary of the Army complete N-426 certifications.
13. Because I have not received a completed N-426 certification from the Army, I cannot submit my naturalization application to United States Citizenship and Immigration Services (“USCIS”).
14. It has been seven months since I began serving in an active duty status by shipping to BCT.
15. I have served honorably at all times since entering service.
16. I am not aware of any legitimate reason that would prevent the Army from certifying my honorable service.
17. I am not aware of any legitimate reason that would prevent USCIS from granting my naturalization application.
18. My DACA status and work authorization have expired during my military service and I do not have lawful immigration status in the United States. At the same time, I am unable to apply for naturalization based on my military service since I have not received my N-426 certification. I therefore live in fear that the government will initiate removal proceedings against me and that I will be deported. Attaining U.S. citizenship through my military service would afford me protection from removal proceedings and deportation.
19. I am also missing out on the other benefits that come with U.S. citizenship, including

the right to vote, right to sponsor immediate family members, and right to travel with a U.S. passport.

20. For example, I would like to exercise the right to vote, especially as this is an election year. I also wish to travel outside of the country so that I can visit my grandmother, who resides in South Korea and suffers from Alzheimer's disease. However, without U.S. citizenship and a U.S. passport, I fear that traveling outside of the country would jeopardize my ability to return home to the United States.
21. I would also like to obtain my U.S. citizenship so that I can reclassify my MOS. I hold a bachelor's degree in linguistics and I was eligible to join the Army as a MAVNI recruit because I speak a language critical to the military. My current MOS is automated logistics specialist, but I would like to reclassify to an MOS in intelligence, which would be better suited to my educational background and current skill set. My Armed Service Vocational Aptitude Battery ("ASVAB") and General Technical ("GT") scores are high enough that I qualify for a more advanced MOS but my options are limited because I am not a U.S. citizen. In particular, intelligence roles require a security clearance, which I cannot obtain without U.S. citizenship. The roles of interest to me would also come with a higher rank and better pay.
22. My lack of lawful immigration status and the delay I have experienced in obtaining my N-426 certification so that I may apply for naturalization has caused extreme hardship and stress for my family and me and has made me depressed at times.

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

Executed on April 17, 2020.



Yu Min Lee