

**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.

No. 20-cv-1104-PLF

**DECLARATION OF BONCHAN GOO**

I, Bonchan Goo, hereby declare as follows:

1. I am a 23-year-old native and citizen of South Korea.
2. I was brought to the United States by my parents when I was ten years old.
3. In or about 2018, my parents were granted lawful permanent resident status, obtaining Green Cards, and I also received a Green Card around that time.
4. In January 2020, I enlisted in the United States Army by signing an eight-year enlistment contract and taking the oath of enlistment.
5. I currently serve on active duty with the 173rd Airborne Brigade in Germany. My military occupational specialty is Cannon Crewmember (13B).
6. I was originally scheduled to ship to basic combat training (“BCT”) on March 30, 2020. However, due to the COVID-19 pandemic, my ship date was delayed. I ended up shipping to BCT at Fort Jackson, South Carolina on May 30, 2020 and graduated from BCT on August 6, 2020.
7. I first requested my certification of honorable service (“N-426 certification”) in June

2020, about two weeks after I shipped to BCT. I gave my drill sergeant and first sergeant the N-426 paperwork packet that my recruiter had given me before I shipped and requested their assistance with my N-426 certification. However, my chain of command returned my N-426 paperwork to me and informed me that they don't complete such paperwork at BCT.

8. Toward the end of June 2020, I again asked my drill sergeant at BCT to help me obtain my N-426 certification. My drill sergeant again initially accepted my N-426 form but then returned it to me a few days later and told me that I could not get it certified at BCT.
9. On August 7, 2020, I shipped to advanced individual training ("AIT") at Fort Sill, Oklahoma and graduated from AIT on September 18, 2020.
10. Soon after I shipped to AIT at Fort Sill, I asked my new drill sergeant to help me obtain my N-426 certification. My drill sergeant refused to accept my N-426 form or to help me obtain the certification and told me: "We don't do anything citizenship related here."
11. Over the next few weeks, I followed up with my drill sergeant a few more times about my N-426 certification. Each time, my drill sergeant refused to accept my N-426 form or to help me obtain the certification and told me I would have to wait until I shipped to my duty station in Germany.
12. During this period, I also asked the Soldier Support Center at Fort Sill if it could assist me with the N-426 certification. The Center told me that it could not assist me.
13. On August 30, 2020, I obtained pro bono counsel through the American Lawyers Immigration Association Military Assistance Program to assist me with my N-426 certification. My counsel, Beverly Cutler, immediately assisted by providing me with the correct N-426 form, noting that the one my recruiter had given me was outdated. I then asked a charge of quarters sergeant at AIT to help me obtain my N-426 certification. That

sergeant refused to accept my N-426 form or to help me obtain the certification.

14. On August 31, 2020, I again asked my drill sergeant to help me obtain my N-426 certification, presenting him with the new form. I also told him that my counsel had told me that because of the August 25, 2020 Court order in this case, a 180-day wait was no longer required for N-426 certification. My drill sergeant initially accepted my N-426 form but then returned it after 15 minutes and said the Army could not certify it for me at Fort Sill and that I would have to wait until I arrived at my duty station in Germany.
15. During this period, I even asked my drill sergeant if I could make an appointment with a Judge Advocate General officer to help me obtain my N-426 certification. My drill sergeant refused to help me with an appointment and informed me that I would have to wait to receive my certification until I arrived at my duty station in Germany.
16. On September 16, 2020, my counsel contacted the Inspector General's Office at Fort Sill and requested that it help me obtain my N-426 certification, based on the August 25, 2020 order in this case and the subsequent Department of Defense and Army memoranda implementing the order.
17. On September 18, 2020, I received a signed N-426 form via the Inspector General's Office. Unfortunately, my counsel and I later learned this form was not properly certified because it was signed by a captain, who is an officer of pay grade O-3. The Department of Defense requires that N-426 forms be signed by an officer of pay grade O-6 or higher.
18. On September 19, 2020, I shipped to Airborne School at Fort Benning, Georgia for additional training prior to my deployment to Germany.
19. On October 18, 2020, I submitted my application for naturalization to United States Citizenship and Immigration Services ("USCIS"). As part of my application, I submitted the N-426 form signed by an officer of pay grade O-3. Shortly thereafter, my counsel and

I, realizing that USCIS would not accept an N-426 form signed by an officer at this pay grade, sought to obtain a new, properly certified N-426 form.


20. On October 22, 2020, class counsel at the American Civil Liberties Union shared with my counsel an email to class counsel from the Chief of Legal Assistance at Fort Benning, Genie Hughes, offering to assist me in obtaining a new N-426 certification. My counsel responded to class counsel that she would follow-up with Ms. Hughes regarding my N-426 certification. Attached as Exhibit A is a true and correct copy of this email exchange.
21. On October 23, 2020, my counsel contacted Ms. Hughes at the Fort Benning Legal Assistance Office and was ultimately referred to Captain James C. Wherry, one of the Legal Assistance Attorneys in that office.
22. On October 26, 2020, my counsel and I received page 4 of a new N-426 form, signed by an officer of O-6 pay grade, from Captain Wherry. However, Captain Wherry provided me and my counsel only that one page, not the full five pages of the N-426 form, and later instructed us to marry that page up with the other pages of the N-426 form.
23. My counsel supplemented my naturalization application with USCIS by submitting this new N-426 form, consisting of the signed page 4 provided by Captain Wherry married together with the other pages of the N-426 form as instructed.
24. On November 9, 2020, I shipped to my duty station in Germany where I currently serve on active duty with the 173rd Airborne Brigade.
25. On November 18, 2020, USCIS informed me and my counsel that my N-426 form was deficient because we needed to obtain the signature of an officer of O-6 pay grade, referring to the N-426 form we originally submitted with the naturalization application. My counsel again sent the new N-426 form, consisting of the signed page 4 provided by Captain Wherry married together with the other pages of the N-426 form as instructed.

26. In March 2021, USCIS informed me and my counsel that it would not accept my new N-426 form because page 3 of the form was not properly filled in as required, as a result of my counsel marrying up various N-426 forms. My counsel explained to USCIS that she had been instructed to marry the signed page 4 provided by Captain Wherry with the remaining pages of the N-426 form, but USCIS still insisted on a new N-426 form.
27. On March 21, 2021, my counsel requested from Captain Wherry a full copy of the N-426 form, of which he only provided us with page 4, explaining that USCIS would not accept that page married together with the other pages of the N-426 form as instructed. Captain Wherry was unable to help me obtain a full copy of the N-426 form executed at Fort Benning, and advised me and my counsel that I should seek a new N-426 certification from my duty station in Germany.
28. On April 25, 2021, I submitted my N-426 paperwork to my chain of command at my current duty station in Germany. My chain of command accepted my paperwork and told me shortly thereafter that my N-426 form would move up the chain of command to an officer of O-6 pay grade, but that it did not know how long that was going to take.
29. On July 13, 2021, I finally received another N-426 certification from my counsel, who obtained it from class counsel at the American Civil Liberties Union.
30. At the time I received a properly certified N-426 form, it had been over a year since I began serving in an active duty status by shipping to BCT.
31. At the time I received a properly certified N-426 form, it had been over a year since I first requested my N-426 certification.
32. At the time I received a properly certified N-426 form, it had been approximately ten months since my counsel first submitted my N-426 form to the Inspector's Office at Fort Sill for certification.

33. At the time I received a properly certified N-426 form, it had been nearly nine months since my counsel submitted my N-426 form to the Fort Benning Legal Assistance Office for certification.
34. At the time I received a properly certified N-426 form, it had been nearly three months since I submitted my N-426 form to my chain of command at my current duty station in Germany for certification.
35. I have served honorably at all times since entering service.
36. I am not aware of any legitimate reason that would prevent USCIS from granting my naturalization application.

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

Executed on August 4, 2021.



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Bonchan Goo