

Exhibit A

to Declaration of Jianping Liu to Plaintiffs' Motion
to Enforce Court Order

Case No.: 1:20-cv-01104-PLF

Scarlet Kim

From: Thomas, Brian A COL USARMY OCAR (USA) [REDACTED]
Sent: Tuesday, October 27, 2020 1:44 PM
To: Margaret Stock; Bunch, Christopher J (Chris) CPT USARMY USARC HQ (USA); Xian Rusnak; Raol, Neaha P.; Kirwa Class Counsel; 'Mashimaro Umaru'; Brett Max Kaufman; Scarlet Kim; Sana Mayat; Yehowceph, Ephrayim SFC USARMY OCAR (USA); Henry Lindpere; Danielle Quail; Armour, Iona P SSG USARMY (USA); Poe, Aleesia D MSG USARMY OCAR (USA)
Cc: South, Phylisha A LTC USARMY CENTCOM OSC-I (USA); Leslie, Kevin R LTC USARMY USARC HQ (USA); Martin, Wesley L CIV USARMY USARC HQ (USA); Cockburn, Benedict P MAJ USARMY USARC HQ (USA); Gomez, Maria Y SFC USARMY OCAR (USA); USARMY Reserve OCAR Mailbox MAVNI; USARMY Reserve USARC HQ Mailbox Administrative Law
Subject: RE: [Non-DoD Source] LPR needs N 426 certified (UNCLASSIFIED)
Attachments: Updated Certification of Honorable Service (M&RA Signed) (3 Sept 20).pdf
Importance: High

Ma'am,

This Soldier is in the Regular Army DEP, I can't certify. The individual can request certification through his chain of command within USAREC. I am not permitted to certify an individual's N-426 if they are in the DEP.

The DEP is also not qualifying service (an individual does not serve in the DEP and receive no military benefits or affiliation) . If the individual applied under Section 328 – as stated below – there is no need for an N-426 to be certified – per the below.

As such, the US Army Reserve has no ability to certify honorable service for an individual in the DEP who has not shipped to training. As the individual is shipping to training in December, current Army policy (Attached) requires that his N-426 be signed immediately

Very Respectfully,

Brian A. Thomas
COL, FA49
Strategic Analysis
OCAR G1
6075 Goethals Road
Ft Belvoir, VA 22060
Commercial [REDACTED]
DSN [REDACTED]

" Setting the Standard for Others to Follow !"

-----Original Message-----

From: Margaret Stock [REDACTED]
Sent: Monday, October 26, 2020 6:08 PM
To: Bunch, Christopher J (Chris) CPT USARMY USARC HQ (USA) [REDACTED]; Xian Rusnak [REDACTED]; Raol, Neaha P. [REDACTED]; Kirwa Class Counsel [REDACTED]

<KirwaClassCounsel@morganlewis.com>; 'Mashimaro Umaru' [REDACTED]; Brett Max Kaufman <bkaufman@aclu.org>; Scarlet Kim <ScarletK@aclu.org>; Sana Mayat <smayat@aclu.org>; Henry Lindpere [REDACTED]; Danielle Quail [REDACTED]
Cc: Thomas, Brian A COL USARMY OCAR (USA) [REDACTED] South, Phylisha A LTC USARMY CENTCOM OSC-I (USA) [REDACTED]; Leslie, Kevin R LTC USARMY USARC HQ (USA) [REDACTED]; Martin, Wesley L CIV USARMY USARC HQ (USA) [REDACTED]; Cockburn, Benedict P MAJ USARMY USARC HQ (USA) [REDACTED]; Gomez, Maria Y SFC USARMY OCAR (USA) [REDACTED]; USARMY Reserve OCAR Mailbox MAVNI [REDACTED]; USARMY Reserve USARC HQ Mailbox Administrative Law <usarmy.usarc.usarc-hq.mbx.administrative-law@mail.mil>
Subject: RE: [Non-DoD Source] LPR needs N 426 certified (UNCLASSIFIED)

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Dear CPT Bunch,

I am writing again to request that the Army certify the attached N426 for Jianping Liu, a green card holder who was formerly a MAVNI soldier, and who is now once again a member of the Army's Delayed Entry Program. He reenlisted recently. See attached enlistment contract.

Jianping Liu applied for naturalization under Immigration & Nationality Act section 328, which does not require service in the Selected Reserve or on active duty (unlike section 329, which does require such service). He is fully qualified for naturalization in that he has served in the DEP for more than four years, he is in the DEP again now, and he has a green card.

In Public Law 115-91, December 12, 2017, also known as "NDAA 2018," Congress passed the following law:

SEC. 530. PROVISION OF INFORMATION ON NATURALIZATION THROUGH MILITARY SERVICE.

The Secretary of Defense shall ensure that members of the Army, Navy, Air Force, and Marine Corps who are aliens lawfully admitted to the United States for permanent residence are informed

of the availability of naturalization through service in the Armed Forces under section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) and the process by which to pursue naturalization.

The Secretary shall ensure that resources are available to assist qualified members of the Armed Forces to navigate the application and naturalization process.

It appears that the Army is willfully violating this law by refusing to certify Jianping Liu's N426. Jianping Liu is "lawfully admitted for permanent residence" and has more than one year of service in the DEP. In fact, he recently signed a new enlistment contract, and the Army tells him that he will be shipping out in December. At the same time, USCIS has demanded an N426 from him, certified by an O-6.

You previously refused to certify his N426 (see email traffic below).

USCIS is now demanding a certified N426 and is threatening to deny his N400 if he doesn't provide one.

Given that he is in the DEP, Jianping Liu doesn't have ready access to any O-6 who can certify that he is in the DEP.

Accordingly, here's my plan:

1. I request that you find an O-6 who can immediately certify his N426, stating the dates of his honorable service in the DEP;
2. If you fail to provide him with such a certified N426, I will do the following:
 - a. File a Congressional complaint against the Army for failing to assist this soldier, in violation of NDAA 2018, section 530;
 - b. Contact the ACLU to add the soldier to the Samma lawsuit as yet another example of the Army failing to follow the law; and
 - c. File an individual lawsuit on Jianping's behalf, seeking to enforce his rights under INA 328.

Once again, INA 328 does not require any active duty or "Selected Reserve" service. It merely requires one year of ANY KIND of service—including DEP service—and a green card. The soldier therefore meets the requirements of the law and the Army must certify his N426 pursuant to the Court order in Samma.

I await your response.

Margaret Stock

-----Original Message-----

From: Bunch, Christopher J (Chris) CPT USARMY USARC HQ (USA) [REDACTED]

Sent: Monday, May 04, 2020 11:29 AM

To: Margaret Stock [REDACTED] Marie Mickley [REDACTED];
Xian Rusnak [REDACTED]; Raol, Neaha P. [REDACTED]; Kirwa Class
Counsel <KirwaClassCounsel@morganlewis.com>; 'Mashimaro Umaru'
Cc: Thomas, Brian A COL USARMY OCAR (USA) [REDACTED]; South, Phylisha A LTC USARMY USARC
HQ (USA) [REDACTED]; Leslie, Kevin R LTC USARMY USARC HQ (USA) [REDACTED];
Martin, Wesley L CIV USARMY USARC HQ (USA) [REDACTED]; Cockburn, Benedict P MAJ USARMY
USARC HQ (USA) [REDACTED]; Gomez, Maria Y SFC USARMY OCAR (USA)
[REDACTED]; USARMY Reserve OCAR Mailbox MAVNI <usarmy.usarc.ocar.mbx.mavni@mail.mil>;
USARMY Reserve USARC HQ Mailbox Administrative Law <usarmy.usarc.usarc-hq.mbx.administrative-law@mail.mil>
Subject: RE: [Non-DoD Source] MAVNI needs N 426 certified (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Good afternoon Ms. Stock,

The U.S. Army Office of the General Counsel and U.S. Army Legal Services Agency have advised our office that Delayed Entry Program (DEP) Ready Reserve Soldiers who have not performed any duty/service in a Select Reserve/TPU unit are not entitled to a certified USCIS Form N-426.

Subject to your questions or concerns, your request for certification of Jianping Liu's N-426 is now closed within our HQ.

V/R,

Christopher J. Bunch

CPT, JA

Administrative Law Attorney

Army Reserve Headquarters-Ft. Bragg

Desk Phone: [REDACTED]

Email: [REDACTED]

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-----Original Message-----

From: Margaret Stock [REDACTED]

Sent: Thursday, April 16, 2020 3:57 PM

To: Bunch, Christopher J (Chris) CPT USARMY USARC HQ (USA) [REDACTED]
[REDACTED] Kirwa Class Counsel <KirwaClassCounsel@morganlewis.com < Caution-mailto:KirwaClassCounsel@morganlewis.com > >; Thomas, Brian A COL USARMY OCAR (USA) [REDACTED]
[REDACTED] South, Phylisha A LTC USARMY USARC HQ (USA) [REDACTED] Leslie, Kevin R LTC USARMY USARC HQ (USA) [REDACTED] Martin, Wesley L CIV USARMY USARC HQ (USA) [REDACTED]
Cockburn, Benedict P MAJ USARMY USARC HQ (USA) [REDACTED]; Parks, Tiffany L CPT USARMY USARC HQ (USA) [REDACTED]
[REDACTED] Gomez, Maria Y SFC USARMY OCAR (USA) [REDACTED]; USARMY Reserve OCAR Mailbox MAVNI <usarmy.usarc.ocar.mbx.mavni@mail.mil < Caution-mailto:usarmy.usarc.ocar.mbx.mavni@mail.mil > >; USARMY Reserve USARC HQ Mailbox MAVNI USARC G1 Action <usarmy.usarc.usarc-hq.mbx.mavni-usarc-g1-action@mail.mil < Caution-mailto:usarmy.usarc.usarc-hq.mbx.mavni-usarc-g1-action@mail.mil > >

Cc: Marie Mickley [REDACTED]
>; Xian Rusnak [REDACTED] Raol, Neaha P. [REDACTED]; 'Mashimaro Umaru' [REDACTED]

Subject: [Non-DoD Source] MAVNI needs N 426 certified

All, attached is an N426 for a MAVNI who now has a "green card" and is therefore applying for naturalization under INA 328. USCIS states that his old N426 form was not signed by an O-6 and he therefore needs a new one. He is currently in the Individual Ready Reserve (DEP) so he does not have a Selected Reserve unit commander who can sign his N426.

Margaret Stock

CLASSIFICATION: UNCLASSIFIED