

# **EXHIBIT A**



PERSONNEL AND  
READINESS

**UNDER SECRETARY OF DEFENSE**  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

**AUG 31 2020**

**MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS**

**SUBJECT:** Compliance with Court Order in the Case of *Ange Samma v. Department of Defense, et al.*, Case No. 20-01104

The Military Departments are directed to immediately implement and comply with the attached Order issued on August 25, 2020, by the United States District Court for the District of Columbia in the subject litigation. Accordingly, application of the minimum service requirements in the attached memorandum dated October 13, 2017, "Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of Active Components of the Military or Naval Forces for the Purposes of Naturalization," specifically the requirements in Section I.3 a and I.3 b, is suspended until further notice.

Additionally, DoD is enjoined from withholding a certified USCIS Form N-426, "Request for Certification of Military or Naval Service," from any class member based on a failure to complete the Minimum Service Requirements; and DoD shall endeavor to certify or deny a submitted Form N-426 expeditiously, but in no case shall it take longer than the 30 days allowed under DoD's April 24, 2020 update to the N-426 Policy. The class is defined in the attached court order.

The Military Departments will report the status of their compliance with this direction no later than September 5, 2020. Any questions or requests for clarification should be directed to Ms. Stephanie P. Miller, Director of Accession Policy, at [stephanie.p.miller.civ@mail.mil](mailto:stephanie.p.miller.civ@mail.mil) or (703) 695-5525.

A handwritten signature in black ink, appearing to read "Matthew P. Donovan".

Matthew P. Donovan

**Attachments:**

As stated

**cc:**

Chairman of the Joint Chiefs of Staff  
Under Secretary of Defense for Intelligence and Security  
General Counsel of the Department of Defense  
Chief of the National Guard Bureau  
Assistant Secretary of the Army  
for Manpower and Reserve Affairs  
Assistant Secretary of the Navy  
for Manpower and Reserve Affairs  
Assistant Secretary of the Air Force  
for Manpower and Reserve Affairs

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

<p><b>ANGE SAMMA, <i>et al.</i>,</b></p> <p><b>Plaintiffs,</b></p> <p><b>v.</b></p> <p><b>UNITED STATES DEPARTMENT OF DEFENSE, <i>et al.</i>,</b></p> <p><b>Defendants.</b></p>	<p><b>Civil Action No. 20-cv-1104 (ESH)</b></p>
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**ORDER AND JUDGMENT**

At issue in this case under the Administrative Procedure Act (“APA”) is the lawfulness of a Department of Defense (“DOD”) policy, set forth in a memorandum issued on October 13, 2017, on the subject of “Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of Active Components of the Military or Naval Forces for the Purposes of Naturalization” (“N-426 Policy”), specifically the requirements in Sections I.3.a and I.3.b that provide:

(1) A service member in an Active Component can only obtain a certified USCIS Form N-426 if that service member has:

- Successfully completed the basic training requirements of the armed forces of which he/she is a member; AND
- Completed at least 180 consecutive days of active duty service, inclusive of the successful completion of basic training . . . .

and

(2) A service member in the Selected Reserve of the Ready Reserve can only obtain a certified USCIS Form N-426 if that service member has:

- Successfully completed the basic training requirements of the armed forces of which he/she is a member; AND
- Completed at least one year of satisfactory service toward non-regular retirement in accordance with [DODI] 1215.07, "Service Credit for Non-Regular Retirement," as a member of the Selected Reserve, inclusive of the member's successful completion of basic training . . . .

(See Administrative Record 6-9 ("Minimum Service Requirements").)

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ORDERED** that plaintiffs' motion for summary judgment, ECF No. 4, is **GRANTED**; it is further

**ORDERED** that defendants' cross-motion for summary judgment, ECF No. 19, is **DENIED**; it is further

**ORDERED** that the Minimum Service Requirements in the N-426 Policy are **VACATED**; it is further

**ORDERED** that defendants are enjoined from withholding certified Form N-426s from any class member<sup>1</sup> based on a failure to complete the Minimum Service Requirements; and it is further

**ORDERED** that defendants shall endeavor to certify or deny a submitted Form N-426

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<sup>1</sup> The Court has certified a class that consists of all individuals who:

- (a) are noncitizens serving in the U.S. military;
- (b) are subject to Section I of the October 13, 2017 N-426 Policy (AR 6) ("N-426 Policy"), as updated by DOD's April 24, 2020 Memorandum (AR 1);
- (c) have not received a certified N-426; and
- (d) are not Selected Reserve MAVNIs in the class certified in *Kirwa v. U.S. Dep't of Defense*, No. 17-cv-1793 (D.D.C. Dec. 1, 2017).

*Samma v. U.S. Dep't of Def.*, No. 20-cv-1104, 2020 WL 4501000, at \*10 (D.D.C. Aug. 4, 2020).

expeditiously, but in no case shall it take longer than the 30 days allowed under DOD's April 24, 2020 update to the N-426 Policy.

This is a final, appealable Order.



*Ellen S. Huvelle*

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**ELLEN S. HUVELLE**  
United States District Judge

**Date:** August 25, 2020