

**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 LICHAO LI

I, Lichao Li, hereby declare as follows:

1. I am a 37-year-old native and citizen of China.
2. On February 8, 2012, I entered the United States on a B-2 visa. On December 4, 2012, my visa status changed to an F-1.
3. On March, 9, 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.
4. On March 26, 2021, I signed a statement of enlistment following the completion of extra background checks and military service suitability determinations that became required for MAVNI recruits after my original enlistment date.
5. I currently serve on active duty as a Specialist (E-4) and my military occupational specialty is Army Cargo Specialist (88H).
6. I shipped to basic combat training (“BCT”) at Fort Jackson, South Carolina on May 4, 2021 and graduated from BCT on July 15, 2021.

7. On or about May 10, 2021, I asked my drill sergeant at BCT to help me obtain my certification of honorable service (“N-426 certification”). My drill sergeant told me that it was too early for me to request an N-426 certification.
8. During my first two weeks at BCT, I also attended two briefings, one with my first sergeant and one with my battalion commander. At both briefings, several service members asked about the naturalization process and at each briefing, the first sergeant and battalion commander respectively stated that service members must wait until they ship to their first duty station before requesting their N-426 certifications.
9. I shipped to advanced individual training (“AIT”) at Fort Eustis, Virginia on July 16, 2021 and graduated from AIT on September 10, 2021. While at Fort Eustis, I served with the E Company, 58th Transportation Battalion, which is not part of the 128th Aviation Brigade.
10. During my first week at AIT, I asked my drill sergeant to help me obtain my N-426 certification. My drill sergeant then spoke with my company commander and told me that the commander had informed him that I could not obtain an N-426 certification at AIT. I was therefore unable to submit my N-426 form for certification to my drill sergeant.
11. Later, but during my first two weeks at AIT, I attended a briefing with my first sergeant and company commander. At that briefing, several service members asked my company commander about the N-426 certification process. The company commander responded that service members would have to wait to seek an N-426 certification until after they graduated from AIT and shipped to their first duty stations. I was therefore unable to submit my N-426 form at that time for certification.
12. I subsequently asked several other drill sergeants for assistance with my N-426 certification. Some drill sergeants told me that I would need to serve at least one year before seeking my N-426 certification. I was able to submit my N-426 form to one of

these drill sergeants, but he returned the form to me the next day and explained that it was because of the one-year service requirement. Other drill sergeants re-iterated that I had to wait to seek my N-426 certification until I shipped to my first duty station. I was unable to submit my N-426 form for certification to these drill sergeants.

13. On August 5, 2021, I spoke with Sana Mayat, an attorney at the American Civil Liberties Union (“ACLU”) and requested assistance with obtaining my N-426 certification.
14. On August 13, 2021, I received a paper copy of my N-426 certification from my drill sergeant.
15. On August 16, 2021, I also received an electronic copy of my N-426 certification from Ms. Mayat.
16. On August, 18, 2021, I submitted my application for naturalization with U.S. Citizenship and Immigration Services (“USCIS”).
17. On September 8, 2021, I received a Request for Evidence from USCIS stating that my N-426 certification was incomplete because box 4 in Part 8 was left blank and page 5 was not submitted. The Request for Evidence stated that I would need to submit a new, properly certified N-426 form by October 2, 2021. Attached as Exhibit A is a true and correct copy of this Request for Evidence.
18. On September 8, 2021, I contacted Ms. Mayat, requesting assistance with obtaining a complete and properly certified N-426 form.
19. On September 10, 2021, I graduated from AIT. On September 11, 2021, I shipped to my first duty station at Fort Story, Virginia, where I serve with the 368th Seaport Operations Company.
20. Shortly after I arrived at Fort Story, I requested my N-426 certification from company

staff at the orderly room, which serves as an office in my company for handling administrative matters. When I submitted my N-426 form, I also provided a copy of the Request for Evidence from USCIS, stating that I needed to provide a complete and properly certified N-426 form by October 2, 2021.

21. About one week after I submitted my N-426 form for certification, the company staff informed me that the battalion policy is that service members must serve for at least one year before obtaining an N-426 certification.
22. On September 22, 2021, I received a complete and properly certified N-426 form from Scarlet Kim, another attorney at the ACLU.
23. At the time I received my complete N-426 certification, it had been approximately four and a half months since I began serving in active duty status by shipping to BCT and since I first requested my N-426 certification.
24. I have served honorably at all times since entering service.
25. 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 October 28, 2021.



Lichao Li

Exhibit A

to Declaration of Lichao Li to Plaintiffs' Reply
Memorandum in Support of Plaintiffs' Motion to
Enforce Court Order

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

September 2, 2021

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Benefits Center
P.O. Box 648004
Lee's Summit, MO 64002



U.S. Citizenship
and Immigration
Services

LICHAO LI

[REDACTED]
FORT EUSTIS, VA 23604-1200
USA



RE: N-400, Application for Naturalization

REQUEST FOR EVIDENCE

Dear LICHAO LI,

This office has received your N-400, Application for Naturalization that you filed on August 18, 2021. However, we are unable to fully process your application for the reason(s) below:

In reviewing your Form N-426, Request for Certification of Military or Naval Service, it was determined to be incomplete, blank 4 in part 8 was left blank and page 5 was not submitted. Take the following steps to complete your new Form N-426 properly:

- Take the Form N-426 to your immediate unit's administrative office, chain of command, or human resources department for service record verification and certification.
- An officer with the rank of O6 or higher who has been delegated certification authority from your branch of service must perform this certification. This certification must contain: the handwritten signature of the person certifying the record; the signer's printed name, title, rank, and place of employment; date signed; and an official stamp or seal (if available).
- The certifying official must properly certify all of your military service, and the certification must specifically identify each period of service upon which you are relying as the basis of your Form N-400. The certification must clearly show an honorable character of service for each such period of service, as well as that no discharges from service--including service not relied upon for naturalization--were under other than honorable conditions.

USCIS will not consider a Form N-426 properly completed without this requested information.



You must either mail all the requested information to an address shown below or scan and upload your response using your USCIS online account (if applicable) within 30 (thirty) days, on or before October 2, 2021.

For First Class mail, please use:

USCIS/National Benefits Center
Attn.: Adjudication – MilNatz
P.O. Box 8015
Lee’s Summit, MO 64002

For Express Delivery, please use:

USCIS/National Benefits Center
Attn.: Adjudication – MilNatz
850 NW Chipman Rd., Suite. 5000
Lee’s Summit, MO 64063



Terri A. Robinson
Director
Officer: LA0524

