

Exhibit 5

to Plaintiffs' Motion for Summary Judgment

Case No.: 20-cv-1104-ESH



Instructions for Request for Certification of Military or Naval Service

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form N-426
OMB No. 1615-0053
Expires 09/30/2021

What is the Purpose of Form N-426?

USCIS requests certification of the service member's military service. This request is for current or former members of the U.S. Armed Forces applying for naturalization under Immigration and Nationality Act (INA) section 328 or 329. Persons who are serving or have served under specified conditions in the U.S. Armed Forces are granted certain exemptions from the general requirements for naturalization. To establish eligibility, the law requires the executive department under which such person served to certify whether the service member served honorably, and whether the service member's separation from the service was under honorable conditions pursuant to Department of Defense policy and guidelines.

NOTE: ONLY military personnel (serving in pay grade O-6 or above) and equivalent civilian personnel (GS-15 or above) with proper authorization may certify this request. Actively serving armed forces members who are NOT in pay grade O-6 or above and or not equivalent civilian personnel are NOT AUTHORIZED to complete and certify this request. Recruiters are NOT authorized to certify Form N-426.

Anyone who files pursuant to qualifying military service must include this **completed** request with Form N-400, Application for Naturalization when filing with USCIS. Requestors must complete **Parts 1. - 4.** Certifying officials must complete **Parts 5. - 8.**

NOTE: Veterans who are no longer serving may leave **Parts 5. - 8.** blank, but **must** provide their DD Form 214, Certificate of Release or Discharge from Active Duty, and/or NGB Form 22, National Guard Report of Separation and Record of Service. Only applicants currently serving in the U.S. Armed Forces are required to obtain certification of Form N-426 by having a certifying official fill out **Parts 5. - 8.**

Failure to provide the information requested may delay a final decision or result in denial of your Form N-400. USCIS will not reject your Form N-400 if you do not provide your SSN. However, it may be difficult to verify your military service if we do not have your SSN, which may increase the time it takes to review and process your naturalization application.

General Instructions

USCIS provides forms free of charge through the USCIS Website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have internet access, you may order USCIS forms by calling the Forms Request Line at **1-800-870-3676**. The Forms Request Line provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each request must be properly signed and filed. An original ink signature or a copy of an original ink signature is acceptable. A digital signature is not acceptable. A legal guardian may also sign for a mentally incompetent person.

Filing Fee. There is no filing fee.

How To Fill Out Form N-426

1. Type or print legibly in black ink.
2. Requestors **must** complete **Parts 1. - 4.** Certifying Officials must complete **Parts 5. - 8.** Both requestors and certifiers must sign where indicated.

NOTE: Certifying officials must sign Form N-426 **ONLY** for military members currently serving in the U.S. Armed Forces. Veterans who are no longer serving may leave **Parts 5. - 8.** blank, but must provide all their DD Forms 214 and/or NGB Forms 22.

3. Requestors must answer all questions in **Parts 1. - 4.** If a question does not apply to you, type or print “N/A,” unless otherwise directed.
4. If you need extra space to complete any item within this request, use the space provided in **Part 9. Additional Information.**
5. **USCIS Online Account Number** (if any). If you have previously filed an application or petition using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications or petitions on a paper form through a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. You may find your USCIS Online Account Number at the top of the notice. The USCIS Online Account Number is not the same as an A-Number. If you were issued a USCIS Online Account Number, enter it in the space provided.

What Evidence Should You Submit?

Include the following documents pertaining to certification of your military service when you submit your completed and signed Form N-400:

1. Completed and certified Form N-426; and
2. Veterans who are no longer serving must provide a copy of DD Form 214 or NGB Form 22 that includes the character of service upon separation **for each period of service, including the most recent period of service.**

Processing Information

Initial Processing. USCIS will review your certification request for completeness. You and the certifying official must each complete your respective portions of Form N-426. If you fail to do so, USCIS may reject or deny your Form N-400.

Requests for More Information. We may request that you provide more information or evidence to support your certification. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

DHS Privacy Notice

AUTHORITIES: The information requested on this request, and the associated evidence, is collected under the Immigration and Nationality Act sections 328 and 329 and 8 U.S.C. sections 1439-40.

PURPOSE: The primary purpose for providing the requested information on this request is for the Department of Defense to verify your military or naval service. This request is submitted to the branch of the U.S. military in which you, as a naturalization applicant, are currently serving or previously served in order to certify your military service. Completion and certification of this request by you and a certifying official serve as an authenticated record of military service. The Department of Homeland Security (DHS) uses the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay the naturalization process or result in failure to locate military records or prove qualifying military service.

ROUTINE USES: DHS may, where allowable under relevant confidentiality provisions, share the information you provide on this request and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-001 - Alien File, Index, and National File Tracking System and DHS/USCIS-007 - Benefits Information System] and the published impact assessment [DHS/USCIS/PIA-015 Computer Linked Application Information Management System (CLAIMS 4)] which you can find at www.dhs.gov/privacy. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 45 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the request, preparing statements, attaching necessary documentation, and submitting the request. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529-2140; OMB No. 1615-0053. **Do not mail your completed Form N-426 to this address.**