

# **Exhibit 2**

to Plaintiffs' Motion for Class Certification and  
Appointment of Class Counsel

Case No.: \_\_\_\_\_

## **MILITARY ACCESSIONS VITAL TO NATIONAL INTEREST (MAVNI) RECRUITMENT PILOT PROGRAM**

The Secretary of Defense authorized the military services to recruit certain legal aliens whose skills are considered to be vital to the national interest. Those holding critical skills – physicians, nurses, and certain experts in language with associated cultural backgrounds – would be eligible. To determine its value in enhancing military readiness, the limited pilot program will recruit up to 5,200 people in Fiscal Year 2016, and will continue through September 30, 2016.

### **ELIGIBILITY**

1. The applicant must be in one of the following categories at time of enlistment
  - a. asylee, refugee, Temporary Protected Status (TPS), or
  - b. nonimmigrant categories E, F, H, I, J, K, L, M, O, P, Q, R, S, T, TC, TD, TN, U, or V
2. The applicant must have been in valid status in one of those categories for at least two years immediately prior to the enlistment date, but it does not have to be the same category as the one held on the date of enlistment; and
3. An applicant who may be eligible on the basis of a nonimmigrant category at time of enlistment (see 1b above) must not have had any single absence from the United States of more than 90 days during the two year period immediately preceding the date of enlistment.
4. An applicant who is eligible under 1-3 above is not rendered ineligible by virtue of having a pending application for adjustment of status to lawful permanent residence. In the specific case of an alien with H nonimmigrant status at the time of filing a pending application for adjustment of status who has lost such status while his or her application for adjustment was pending, and who is otherwise eligible for enlistment under the MAVNI program, the military Service may on a case by case basis waive the requirement that the alien be in a status described in 1 above at the time of enlistment.
5. Individuals who have been granted deferred action by the Department of Homeland Security pursuant to the Deferred Action for Childhood Arrivals process are eligible for consideration.

#### Health Care Professionals

- Applicants must fill medical specialties where the service has a shortfall
- Applicants must meet all qualification criteria required for their medical specialty, and the criteria for foreign-trained DoD medical personnel recruited under other authorities
- Applicants must demonstrate proficiency in English
- Applicants must commit to at least 3 years of active duty, or six years in the Selected Reserve

#### Enlisted Individuals with Special Language and Culture Backgrounds

- Applicants must possess specific language and culture capabilities in a language critical to DoD
- Applicants must demonstrate a language proficiency
- Applicants must meet all existing enlistment eligibility criteria
- Applicants must enlist for at least 4 years of active duty

(Services may add additional requirements)

**-MORE-**

MAVNI Eligible Languages (as of April 2015)

Albanian  
Amharic  
Arabic  
Azerbaijani  
Bengali  
Bulgarian  
Burmese  
Cambodian-Khmer  
Cebuano  
Chinese  
Czech  
Dhivehi (language of Maldives)  
French (limited to individuals possessing citizenship from an African country)  
Georgian  
Haitian-Creole  
Hausa  
Hindi  
Hungarian  
Igbo  
Indonesian  
Kashmiri  
Korean  
Kurdish  
Lao  
Malay  
Malayalam  
Moro  
Nepalese  
Pahari  
Persian [Dari & Farsi]  
Polish  
Portuguese  
Punjabi  
Pushtu (aka Pashto)  
Russian  
Serbo-Croatian  
Sindhi  
Sinhalese  
Somali  
Swahili  
Tagalog  
Tajik  
Tamil  
Thai  
Turkish  
Turkmen  
Ukrainian  
Urdu  
Uzbek  
Yoruba

**-MORE-**

**BACKGROUND**

Non-citizens have served in the military since the Revolutionary War. The Lodge Act of 1950 permitted non-citizen Eastern Europeans to enlist between 1950 and 1959. Additionally, the United States officially began recruiting Filipino nationals into the Navy in the late 1940s, when it signed the Military Bases Agreement of 1947 allowing U.S. military bases in the Philippines. In total, over 35,000 Filipinos enlisted in the Navy through the program between 1952 and 1991.

Today, about 5,000 legal permanent resident aliens (green card holders) enlist each year. Law ensures that the sacrifice of non-citizens during a time of national need is met with an opportunity for early citizenship, to recognize their contribution and sacrifice.

In fact, today's service members are eligible for expedited citizenship under a July 2002 Executive Order and the military services have worked closely with the U.S. Citizenship and Immigration Services (USCIS) to streamline citizenship processing for service members. Since Sept. 11, 2001, over 109,250 members of the Armed Forces have attained their citizenship by serving this nation.

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