

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

<hr/>		)
ANGE SAMMA, et al.,		)
		)
Plaintiffs,		)
		)
v.		) Civil Action No. 1:20-cv-01104-PLF
		) The Honorable Paul L. Friedman
UNITED STATES DEPARTMENT OF		)
DEFENSE and LLOYD J. AUSTIN, in his		)
official capacity as Secretary of Defense,		)
		)
Defendants.		)
<hr/>		)

**DECLARATION OF LIN H. ST. CLAIR**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am currently the Assistant Deputy for Accessions, Office of the Assistant Secretary of the Army (Manpower & Reserve Affairs). In this capacity, I am responsible for serving as the Senior Advisor on all matters relating to military accessions and retention for the Assistant Secretary of the Army for Manpower and Reserve Affairs, the Principal Deputy, and the Deputy Assistant Secretary of the Army for Military Personnel. I have oversight responsibilities for the Army’s officer and enlisted accessions and retention programs across all components. In this capacity, I serve as oversight for non-citizen recruiting and retention. As such, I am aware of the following actions the Department of Defense and Army have taken to comply with this Court’s order and judgment issued on August 25, 2020.

2. Specifically, I am aware that this Court entered an order and judgment requiring the Department of the Army (“Army”) to process class member requests for certification of honorable service on United States Customs and Immigration Service Form N-426s (“Form N-426s”) within 30 days. ECF No. 40. Further, I understand this order enjoined the Army from

withholding N-426 certification from any class member based upon the failure to meet Minimum Service Requirements.

3. On August 31, 2020, the Under Secretary of Defense (Personnel and Readiness) issued a directive to the Secretaries of the Military Departments requiring compliance with this Court's order. See Exhibit A, Memorandum, SUBJECT: Compliance with Court Order in the Case of *Ange Samma v. Department of Defense, et. al.*, Case No. 20-01104.

4. In turn, on September 3, 2020, the Assistant Secretary of the Army for Manpower and Reserve Affairs issued a memorandum to all Army commands to the same effect. See Exhibit B, Memorandum, SUBJECT: Updated Requirements for the Certification of Honorable Service Members of the Selected Reserve of the Ready Reserve and Members of the Active Component for Purposes of Naturalization, dated September 3, 2020.

5. On October 6, 2020, Headquarters, Department of the Army issued a Fragmentary Order to the entire Army directing compliance with the Court's order. See Exhibit C, Fragmentary Order 1 to its Execute Order for Certification of Honorable Service, dated October 6, 2020. This order provided implementing and amplifying guidance to the force for execution of the aforementioned directives including, but not limited to, a requirement for commanders at all levels to ensure that all non-U.S. citizen Soldiers and their supervisory chains receive copies of the Fragmentary Order and associated policies.

6. On June 17, 2021, the Under Secretary of Defense (Personnel and Readiness) issued a memorandum to the Service Secretaries and Commandant of the Coast Guard rescinding its prior policies inconsistent with this Court's order and reaffirming the directives that required compliance with the same. See Exhibit D, Memorandum, SUBJECT: Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of

the Active Components of the Military or Naval Forces for Purposes of Naturalization, dated June 17, 2021.

7. On July 28, 2021, the Assistant Secretary of the Army for Manpower and Reserve Affairs issued a memorandum to all Army commands to the same effect. See Exhibit E, SUBJECT: Updated Requirements for the Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of the Active Component for the Purposes of Naturalization, dated July 28, 2021. This memorandum provided amplifying guidance to Army commands including, but not limited to, requirements for all commanders at the O-6 level to acknowledge understanding of the updated policy and ensure their subordinate command teams and leaders have reviewed and understand the same.

8. On August 19, 2021, Headquarters, Department of the Army issued a second Fragmentary Order in this series to the entire Army reiterating that the policies inconsistent with the Court's order had been rescinded and directing compliance with the same. See Exhibit F, FRAGO 2 to HQDA EXORD 219-20 Certification of Honorable Service, dated August 19, 2021. This order provided additional implementing and amplifying guidance to the force for execution of the aforementioned directives including, but not limited to, the requirement for commanders at all levels to disseminate the applicable policies and procedures to the lowest levels and ensure that all leaders, including squad leaders and drill sergeants, understand their responsibilities.

9. On August 23, 2021, Headquarters, Department of the Army issued a third Fragmentary Order in this series to the entire Army that added the requirement for commanders at all levels to affirmatively acknowledge their responsibilities under the aforementioned directives and orders, and report this understanding up the chain of command ultimately back to

Headquarters, Department of the Army. See Exhibit G, FRAGO 3 to HQDA EXORD 219-20 Certification of Honorable Service, dated August 23, 2021.

10. All of the aforementioned actions, directives, and orders are consistent with standard operating procedures and best practices for efficient and effective execution of our Army's mission including the extraordinary number of administrative actions processed daily across the force.

11. In accordance with longstanding policy and tradition, the Army is administered through the Chain of Command. Although some units, at their discretion, have initiated tracking the submission and processing of Form N-426s for administrative purposes, the Army does not currently have any universal system of records that tracks the submission and processing of these forms. Upon information and belief, neither the United States Air Force nor the United States Navy tracks the submission and processing of USCIS Form N-426s. Quite simply, whether the Army would do this electronically or manually, in order to centrally identify, track, and process these non-DOD, non-Army forms, the Army would have to create and resource an entirely new system. The Army has not formally scoped this project. Nonetheless, it is fair to say an effort to develop and implement such a system would require reprogramming fiscal resources from current priorities and significant costs in terms of time, training, and personnel at every echelon of the chain of command across all of our Active, Reserve, and National Guard components.

12. Submission and processing of Form N-426s is decentralized for good reasons. First, certification of USCIS's Form N-426 is a Soldier initiated process. That is, the Soldier decides whether or not he or she wants or needs to submit this form from another government agency for approval, and, if so, when to submit the form. In turn, the commanders in the field with access to both the Soldiers and the necessary, best available, real time information about the

Soldiers, are responsible for timely processing and certifying the forms as may be appropriate.

As a matter of reference, there are at least six levels of command between a Soldier and Headquarters, Department of the Army. At a minimum, creating a centralized system while adhering to our chain of command principles, would require each of these commands, led by officers with rank ranging from Lieutenant Colonel to Four Star General, to identify, collect, and certify timely and accurate information regarding these discrete, individualized administrative actions.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 15, 2021.

*Lin H St Clair*

---

LIN H. ST. CLAIR