

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

ANGE SAMMA , <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	Civil Action No. 20-cv-01104-PLF
)	
UNITED STATES DEPARTMENT OF)	
DEFENSE, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DECLARATION OF COLONEL WILLIAM J. BENNER

I, Colonel William J. Benner, U.S. Army, do hereby declare as follows:

1. I am the Deputy Commander for the United States Army Center for Initial Military Training (CIMT) and the Deputy to the Deputy Commanding General-United States Army Training and Doctrine Command (TRADOC) (Initial Military Training), Fort Eustis, Virginia. I have been in this duty position since July 2019. Prior to this, I was assigned to TRADOC Headquarters, Fort Eustis, Virginia, and served there for one year. My current duties include overseeing and directing CIMT daily operations, including those operations and daily activities conducted by our Initial Entry Training and Advanced Individual Training units. Those units include the 128th Aviation Brigade, a unit responsible for training aviation maintenance Soldiers and leaders.

2. I am aware of the general substance concerning the above-entitled litigation and am aware of the Court’s August 25, 2020 Order, concerning the processing of United States Citizenship and Immigration Service (USCIS) Form N-426. I am also aware of allegations concerning alleged deficiencies in the processing of a 128th Aviation Brigade trainee’s USCIS

Form N-426. I make this declaration based on information and belief, my personal knowledge, observation, and investigation of the matters set forth herein.

3. Since October 2020, 128th Aviation Brigade at Fort Eustis has processed approximately 106 N-426 certifications. The processing time is typically 24-48 hours from the time the unit personnel office receives the request for certification to when the Brigade Commander (Colonel, O-6) signs the certification. If the processing time exceeds 24-48 hours, the unit generally processes Soldiers' requests for N-426 certification within the required 30-day period.

4. 128th Aviation Brigade is distributing Fragmentary Order (FRAGO) 3 to Headquarters, Department of the Army (HQDA) Execution Order (EXORD) 219-20 (Certification of Honorable Service for Purposes of Naturalization) to all commanders and requiring them to acknowledge their receipt and understanding of FRAGO 3's requirements. Even before HQDA issued FRAGO 3, the 128th Aviation Brigade processed N-426 requests in accordance with the 1-day service requirement and the 30-day processing time, as described in paragraph 3 above.

5. Commanders at Fort Eustis, including at the 128th Aviation Brigade, maintain an open door policy within their commands. These policies allow members of the command to present concerns and problems they have not been able to resolve through other means, including any issues with obtaining N-426 certification. Each echelon of command has an open-door policy that is available to all service members. Although I have no reason to believe any Fort Eustis service member has needed or will need to utilize an open-door policy to resolve issues related to N-426 certification, it is available to them, if necessary. If a trainee needed or wanted to use a commander's open door for purposes of seeking a certified N-426, it would likely be at the company, or possibly the battalion command level.

6. Trainees have access to legal assistance services at Fort Eustis. During the past year, the Fort Eustis Legal Assistance Office advised approximately 40 service members on general questions related to immigration including questions about N-426s. The Chief of Legal Assistance published an article on how Soldiers could obtain citizenship through service in the September 1, 2021 edition of the Fort Eustis Quarterly, a preventative law publication distributed throughout the command and the greater Fort Eustis community.

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing is true and correct.

Executed on _____

BENNER.WILLIAM.JO SHUA. _____
Digitally signed by BENNER.WILLIAM.JOSHUA. _____
Date: 2021.10.18 12:11:01 -04'00'

WILLIAM J. BENNER